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CHAPTER 50: WATER AND SEWER SYSTEM

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§ 50.01 DEFINITIONS.

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

"CITY." The city of Marion, Crittenden County, Kentucky, acting by and through its City Council or by and through such other body as shall be the governing body of the city under the laws of the state at any given time.

"CUSTOMER." A property owner or his agent who has agreed to purchase water and/or sewer service from the city.

"DEVELOPER." Any individual or entity proposing to construct and install water and/or sewer infrastructure for the purpose of enhancing the value and/or utility of property, whether said property be residential or commercial.

"MANAGER." The manager, superintendent, or other person duly employed and authorized by the city to supervise the operation of the system.

"MUNICIPAL SANITARY SEWER SYSTEM." Indicates all municipally-owned sanitary sewer facilities for collecting, transporting, pumping, treating, and disposing of sewage and sludge, namely the sewerage system and municipally-owned treatment works. The term may be referred to as the "SYSTEM" or any duly authorized representative of the "SYSTEM."

"MUNICIPAL WATER SYSTEM." Indicates the city's municipally-owned water supply and distribution solely owned and operated by the city. The term may be referred to as the "SYSTEM" or any duly authorized representative of the "SYSTEM."

"PREMISES."

(1) All places having flowable sewage wastes which should be drained, treated, or disposed of in the interests of the public health, safety, and general welfare, and specifically includes, but not by way of limiting the generality of the foregoing, all houses, apartments, hotels, motels, trailer camps, manufacturing, business, commercial, or industrial establishments and other structures of any and every nature whatsoever.

(2) The sewer system or sewers are available as that term is used in this chapter, to any premises, if such premises abut upon any street, road, alley, public way, or easement in which there exists a sewer pipe, main, or lateral or other structure or installation of the sewer system capable of receiving flowable wastes, or if there is a city sewer within 125 feet of such premises.

"TEN STATE STANDARD." Policies for the design, review, and approval of plans and specifications for water works and wastewater collection and treatment facilities. These policies are used as a standard by several states, as well as the state Division of Water. (Ord. 80-7, passed 11-3-80; Am. Ord. 82-2, passed 3-15-82; Am. Ord. 88-22, passed 11-22-88; Am. Ord. 96-3, passed 3-18-96)

§ 50.02 RATES AND CHARGES.

(A) The rates and charges for the services provided by the water and sewer system shall be as follows:

(1) Water rates.

<u>Number of Gallons of Water Per Month</u>	<u>Monthly Charges Per 1,000 Gallons</u>
Minimum rate for first 1,500 gallons	\$19.13 Minimum
Next 3,500 gallons	\$7.04 per 1,000 gallons
Next 10,000 gallons	\$5.63 per 1,000 gallons
Next 10,000 gallons	\$4.69 per 1,000 gallons
All over 25,000 gallons	\$3.75 per 1,000 gallons

(2) Sewer rates. The monthly sewer bill will be 75% of the monthly water bill, as follows:

First 1,500 gallons	\$14.32 Minimum
Next 3,500 gallons	\$5.28 per 1,000 gallons
Next 10,000 gallons	\$4.22 per 1,000 gallons
Next 10,000 gallons	\$3.52 per 1,000 gallons
All over 25,000 gallons	\$2.81 per 1,000 gallons

(B) Customers of the city's sewer system that are served by the U.S. 60 lift station and the Airport Road lift station shall be charged these sewer rates plus 10%.

(C) All water service shall be on a fully-metered basis and no free service shall be provided from the water and sewer system. No more than a single user shall be permitted to receive service from one water meter.

(D) There shall be a surcharge of 5% on past due accounts for the service provided by the water and sewer system.

WATER AND SEWER SYSTEM

(E) In addition to all rates, surcharges and penalties contained herein this section, there shall also be a flat-rate environmental assessment fee placed on water bills to fund capital improvements and depreciation, structured as follows:

<u>Number of gallons</u>	<u>Water Bills</u>
Up to 1,500 gallons	\$8 per month
1,501 through 5,000 gallons	\$12 per month
5,001 through 15,000 gallons	\$16 per month
15,001 through 25,000 gallons	\$55 per month
Over 25,000 gallons	\$110 per month
Sewer customers not on the city's water service	\$20 per month

(Ord. 80-7, passed 11-3-80; Am. Ord. 82-2, passed 3-15-82; Am. Ord. 88-3, passed 4-18-88; Am. Ord. 90-15, passed 6-12-90; Am. Ord. 92-05, passed 2-17-92; Am. Ord. 93-04, passed 3-15-93; Am. Ord. 09-01, passed 3-16-09; Am. Ord. 11-01, passed 4-18-11; Am. Ord. 15-05, passed 8-17-15; Am. Ord. 16-06, passed 6-20-16) Penalty, see \$ 50.99

Cross-reference:

Wastewater discharge and pretreatment charges and fees, see
§ 52.076

§ 50.03 CONNECTION CHARGES.

(A) A connection charge of \$300 is established and shall be exacted for each 3/4-inch connection to the water system within the corporate city limits. In the event a customer shall desire a connection greater in size than 3/4-inch the customer shall apply to the City Administrator for same. The City Administrator shall investigate the probable effects of such anticipated water consumption upon the existing water customers. In the event the City Administrator determines that the proposed consumption will not detrimentally affect other users, then, and in such event the connection shall be made and the customer shall pay in addition to the foregoing charges the total cost of all materials used by the city in making the connection including the cost of all pipe, valves, and meter, and road boring if required. It shall be the responsibility of the applicant/customer to apply for encroachment state permits, if applicable.

(B) A connection charge of \$300 is established and shall be exacted for each connection to the sewer system within the corporate city limits or \$500 without the corporate city limits. The customer shall pay, in addition to the foregoing charges, the total cost of any and all pipe casing materials specified by the city in making any road bores if required. It shall be the responsibility of the applicant/customer to apply for encroachment state permits, if applicable.

(C) All connection charges shall be paid to the city in full before connection is made.

(D) A service fee of \$10 is established for turning on water service by city personnel, same to be billed on the first regular billing after the service is performed.

(E) Only city personnel shall turn the water service on or off except a licensed plumber while repairing water lines and any person may turn the water service off during an emergency.

(F) A deposit of \$50 is established for all new water customers and shall be paid to the city in full before the water service is turned on. The deposit shall bear interest at 4% per annum and shall be refunded, with interest, to the customer at the termination of service provided that the customer's account is paid in full.

(Ord. 80-7, passed 11-3-80; Am. Ord. 81-16, passed 5-18-81; Am. Ord. 82-2, passed 3-15-82; Am. Ord. 84-1, passed 1-26-84; Am. Ord. 93-17, passed 7-19-93; Am. Ord. 94-1, passed 1-24-94; Am. Ord. 95-2, passed 2-6-95; Am. Ord. 01-18, passed 7-16-01) Penalty, see § 50.99

§ 50.04 APPLICATIONS FOR WATER AND/OR SEWER SERVICE.

Each customer must make written application for water and/or sewer service at the City Hall, and said application, including service received thereunder, is not assignable by the customer. Applications for water service and sewer service without the corporate city limits

will not be accepted unless existing city water or sewer main lines are available for service connection to applicant/customer site for service.

(Ord. 88-22, passed 11-22-88; Am. Ord. 95-2, passed 2-6-95; Am. Ord. 95-10, passed 9-21-95; Am. Ord. 01-18, passed 7-16-01)

§ 50.05 WATER TAPS AND CONNECTIONS; PROCEDURE.

(A) Water taps and connections. Whenever the city shall determine that it is feasible to provide water service to a customer, the city shall install, maintain, and operate a main distribution pipeline or lines from the system's source of water supply and shall further install and maintain, at the city's expense, such portion(s) of the necessary water service lines as may be needed to bring water from a water main to the lot or easement line of a customer; provided, however, that if the necessary water service line from the water main to the water meter of a customer is unusually long, as determined by the manager, within guidelines fixed by the city, the customer may be required to pay a portion of the cost of such service line. The expense borne by the city in any event shall include the necessary tap, fittings, and shut-off valve, which items shall belong to the city. Each customer shall install and maintain, at his expense, that portion of the service line from said lot or easement line to his premises, including a stop and waste cock at the end of the house side of his service, which items shall belong to the customer. The minimum earth cover of the customer's service shall be 30 inches. The manager shall determine the size and kind of service to be installed.

(B) Policy statement. In accordance with KRS 96.539, the City Council, recites the following rules and procedures that shall govern the extension of water service. The Council hereby states that all extensions and additions to the municipal water system shall be designed and developed as an integral part of said system. Extension of such water mains may be made where adequate pressure and quantity are available and when approved by the Council. Consideration will be given to applications for extensions of service to unserved persons and areas within the municipality. The Council will also consider proposals of developers who desire to construct and install water infrastructure and connect same to the municipal water system. Applications and proposals shall be heard and considered subject to these rules and regulations and in accordance with KRS 96.539. Furthermore, approval shall be subject to compliance with all applicable federal, state, and local statutes, rules, regulations, codes, and ordinances.

(C) Rules that apply to extensions of service to unserved persons and areas, excluding developers.

(1) Any person may make application to the Council for extensions of municipal water service to unserved persons and areas. The application shall be in writing, with supporting documentation the applicant or applicants deem necessary to duly inform the Council of the request for extension of service. The application shall be presented at the regular monthly council meeting.

(2) (a) In considering the applicant's request, the Council will investigate probable effects of such anticipated water consumption upon existing water customers. In the event the Council determines that the proposed consumption will not detrimentally affect other users, then and in such event the Council may instruct the appropriate department to prepare a cost estimate of the extension. The cost estimate shall include engineering costs if such professional services are required in order to comply with KAR 8:100, section 1(5)(b).

(b) The Council will review the cost estimate and may, at its discretion, make one of the following determinations:

1. Authorize the expenditure of public funds for the purpose of funding the extension of the necessary pipe lines; or

2. Require the applicant or applicants to bear the full cost of the extension, and said applicant or applicants shall pay the costs of said extension in accordance with terms and conditions set forth by the City Council.

(3) The cost of any extension greater than 100 feet per applicant shall be subject to refund to the applicant or applicants, on a pro rated basis for each additional customer whose service line is directly connected to the extension line paid for by the initial applicant or applicants. The refund period shall extend ten years, and in no case shall the refund amounts exceed the amount paid. Furthermore, the Council may determine the criteria for pro rating such refunds, on a case by case basis. The determination of such criteria, charges for future customer connections to the extended line paid for by the initial applicants, and all other pertinent details and information shall be delineated in a written document.

(4) All such extensions of water service shall be designed and installed by, or at the direction of, the municipal water system. If the applicant or applicants are required to bear the costs of the extension, the Council may at its sole discretion allow the applicant or applicants to use design and installation professionals of their own choosing, subject to Council approval. In the event the applicant or applicants use professionals of their choosing, this shall not supersede the municipal water system's right of direction, observation, and inspection.

(5) The municipal water system shall have the right and authority to utilize any extension of water service as an integral part of the municipal water system.

(D) Rules that apply to all developments.

(1) The developer or developers seeking to develop water infrastructure and connect same to the municipal water system shall submit preliminary documentation of a proposed development to the Council. The proposal shall be presented at the regular monthly City Council meeting.

(2) At the Council meeting the developer shall discuss the parameters of the proposed development, including but not limited to the area to be served, the scope of the development, and any potential future uses of the development.

(3) In considering the proposal, the Council will investigate probable effects of such anticipated water consumption upon existing water customers. In the process of making such a determination, the Council may, at its discretion, require the developer's project engineer to submit a "project summary report." If such a report is required, the document shall be reviewed by the municipal water system's consulting engineer. After review of the report, the system's consulting engineer shall make a report to the Council, and, in the event that the consulting engineer's report is favorable and it is determined that the proposed development will not detrimentally affect other users, authorization may be given to the developer to proceed with the development. The developer will be provided with a copy of the applicable rules and procedures governing extensions of water service, field testing procedures for new pipelines and appurtenances, specifications for water main distribution lines and service line distribution lines, and all other pertinent information and requirements of the municipal water system.

(4) After initial presentation of the proposal to the Council, a meeting will be arranged between the developer, his design and installation professionals, and the municipal water system's Technical Review committee (hereinafter called the committee). The committee shall be comprised of the system's consulting engineer, public works maintenance superintendent, utilities superintendent, and the City Administrator. The developer shall supply the committee with a minimum of two sets of the proposed construction plans and specifications. At the meeting, the developer and the committee shall discuss the suitability and acceptability of the design proposal. If the committee is not familiar with the developer's project design and installation professionals, it may request references. After meeting with the developer and his professionals, the committee will make technical review of the submitted project design and specifications and will make comments and forward such comments to the developer within 20 working days.

(5) Prior to submitting the plans and specifications for the facilities to the state Division of Water for a construction permit, the plans and specifications shall be submitted to the municipal water system for review and comment.

(6) In review of the plans and specifications, the standard regulations and specifications, Ten State Standards (latest amendments and revisions), will be used.

(7) Any actual engineering expenses (fees/charges) incurred by the system during the development will be "passed through" the administrative offices to the developer. These shall include engineering expenses for review of project design, project summary reports, project oversight, project inspection, and other necessary

engineering services incurred by the system during the private development.

(8) The municipal water system shall specify the exact point of connection from which the developer shall construct the entire water distribution system.

(9) The proposed water distribution system should be installed in accordance with the Ten State Standard "Recommended Standards For Water Works," which are followed by the state Division of Water for design and installation of water facilities.

(10) The Developer shall be responsible for all costs of the proposed water distribution system. The initial connection from the municipal water system's main pipeline shall be made by the developer's installation professional at the direction of the system, and no connection fee will be required of the developer for the initial connection. In no case will connections be allowed to pipelines less than six inches in size. The developer is responsible for the design and installation of all necessary water lines and appurtenances, municipal water system approval, state approval, construction, engineering inspection, engineer construction certification, and pipeline testing. The system will conduct routine site observations during construction and pipeline testing. However, these visits and observations by the system will not supersede the requirement of the developer's engineer to supervise testing of new pipelines and certify to its accuracy.

(11) The cost of any extension greater than 100 feet per applicant shall be subject to refund to the applicant, on a pro rated basis for each additional customer whose service line is directly connected to the extension line paid for by the initial applicant or applicants. The refund period shall extend ten years, and in no case shall the refund amount exceed the amount paid. Furthermore, the Council may determine the criteria for pro rating such refunds, on a case by case basis. The determination of such criteria, charges for future customer connections to the extended line paid for by the initial applicants, and all other pertinent details and information shall be delineated in a written document.

(12) Prior to commencement of construction, the developer, at his expense, shall be responsible for obtaining all easements, right-of-ways, permits, licenses, and the like, necessary for the construction and operation of the proposed development.

(13) The City Council may, at its discretion, and on a development by development basis, waive the requirement that the developer install a water pipeline lateral for each lot in the development inclusive of a meter box, ring, lid, and setter at the end of each lateral. In the event that the council waives such requirement, the city will tap the main pipeline, install a water pipeline lateral with all necessary appurtenances and charge the appropriate tap fee.

(14) In addition to the state's construction conditions and disinfection requirements for new pipelines, the municipal water system will require testing of the pipelines. Results of all pipeline testing shall be submitted to the municipal water system's consulting engineer. The results of pipeline testing will be reviewed by the system's consulting engineer, and if test results are unacceptable, retesting of the new pipelines will be required. The system will supply the necessary water for testing procedures at no charge to the developer.

(15) The Developer shall be responsible for compliance with any remedial measures issued by the municipal water system that result from periodic inspections and observations.

(16) When all works is completed to the system's complete satisfaction, and prior to providing any water service to the development, the system must obtain from the developer a certification of construction that states that the water distribution system has been constructed and tested in accordance with the approved plans and specifications and any provisions set forth by the state and/or the municipal water system. This certification must be signed by the developer's registered professional engineer. If the certification is contrary to conditions observed by the system during construction, the conflicts will need to be resolved prior to the development being provided water service.

(17) Procedure for acceptance of the water infrastructure.

(a) Upon full compliance by the developer with all of the hereinabove recited rules and procedures and compliance with any and all issued remedial measures, the City Administrator will make report to the City Council. The report may recommend final acceptance of the water distribution system for maintenance/ operations by the Municipal Water System.

(b) Acceptance of the water distribution system will be accomplished by adoption of city ordinance. The ordinance may set forth terms and conditions any final acceptance may be subject to. However, in no case will the final acceptance of the water infrastructure be made until the developer has provided the municipality with the following:

1. A construction certification signed by the developer's professional engineer and results of testing of water pipe lines and appurtenances;
2. Documents transferring all necessary easements to the municipality for maintenance/operations of the water pipelines and appurtenances;
3. Written assurance from the developer that his engineer will produce and deliver to the municipal water system "as built" plans of the water infrastructure within 90 days from the date the test results of the pipelines and appurtenances are approved by the system's consulting engineer;

4. Payment of all bills due the municipality for actual engineering expenses incurred by the municipality during the private development.

(18) Nothing contained in the hereinabove recited rules and procedures shall be construed to limit the City Council's authority to deny or refuse the connection of any proposed development of infrastructure to the city municipal water system.

(Ord. 80-7, passed 11-3-80; Am. Ord. 82-2, passed 3-15-82; Am. Ord. 84-12, passed 6-18-84; Am. Ord. 88-22, passed 11-22-88; Am. Ord. 96-3, passed 3-18-96, 99-15, passed 9-27-99) Penalty, see § 50.99

§ 50.06 INSTALLATION OF SANITARY SEWER LINES.

(A) Policy statement.

(1) In accordance with KRS 96.539, the City Council, recites the following rules and procedures that shall govern the extension of municipal sanitary sewer service. The Council hereby states that all extensions and additions to the municipal sanitary sewer system shall be designed and developed as an integral part of the system. The Council shall give consideration to proposals of developers who desire to construct and install sewer infrastructure and connect same to the system. The Council will not entertain applications merely for extensions of service to unserved persons and areas. Such unserved areas will be addressed as capital projects to be prioritized, funded, designed, and constructed as funds are deemed available by the Council. Proposals submitted by developers shall be heard and considered subject to these rules and regulations and in accordance with KRS 96.539.

(2) The Council urges developers to design sewer systems without pump stations where practical. Regarding pump stations, the developer should be aware that wastewater pump stations are subject to odor and overflows and that care and consideration should be made by the project design engineer in siting any pump stations. These sitings, if applicable, will be carefully reviewed by the municipal sanitary sewer system's consulting engineer and city officials.

(B) Rules that apply to all developments.

(1) The developer shall submit preliminary documentation of a proposed development to the Council. The proposal shall be presented at the regular monthly meeting of the Council.

(2) At the Council meeting the developer shall discuss with the Council the parameters of the proposed development, including but not limited to the area to be served, the scope of the development, and any potential future uses of the development. In considering the proposed development, the Council will investigate probable effects the projected wastewater stream would have on the existing municipal sanitary sewer system. During the process of making such determination, the Council may, at its discretion, require the developer's project design engineer to submit a project summary report." If such a report is required, the report shall be reviewed by the municipal sanitary sewer system's consulting engineer. After

reviewing the project summary report, the system's consulting engineer shall make report to the Council, and if the consulting engineer's report is favorable regarding the proposed sewer infrastructure and the collection and treatment capabilities of the municipal sewer system, authorization will be given to the developer to proceed with the proposed development. The developer will be provided with a copy of the applicable rules and procedures governing extensions of municipal sanitary sewer service, field testing procedures for new pipelines, and other pertinent information.

(3) After initial presentation of the proposal to the Council, a meeting will be arranged between the developer, his design and installation professionals, and the municipal sanitary sewer system's technical review committee (hereinafter called the committee). The committee shall be comprised of the system's consulting engineer, the public works maintenance superintendent, the utilities superintendent, and the City Administrator. The developer shall supply the committee with a minimum of two copies of the proposed construction plans and specifications. At the meeting, the developer and the committee shall discuss the suitability and acceptability of the design proposal. If the committee is not familiar with the developer's project design and installation professionals, it may request references. After the meeting with the developer and his professionals, the committee will make technical review of the submitted project design and specifications and will make comments and forward such comments to the developer within 20 working days.

(4) Prior to submitting the plans and specifications for the facilities to the Cabinet for Natural Resources and Environmental Protection for a construction permit, the plans and specifications shall be submitted to the municipal sanitary sewer system for review and comment.

(5) In review of the plans and specifications, the standard regulations and specifications, Ten State Standards, (latest amendments and revisions) will be used.

(6) Any actual engineering expenses (fees/charges) incurred by the system during the development will be "passed through" the administrative offices to the developer. These shall include actual engineering expenses for review of project design, project summary reports, project oversight, project inspection, and other necessary engineering services incurred by the system during the private development.

(7) The municipal sanitary sewer system shall specify the exact point of connection to its system from which the developer shall construct the entire sewage collection system.

(8) Prior to commencement of construction, the developer, at his expense, shall be responsible for obtaining all easements, right-of-ways, permits, licenses, and the like necessary for the construction and operation of the proposed development.

(9) The proposed sewage collection system should be installed in accordance with the Ten State Standard Recommended Standards For Waste Water Facilities," which are followed by the state Division of Water for design and installation of waste water facilities.

(10) The developer shall be responsible for the all costs of the proposed sewage collection system. The initial connection from the municipal sewer system shall be made by the developer's installation professional at the direction of the system, and no connection fee will be required of the developer for the initial connection. The developer is responsible for the design and installation of the entire sewage collection system, municipal sanitary sewer system approval, state approval, construction, engineering inspection, engineer construction certification, and pipeline testing. The system will conduct routine site observations during construction and pipeline testing. However, these visits and observations by the system will not supersede the requirement of the developer's engineer to supervise the testing and certify to its accuracy.

(11) The cost of any extension greater than 100 feet per applicant shall be subject to refund to the applicant or applicants, on a pro rated basis for each additional customer whose service line is directly connected to the extension line paid for by the initial applicant or applicants. The refund period shall extend at least 10 years, and in no case shall the refund amounts exceed the amount paid. Furthermore, the Council may determine the criteria for pro rating such refunds on a case by case basis. The determination of such criteria, charges for future customer connections to the extended line paid for by the initial applicants, and all other pertinent detail and information shall be delineated in a written document.

(12) The City Council may, at its discretion, and on a development by development basis, waive the requirement of sewer pipeline lateral installation by the developer. In the event that the Council waives such requirement, the city will tap the main pipeline, install a sewer pipeline lateral, with all necessary appurtenances, and charge the appropriate tap fee.

(13) In addition to the state's construction conditions, the system will require low pressure air testing of all sewer pipelines, and voltage and draw-down tests of all pump stations. Results of these and other tests should be submitted to the system's consulting engineer's. The system will conduct routine site observations during construction and pipeline testing. However, these visits and observations by the system will not supersede the requirement of the developer's engineer to supervise the testing and certify to its accuracy.

(14) the Developer shall be responsible for compliance with any remedial measures issued by the system that result from the system's periodic inspections and observations.

(15) When all works is completed to the system's complete satisfaction, and prior to the system providing any municipal sanitary

sewer service to the development, the system must obtain the design engineer's certification of construction. If the certification is contrary to conditions observed by the system during construction, the conflicts will need to be resolved prior to any municipal sewer service being provided to the development.

(16) (a) Procedure for acceptance of the sewage collection system. Upon full compliance by the developer with all of the hereinabove recited rules and procedures and compliance with any and all issued remedial measures, the City Administrator will make report to the City Council. The report may recommend final acceptance of the sewage collection system for maintenance/ operations by the municipal sanitary sewer system.

(b) Acceptance of the sewage collection system will be accomplished by adoption of city ordinance. The ordinance may set forth terms and conditions any final acceptance may be subject to. However, in no case will the final acceptance of the sewage collection system be made until the developer has provided the municipality with the following:

1. A construction certification signed by the developer's engineer and results of testing of the sewage collection system;

2. Documents transferring all necessary easements to the municipality for maintenance/operations of the sewage collection system;

3. Written assurance from the developer that his engineer will produce and deliver to the municipal sanitary sewer system "as built" plans of the water infrastructure within 90 days from the date the test results of the sewage collection system is approved by the system's consulting engineer;

4. Payment for all bills due the municipality for actual engineering expenses incurred by the municipality during the private development.

(17) Nothing contained in the hereinabove recited rules and procedures shall be construed to limit the City Council's authority to deny or refuse the connection of any proposed development of infrastructure to the city municipal sanitary sewer system.

(Ord. 96-3, passed 3-18-96; Am. Ord. 99-15, passed 9-27-99) Penalty, see § 50.99

§ 50.07 SEWER CONNECTIONS REQUIRED FOR NEW BUILDINGS.

All architects, contractors, builders, or other persons, before commencing the erection of any building or other improvement capable of emitting liquid wastes or sewage, on any lot or parcel of land abutting on a street, alley, or easement in which there may be hereafter installed and maintained any such sewage collection line, or on any lot or parcel of land through which there may be hereafter installed a sewage collection line, or to which a sewage collection line is made

available, shall, before erecting or installing such building or improvement, exhibit to the City Council, or to such official as the City Council may designate, satisfactory evidence that a means has been provided or will be provided for connecting the sanitary sewage drain pipes from such building or other improvement with such sewer collection line. No storm water or other surface or sub-surface water drain shall be connected with any sanitary sewer line

hereafter constructed, nor shall any storm water, surface, or sub-surface water be otherwise introduced into any such sanitary sewage collection line.

(Ord. 80-7, passed 11-3-80; Am. Ord. 82-2, passed 3-15-82; Am. Ord. 88-22, passed 11-22-88)

Cross-reference:

Building sewer connections, see § 52.025 et seq.

§ 50.08 PURCHASE AND USE OF WATER.

(A) Each customer shall be entitled to purchase from the city, pursuant to such agreements as may from time to time be provided and required by the city, such water as the customer may desire, subject, however, to the provisions of this chapter and to such further rules and regulations as may be prescribed by the city; provided, however, that should a customer sell or dispose of a portion of his property or subdivide the same, he, or the new owner of each such new tract, may not demand water and taps without paying connection fees for each such tract to be served.

(B) In the event that the total water supply shall be insufficient to meet all of the needs of the customers, or in the event that there is a shortage of water, the city or the manager may prorate the water available among the various customers, on such basis as is deemed equitable by the city or the manager, and may also prescribe a schedule of hours covering use of water and require adherence thereto or prohibit the use of water for specified purposes, for such appropriate period of time as may be necessary under the circumstances. (Ord. 88-22, passed 11-22-88)

§ 50.09 OWNERS OF LINES AND METERS.

The city shall own all lines, meter, cut-off valves, and other water and sewer equipment as shall be paid for by the city. (Ord. 88-22, passed 11-22-88)

§ 50.10 DISCONNECTION OF STORM WATER DRAINAGE SYSTEMS.

(A) All downspouts, gutters, leaders, roof, lawn, and storm water drains and appurtenances are ordered to be disconnected from the sanitary sewer system and the private wastewater service line plugged with a watertight seal at the point where the private wastewater service line and the private storm water drainage line intersects. Further, all private storm water drainage lines thus disconnected and plugged shall be inspected and written approval to backfill given by a member of the City Operations and Maintenance Department.

(B) All costs associated with the procedures stated in this section shall be borne by each person, firm, or corporation in violation of this section and in no case shall on-duty city employees perform the disconnection service.

(C) The City Council will encourage voluntary compliance with the provisions of this section. However, on or after July 1, 1984 the Operations and Maintenance Supervisor or his or her designee shall instruct the members of the Operations and Maintenance Department to conduct a house to house and lot to lot survey of each home or lot connected to the wastewater system. This house to house and lot to lot survey shall be conducted by appointment with the property owner. The Supervisor or his or her designee shall notify the property owner of the upcoming inspection by the U.S. mail postage prepaid. The property owner shall then contact City Hall for an appointment. Failure to make an appointment or failure to appear at the appropriate time shall cause a \$75 fine to be assessed on the property owner's next water bill. Failure to pay this fine, if assessed, shall be grounds for termination of water and sewer service to the house and/or lot. Those homes or lots having downspouts, gutters, leaders, roof, lawn, or storm water drains or sump pumps and other appurtenances connected to the Marion Wastewater System shall be identified, listed, and presented to City Council. The City Council shall request the Executive-Authority to cause certified notifications on their behalf, return receipt requested, to be sent to each person, firm, or corporation in violation of this section. All persons, firms, and corporations so notified shall have 30 days to correct the violation or show the City Council that, in fact, the person, firm, or corporation is in compliance with this section. (Ord. 84-4, passed 5-29-84; Am. Ord. 02-03, passed 2-21-02) Penalty, see § 50.99

Cross-reference:

Prohibited connections, see § 52.026

§ 50.11 SPECIAL USAGES OF SEWER SYSTEM.

In the event that a building or premises discharging sewage, water, or other wastes into the municipal sewer facilities uses water supplied on other than a metered basis from either a private or public water supply, then in each such case the owner or occupant may be required to cause a water meter or other measuring device to be installed, acceptable to the Manager.

(Ord. 88-22, passed 11-22-88)

§ 50.12 SPECIAL METERS FOR USAGE NOT RELATED TO WATER.

In the event any building or premises uses water in excess of 10,000 gallons per month as shown by the water meter readings for two consecutive months, and it can be shown that a substantial portion of the water as so measured does not and cannot enter the municipal sewer facilities, then the Manager may determine, in such manner as may be found practicable, the amount of water entering the sewers, in which event the sewer rate or charge shall be based thereon, or the Manager may require or permit the installation of additional meters or measuring devices in such manner as to determine the quantity of water or sewage actually entering the municipal sewer facilities, in which case the sewer rate or charge shall be based thereon.

(Ord. 88-22, passed 11-22-88)

§ 50.13 KENTUCKY LAWS INCORPORATED BY REFERENCE.

All applicable Kentucky statutes which now or may hereafter exist are incorporated herein and made a part of Ord. 88-22, passed 11-22-88, and the city may use any powers therein contained, in addition to those herein set out.

(Ord. 88-22, passed 11-22-88)

§ 50.14 RESTRICTIONS ON AMENDMENTS TO ORD. 88-22.

Ord. 88-22, passed 11-22-88 shall not be amended without the permission of the Farmers Home Administration, United States Department of Agriculture (the "FmHA"), so long as the FmHA is the owner or insurer of any bonds issued by the city and payable from the revenues of the system.

(Ord. 88-22, passed 11-22-88)

BILLING AND PAYMENT

§ 50.25 CUSTOMER-DISPUTED BILLING.

(A) A utility customer may dispute the correctness of all or part of the monthly billing charged for utility service, in accordance with the procedure set forth in this section. The utility customer aggrieved by an error in the monthly billing shall notify the Utility Billing Office within the time permitted; otherwise, the right to dispute the billing shall be deemed waived. A utility customer who has disputed all or part of a monthly billing, pursuant to this section, shall not be entitled to dispute these amounts when carried forward as a part of a subsequent billing.

(B) The procedure to resolve disputed billing charges shall be as follows.

(1) A customer aggrieved by a monthly billing shall notify the Utility Billing Office in writing, within 14 calendar days from the date the billing was issued. The notice shall state the portion of the billing amount which is in dispute, and set forth the reasons the customer believes he is not obligated to pay as billed.

(2) If the Utility Billing Office determines that the dispute is timely filed, and is not an attempt to rechallenge amounts disputed under a previous billing, a representative of the Utility Billing Department shall schedule an informal meeting between the customer and the Utility Billing Manager. This meeting shall be held within seven days from the receipt of the customer's notice, and shall be scheduled at the convenience of the Utility Billing Manager.

(3) The customer and the Utility Billing Manager shall review the utility's records, the customer's allegations, and all other relevant materials available to the Utility Billing Manager. The Utility Billing Manager shall attempt to resolve the dispute in a manner satisfactory to the customer, and shall have full authority to adjust disputed billings where appropriate. If an agreement is reached, a written memorandum stating the terms of the agreement, initialed by the parties, shall be recorded in the Utility Billing Office. If an agreement is not reached, the Utility Billing Manager shall summarize his decision resolving the dispute, and within five days after the meeting mail a copy of his decision to the customer and the City Administrator.

(4) If the decision is unsatisfactory to the customer, the customer shall within five days of receipt of the Utility Billing Manager's decision, file with the Utility Billing Office a written request for a formal hearing before the City Administrator. The customer shall be given notice of the time and place of the hearing and advised to bring all information relevant to the dispute. Hearings shall be scheduled twice monthly on a weekday closest to the fifteenth and twenty-eighth of each month. Failure of the customer to timely request a hearing shall render the decision of the Utility Billing Manager final and binding on the customer and the utility.

(5) At the hearing, the utility and the customer shall be entitled to present all evidence that is, in the City Administrator's view, relevant and material to the dispute, and to examine and cross-examine witnesses. A written record of the hearing shall be maintained.

(6) Based on the record established at the hearing, the City Administrator, within five days of the completion of the hearing, shall issue his written decision formally resolving the dispute. His decision shall be final and binding on the utility and the customer.

(C) Until the date of the City Administrator's or the Utility Billing Manager's decision, whichever is later, the utility shall not terminate the customer's utility service, and shall not issue a notice of termination solely for non-payment of the disputed amounts.

(D) Utilization of this dispute procedure shall not relieve the utility customer of his obligation to timely and completely pay all other undisputed utility billing charges or installments and

surcharges, and the undisputed portions of billings which are the subject of the present dispute. Failure by the customer to timely and completely pay all such undisputed amounts shall subject the customer to termination of utility service in accordance with the provisions of this chapter.

§ 50.26 TERMINATION OF UTILITY SERVICE.

(A) When a utility customer has not timely challenged all or part of a monthly billing, pursuant to § 50.25, and the customer has become 45 days delinquent in the payment of the account, the Utility Billing Manager shall initiate the termination of utility service by mailing to the customer a notice of termination.

(B) Where a utility customer has challenged a billing pursuant to § 50.25, and the matter has been finally resolved by either the City Administrator or the Utility Billing Manager, the Utility Billing Manager shall, within five days after the final decision is issued, mail to the customer a notice of termination.

(C) The notice of termination shall contain the following information.

(1) The amount to be paid.

(2) The date the notice of termination was issued.

(3) The date on which a termination of utility service shall occur. The date of termination shall be at least 15 calendar days after the date on which the notice of termination was issued.

(4) A statement that, unless the Utility Billing Office receives full payment of the amount shown on the notice of termination prior to the date of termination, utility service will be terminated.

(5) A statement that, in lieu of paying the amount shown, an eligible customer may, prior to the date of termination, file a written request for the establishment of a deferred payment plan.

(6) The telephone number of the Utility Billing Office and the name of a person to contact regarding the billing charge.

(D) If, prior to the date of termination, the utility has not received complete payment of the amount shown on the notice of termination, and the customer has not requested the establishment of a deferred payment plan, then the Utility Billing Manager shall terminate utility service provided to the customer on the date of termination.

(E) Offers, by customers, of partial payment, other than under a deferred payment plan provided for in this chapter, shall be rejected. If the Utility Billing Office received payment of the entire amount shown on the notice prior to the date of termination,

the payment shall be considered timely and shall halt the termination process.

(F) The following limitations shall apply to use of the utility termination procedure.

(1) Utility service shall be terminated between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. No terminations shall be permitted on a legal holiday.

(2) The Utility Billing Office shall not terminate utility service for non-payment of amounts less than \$20 but shall, on the 45th day of the delinquency, institute proceedings in municipal court to collect the delinquency.

§ 50.27 DEFERRED PAYMENT PLANS.

(A) A customer who temporarily becomes unable to timely and completely pay a monthly bill charge when due may contact the Utility Billing Office and file a written application for the establishment of a deferred payment plan to enable the customer to pay the account and avoid termination of utility service. The Utility Billing Manager shall review all applications to determine if the customer is eligible for a deferred payment plan.

(B) The following classes of customers are ineligible to request deferred payment plans.

(1) A customer whose utility service has been terminated for non-payment of all or part of a monthly billing, or other amount owed the utility, until all arrearages have been fully and completely paid.

(2) A customer with an account that is otherwise current who has defaulted in his obligation to make timely payments under a prior deferred payment plan within one year of the customer's current request.

(3) A customer who is currently making installment and surcharge payments under a prior deferred payment plan.

(C) When an application for a deferred payment plan is received from an ineligible customer, the Utility Billing Office shall notify the customer of the reason the customer is ineligible. The Utility Billing Office shall proceed as if the customer had not made the request.

(D) An eligible customer, whose request is timely filed, shall be scheduled for an appointment with a representative, shall discuss the matter with the customer, and shall determine a suitable deferred payment plan. The plan shall become effective on the signing of the agreement by the utility representative and the customer, which shall be executed within five days after its submission to the customer. A failure to execute a deferred payment

agreement within this time frame shall permit the utility to act as if it were not submitted.

(E) No deferred payment plan shall be established which does not meet the following minimum requirements.

(1) An initial payment of at least 25% of the outstanding balance covered under the deferred payment plan, payable at the time of the customer's written acceptance of the deferred payment agreement.

(2) A maximum of 5 subsequent monthly installment payments of at least 15% of the outstanding balance under the deferred payment plan; each installment due 30 days after payment of the prior payment.

(3) A monthly surcharge of 1% of the customer's outstanding balance under the deferred payment account, payable at the time each installment is due.

(4) An agreement between the customer and the utility, that the customer's failure to make timely payments in accordance with the deferred payment plan, shall subject the customer to summary termination of utility service within 72 hours after the default under the plan, in lieu of the procedure under § 50.26.

§ 50.28 SUMMARY TURN-OFF; TERMINATION.

It is the policy of city utilities to notify customers prior to termination of service. In certain circumstances, delivery of written notice may be impossible or impractical when balanced against the need to protect the system against waste of water, leaks, contamination, or other hazard.

(A) Grounds for summary turn-off without notice.

(1) The superintendent of the utility may direct the temporary turn-off of service to one or more customers where the following conditions exist.

(a) Leaks, breaks, or failure in the mains, services, pumping machinery, or other equipment require a partial or total discontinuance in service.

(b) Instances where contaminates dangerous to health have entered the water system, necessitating a total or partial discontinuance of service.

(2) In the event service is interrupted for one of these reasons the superintendent shall provide affected customers with notice of the reason for turn-off, and the expected duration of the interruption of service by the most practical medium.

(B) Summary turn-off termination with notice.

(1) In certain circumstances enumerated below, the utility customer's interest in continued service may be lost because of intentional or negligent misconduct as defined in this section, which interferes with the maintenance, orderly operation, or quality of product of the water utility. Notice must have been given as provided in division 2.

(a) Tampering (other than by qualified personnel effectuating repair) with any main, service line, tap, pipe, meter curb box, valve, or any other appurtenance connected with, or the property of the utility.

(b) Employing an unauthorized connection, cross connection, or interconnection with any main, service line, or other appurtenance connected with, or owned by the water utility.

(c) On abandonment of a premises without notice by the customer, service to the vacant property may be terminated where the superintendent of the utility determines damage might result to the building or utility property.

(d) Failure to promptly repair leaky service lines after being notified by the utility in writing to do so. A notice to repair shall specify a period for repair which shall not exceed 3 days.

(e) Failure to provide a reasonable and safe entrance to a service premises for the purposes of reading, inspection, maintenance, and removal of a meter, inspection of piping, or other inspection necessary to assure compliance with these regulations, after having received two written requests from the utility to provide access.

(2) Before service is terminated for any of the above reasons, a utility representative shall deliver a written notice to the premises, and attempt to inform an adult on the premises of the pending turn-off of service. The notice shall state the reason for the turn-off, and the right to challenge the turn-off before the City Administrator within three business days after receipt of the turn-off notice. If no hearing is requested, or the City Administrator determines the turn-off was justified; the service contract and service to the premises shall be terminated.

(3) A duplicate copy of the notice shall be sent by certified mail to the customer the following day. Hearings before the City Administrator shall be informal, and the superintendent of the utility, and the customer, shall present evidence which supports their positions. The customer shall be notified by the City Administrator of his decision in writing, either at or after the meeting. Termination of service shall be effectuated no sooner than 24 hours after the City Administrator's decision.

§ 50.29 REINSTATEMENT OF UTILITY SERVICE.

When a customer has been terminated for a default in payment, and the customer has completely paid all arrearages due on the account, including fees associated with the restoration of service, the Utility Billing Office shall reinstate utility service to the customer as soon as it is practical. In the event service is terminated under § 50.29, service shall not be reinstated until the grounds justifying the turn-off have been eliminated by the customer, and all fees associated with the restoration of service have been paid. The Utility Billing Office shall reinstate utility service to the customer as soon as practical thereafter.

§ 50.30 REGULATIONS, PROHIBITIONS, AND CONDITIONS.

The following regulations, prohibitions, and conditions shall be deemed to supplement the Bond Ordinance and the Water and Sewer Rate Ordinance adopted by the city in connection with the aforesaid financing:

(A) All taps and connections to the water mains and sewer of the city shall be made by and/or under the direction and supervision of the Manager.

(B) Water service may be discontinued by the Manager for any violation of any rule, regulation, or condition of service and especially for any of the following reasons:

(1) Misrepresentation in the application or contract as to the property or fixtures to be supplied, as to additional use of water and/or sewer service, or as to unusual or extraordinary use of sewer facilities.

(2) Failure to report to the city additions to the property or fixtures to be supplied, or of additional use of water and/or sewer service.

(3) Resale or giving away of water.

(4) Waste or misuse of water due to improper or imperfect service pipes and/or failure to keep same in suitable state of repair.

(5) Tampering with meter, meter seal, service, or valves, or permitting such tampering by others.

(6) Connection, cross-connection, or permitting the same, of any separate water supply to premises which receive water from the city.

(7) Nonpayment of bills.

(C) Any customer desiring to discontinue the water and/or sewer service to his premises for any reason must give notice of discontinuance in writing at the City Hall; otherwise, a customer shall

remain liable for all water used and water and/or sewer service rendered to such premises by the city unless said notice is received by the city.

(D) Bills and notices relating to the conduct of the business of the city will be mailed to the customer at the address listed on the application unless a change of address has been filed in writing with the city; and the city shall not otherwise be responsible for delivery of any bill or notice nor will the customer be excused from the payment of any bill or any performance required in said notice.

(E) (1) Meters will be read monthly between the 15th and 20th of each month.

(2) Bills for water and sewer service are due and payable at the City Hall, or to any designated agent, on their date of issue. The past due date shall be the tenth day after the date of issue. Bills will be dated and mailed on the first day of each month.

(3) All bills not paid on or before the past due date shall be deemed delinquent, and the city may serve a customer a written final notice of said delinquency, and of the fact that such customer is entitled, upon written request, to a hearing on the question of termination of service. If a delinquent bill is not paid within ten days after the date of such final notice, and if no hearing is requested, or if a hearing is requested and timely held, and such customer's delinquency is thereby established, the water supply to the customer may be discontinued without further notice; provided, however, if, prior to discontinuance of service, there is delivered to the city or to its employee empowered to discontinue service, a written certificate signed by a physician, a registered nurse, or a public health officer that, in the opinion of the certifier, discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until ten days elapse from the time of the city's receipt of said certification, whichever occurs first.

(4) If a deadline date falls on a Sunday or legal holiday such deadline shall not expire until the next succeeding secular day.

(F) Where the water supply to the customer has been discontinued for non-payment of delinquent bills, a charge as may be specified or revised from time to time in any applicable rate ordinance will be made for reconnection of water service, but the reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the city have been paid.

(G) The Manager shall have the right to require that a nominal sum, or such other meter deposit as may be specified or revised from time to time in any applicable rate ordinance, shall be placed on deposit with the city by a customer for the purpose of establishing or maintaining such customer's credit and/or as assurance for the payment of water and/or bills by such customer.

(H) All meters shall be installed, renewed, and maintained at the expense of the city, and the city reserves the right to determine the size and type of meter used.

(I) Upon written request of any customer, the meter serving said customer shall be tested by the city. Such test will be made without charge to the customer if the meter has not been tested within 60 months preceding the requested test; otherwise, a charge of \$25 will be made and then only if the test indicates meter accuracy within the limits of 2%. If a meter is inaccurate in excess of 2%, adjustments shall be made for the two preceding months prior to test according to the inaccuracy in excess of 2%.

(J) Where a meter has ceased to register, or a meter reading cannot be obtained, the quantity of water consumed will be based upon an average of the prior six months' consumption, considering the conditions of water service prevailing during the period in which the meter fails to register.

(K) The city shall make all reasonable efforts to eliminate interruption of service, and, when such interruptions occur, will endeavor to re-establish service with the shortest possible delay. When the service is interrupted, all consumers affected by such interruption will be notified in advance whenever possible.

(L) The city shall in no event be held responsible for any claim made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the supply of water caused by the failure or breakage of machinery or stoppage for necessary repairs. No person shall be entitled to damages nor for any portion of a payment refunded for any interruption of service which in the opinion of the city may be deemed necessary.

(M) Customers having boilers and/or pressure vessels receiving a supply of water from the city must have a check valve on the water supply line and a vacuum valve on the steam line to prevent collapse in case the water supply from the city is discontinued or interrupted for any reason, with or without notice.

(N) The premises receiving a supply of water and all service lines, meters and fixtures, including any fixtures within said premises, shall at all reasonable hours be subject to inspection by the duly authorized employees of the city.

(O) Piping on the premises of a customer must be so installed that connections are conveniently located with respect to the city lines and mains. The customer shall provide a place for metering which is unobstructed and accessible at all times. The customer shall furnish and maintain a cutoff valve on his side of the meter, and the city will furnish a like valve on its side of the meter.

(P) The customer's service lines shall be installed and maintained by the customer at his own expense in a safe and efficient manner and in accordance with the city's rules and regulations and with the regulations of the Department of Health.

(Q) If any loss or damage to the property of the city or any accident or other injury to persons or property is caused by or results from the negligence or wrongful action of the customer, a member of his household, his agent, or his employee, the cost of the necessary repairs or replacements shall be paid by the customer to the city, and any liability otherwise resulting shall be that of the customer.

(R) Water furnished by the city may be used for domestic consumption by the customer, members of such customer's household, and employees only. The customer shall not sell or give the water to any other person.

(S) Each customer shall grant or convey, or shall cause to be granted or conveyed, to the city, a perpetual easement and right-of-way across any property owned or controlled by the customer whenever said easement or right-of-way is necessary for the city water and/or sewer facilities and lines so as to enable the city to furnish service to the customer.

(T) (1) Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being such amount as may be specified from time to time in any applicable rate ordinance. The amount shall be determined by the city based upon the size of the construction work contemplated, and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter.

(2) Water so supplied shall be discharged through a hose or pipe directly upon the material to be made wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench. All use of water by any party other than the applicant, or use of water for any purpose or upon any premises not so stated or described in the application, must be prevented by the applicant, or water service may be discontinued to the applicant without notice.

(U) Special terms and conditions may be made where water is used by the city or community for public purposes such as fire extinguishment, public parks, and the like.

(V) [Reserved]

(W) The city may refuse service to any person, not presently a customer, when in the opinion of the city the capacity of the facilities will not permit such service.

(X) These rules may be changed or amended.

(Y) Complaints may be made to the Manager of the system, according to the provisions set forth in Chapter 52.

(Ord. 88-22, passed 11-22-88; Am. Ord. 96-3, passed 3-18-96)

WASTEWATER USER CHARGE SYSTEM

§ 50.40 ESTABLISHED.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the city to collect charges from all users who contribute wastewater to the city treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.

(Ord. 04-11, passed 6-21-04)

§ 50.41 DEFINITIONS.

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

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

"COMMERCIAL USER." All retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

"DEBT SERVICE." Charges levied on users of the wastewater treatment works to support the annual debt service obligations of the system.

"GOVERNMENTAL USER." Includes legislative, judicial, administrative, and regulatory activities of federal, state and local governments.

"INDUSTRIAL USER (IU)." A source of indirect discharge that does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Clean Water Act.

"INSTITUTIONAL USER." Includes social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

"NORMAL DOMESTIC WASTEWATER." Wastewater that has a BOD concentration of not more than 250 mg/l and a suspended solids concentration of not more than 250 mg/l and any other pollutant, (specify concentration) of not more than 25 mg/l.

"OPERATION AND MAINTENANCE." Those functions that result in expenditures during the useful life of the wastewater treatment works for materials, labor, utilities and other items which are necessary for managing and for which such works were designed and constructed. The term "OPERATION AND MAINTENANCE" includes "replacement" as defined in that definition.

"REPLACEMENT." Expenditures for obtaining and installing equipment, accessories or appurtenances that are necessary during the useful life of the wastewater treatment works to maintain the capacity and performance for which such works were designed and constructed.

"RESIDENTIAL USER." Any contributor to the city's wastewater treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

"SHALL" is mandatory; "MAY" is permissive.

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

"SUPERINTENDENT." The person designated by the city to supervise the publicly owned treatment works and who is charged with certain duties and responsibilities or his or her duly authorized representative.

"USEFUL LIFE." The estimated period during which a wastewater treatment works will be operated.

"WASTEWATER TREATMENT WORK." Any devices and systems for the storage, treatment, recycling and reclamation of municipal wastewater, domestic wastewater or liquid industrial wastes. These include intercepting sewers, outfall sewers, wastewater collection system, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alteration thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any work, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

"WASTEWATER USER CHARGE." The total wastewater service charge that is levied in a proportional and adequate manner for the cost of IM&R and debt service expenses of the wastewater treatment works.

"WATER METER." A water volume measuring and recording device, furnished and/or installed by a user and approved by the Superintendent.
(Ord. 04-11, passed 6-21-04)

§ 50.42 WASTEWATER OPERATION, MAINTENANCE AND REPLACEMENT FUND.

(A) The revenues collected, as a result of the wastewater user charges levied, shall be deposited in a separate non-lapsing fund known as the Wastewater Operation, Maintenance and Replacement Fund.

(B) Fiscal year-end balances in the Wastewater OM&R Fund shall be used for no other purposes than those designated. Monies, which have been transferred from other sources to meet temporary shortages in the Wastewater OM&R Fund, shall be returned to their respective accounts upon appropriate adjustment of the wastewater user charge rates for OM&R. The wastewater user charge rate(s) shall be adjusted such that the transferred monies be returned to their respective accounts within six months of the fiscal year in which the monies were borrowed. (Ord. 04-11, passed 6-21-04)

§ 50.43 WASTEWATER USER CHARGE RATES.

(A) The wastewater user charge system data (budget, usage information, etc) is included in the subchapter as Appendix A. The following schedule of wastewater user charge rates based on the above-referenced wastewater user charge system data, shall apply to each user of the wastewater treatment works. This schedule includes rates for OM&R and rates for debt service charges, each based on the volume of metered or estimated water consumption.

Wastewater Services Monthly Rate Schedule

Total Water	Gallons Consumption/mo.	Total User Charge 1,000 gal.
From	To	Rate
0	1,500 gals	10.61
next	3,500 gals	3.90
next	10,000 gals	3.12
next	10,000 gals	2.60
next	25,000 gals	2.09

(B) For residential, industrial, institutional and commercial users, monthly user charges will be based on actual water usage. If a residential, commercial, institutional, or industrial user has a consumptive use of water, or, in some other manner, uses water which is not discharged into the wastewater collection system, the user charge for the contributor may be based on readings of a wastewater meter(s) or separate water meter installed and maintained at the user's expense.

(C) For those users whose wastewater has a greater strength than normal domestic wastewater, a surcharge in addition to the normal user charge, will be collected. At this time there is no industrial discharge to the City of Marion, Kentucky Wastewater Treatment Plant. A surcharge system will be developed at such time that higher than ordinary strength wastes are discharged to the treatment plant. (Ord. 04-11, passed 6-21-04)

§ 50.44 FINANCIAL RECORDS.

The city shall maintain financial records to accurately account for revenues generated by the wastewater treatment system and expenditures for operation and maintenance of the system, including normal replacement costs. (Ord. 04-11, passed 6-21-04)

§ 50.45 REVIEW.

The city shall review not less often than annually the wastewater contribution of users, the total cost of OM&R of the wastewater works, debt service obligations, and wastewater user charge rates. Based on such review, the city shall revise, when necessary, the schedule of wastewater user charge rates to accomplish the following:

(A) Maintain an equitable distribution of OM&R costs among users of the wastewater treatment system;

(B) Generate sufficient revenues to offset costs associated with the proper operation and maintenance of the wastewater system and to meet debt service requirements;

(C) Excessive strength and toxicity surcharges shall be reviewed at the time of and in conjunction with the review of wastewater user charges. Surcharge rates shall be revised where necessary to reflect current treatment and monitoring costs; and

(D) Each user shall be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the total charge that is attributable to OM&R of the wastewater system. (Ord. 04-11, passed 6-21-04)

§ 50.46 BILLING.

(A) All users shall be billed monthly. Billings for any particular month shall be made within ten days after the end of the month. Payments are due within 20 days after the end of the month. Any payment not received within 30 days after the end of the month shall be considered delinquent.

(B) There shall be a surcharge of 5% of the wastewater user charge bill on past due accounts. When a utility customer has not timely challenged all or part of a monthly billing, pursuant to § 50.25, and the customer has become 45 days delinquent in the

payment of the account, the Utility Billing Manager shall initiate the termination of utility service by mailing to the customer a notice of termination.

Note:

Late payment criteria and penalties are outlined in the above divisions. The criteria and penalties shown are for illustrative purposes only. The city may use whatever criteria and penalties it deems adequate to induce timely payment.

(Ord. 04-11, passed 6-21-04)

§ 50.99 PENALTY.

(A) Any person, firm, or corporation tapping any water or sewer line owned by the city without the express consent of the city, and any person, firm, or corporation turning water service on or off in violation of § 50.03 or without having first paid the tap fee shall be guilty of a Class B Misdemeanor.

(B) Any person, firm, or corporation violating any of the other provisions of this chapter, or failing or refusing to comply with the same, whether or not the person, firm, or corporation, shall be the owner or the occupant of the premises involved, shall be guilty of a violation for each offense.

(C) Each day such person, firm, or corporation fails or refuses to connect the sanitary sewer drain from any premises owned or occupied by same to the municipal sewer system, and each day any such privy, well, pool, cistern, septic tank, or sink, into which such sewage is cast or permitted to be disposed of, is kept or maintained in violation of this chapter, as amended, and each day any storm water drain remains connected to any separate sanitary sewer shall constitute a separate offense.

(D) Any person, firm, or corporation violating any provisions of § 50.10, or failing or refusing to comply after the 30-day notice, whether or not said person, firm, or corporation shall be the owner or the occupant of the premises involved, shall be guilty of a Class B Misdemeanor. Each day any storm water drain remains connected to any separate sanitary sewer shall constitute a separate offense. In addition, the City Administrator shall cause the storm water drain to be disconnected from the Marion sanitary sewer system at the expense of the person, firm, or corporation in violation of this section using contract labor and equipment. Should the person, firm, or corporation refuse to pay the disconnection expense, a lien shall be filed on the offending property and only removed when the violation is corrected and the expenses incurred by the city are reimbursed in full. In cases of severe hardship, and with the concurrence of the Executive-Authority, the City Administrator may approve a payment schedule for reimbursement of disconnection costs.

(Ord. 80-7, passed 11-3-80; Am. Ord. 82-2, passed 3-15-82; Am. Ord. 84-4, passed 5-29-84; Am. Ord. 86-4, passed 6-16-86)

APPENDIX A
WASTEWATER USER CHARGE SYSTEM

(A) The Wastewater User Charge System (UCS) strives to ensure an equal distribution of collection and treatment costs to the wastewater users. All customers with normal strength sewage, whether residential or commercial, will receive the same minimum bill and will be charged the same cost per equal volume of flow treated.

(B) The UCS will combine all costs to operate, maintain and repair the wastewater transportation and treatment system. Fixed cost (debt service) will also be included in the UCS.

(1) The wastewater user rate for Marion will be based on a percentage of the water user rate, sufficient to cover the costs included in division (B) above.

(2) The cost must be paid equally by each customer based on their actual water use.

(Ord. 04-11, passed 6-21-04)

APPENDIX B
DEBT SERVICE

(A) The wastewater system improvements will be funded (in whole or in part) by a loan from the SRF at an anticipated 1% interest rate and a 20-year payback period. An administrative fee of .2% of the unpaid loan balance is required.

Proposed loan	\$618,137
Interest	1%
Annual debt service (20 years @ 2.3%	\$34,177
Administrative fee (.002 of loan amount)	\$1,236
Existing annual bond debt	\$69,557
Required total annual revenue	\$379,927

(B) The debt service is considered a fixed cost, independent of the amount of wastewater treated. The debt service for the SRF may need to be adjusted when a final amortization schedule has been prepared.

$$\begin{array}{lclclcl} \text{Annual sewer cost} & = & \$379,927 & = & 65.3\% & = & 75.1\% \\ \text{Water revenues} & = & \$582,577 & & .87\% & & \end{array}$$

% of sewer users to water rates =

75.1% X water rates = sewer rates

		Water	Sewer
Minimum rate for first 1,500 gallons		14.12 (75.1)	10.61
Next	3,500 gallons	5.20	3.90
Next	10,000 gallons	4.16	3.12
Next	10,000 gallons	3.47	2.60
Next	25,000 gallons	2.78	2.09

	<u>OM&R Rate</u>	<u>Debt Service</u>	<u>Total Rate</u>	<u>Minimum Bill</u>
0 - 1,500 gal.	7.71	2.90	10.61	10.61

APPENDIX C
WASTEWATER OPERATING BUDGET

<i>Revenues</i>	<i>Current FY 03-04</i>	<i>Proposed FY 04-05</i>
User service charge	\$337,462	\$379,927
Tap-on/impact fees		
Other		
Total revenues:	\$337, 462	\$379,927
<i>Expenses</i>		
OM&R expenses		
G & A	\$19,744	\$20,447
Treatment plant	\$150,672	\$160,406
Equipment replacement fund	\$14,417	\$12,000
System maintenance	\$105,425	\$111,517
Subtotal OM&R expenses	\$290,258	\$304,370
Debt service expenses:		
Existing debt	\$71,226	\$69,557
Principal and interest payments (new debt)	\$0	\$6,000
Other		
Subtotal debt service expenses:	\$71,226	\$75,557
Total expenses:	\$361,484	\$379,927
Net income/loss:	(\$24,022)	\$0

(Ord. 04-11, passed 6-21-04)

Section

- 51.01 Acceptance of statutory provisions
- 51.02 Electric Plant Board
- 51.03 Construction and operation of plant
- 51.04 Issuance of bonds

§ 51.01 ACCEPTANCE OF STATUTORY PROVISIONS.

The City does accept and shall hereafter operate under the provisions of KRS 96.550 to 96.900, and all of said provisions as they may be from time to time amended by the acts of the General Assembly of Kentucky, in its construction, acquisition, and operation of a hydro-electric generating facility and electric power plant.

(Ord. 83-11, passed 9-26-83)

§ 51.02 ELECTRIC PLANT BOARD.

(A) The Mayor is authorized to appoint a Board of Public Utilities consisting of four residents of the city who have resided herein for not less than one year next preceding the date of the appointment. All appointments by the Mayor are subject to the approval of the City Council. The name of the Board shall be "Electric Plant Board of the City of Marion, Kentucky."

(B) The original appointees to the Electric Plant Board shall serve for one, two, three, and four years, respectively, from the date of appointment, as the Mayor shall designate. Successors to retiring members so appointed shall be appointed for a term of four years in the same manner, prior to the expiration of the term of office of the retiring members. In addition to the four members so appointed, the Mayor shall also, with the approval of the City Council, designate a member of the City Council to serve as a fifth member of the Board. The term of such member shall be for such time as the Mayor shall fix, but not beyond such appointee's term of office in such City Council. Appointments to complete the unexpired term of office shall be made in the same manner as original appointments.

(C) The city shall not be liable for the payment of any salary or compensation of any of the members of the Board, or for the payment of the salary or compensation or expenses of any person employed by the Board, and such salaries, compensation and expenses, and any and all liabilities, of whatsoever kind or character incurred by the Board or any officer or employee thereof, shall be payable solely and only out of revenues obtained by the Board under the provisions of KRS 96.550 to 96.900 and the liabilities shall then be so limited.

(D) The qualifications of the members of the Board and the powers and duties and activities of the members of the Board shall be governed by KRS 96.550 to 96.900.

(Ord. 83-11, passed 9-26-83)

§ 51.03 CONSTRUCTION AND OPERATION OF PLANT.

The City Council hereby ordains that it is desirable that the city shall construct and operate a hydro-electric generating facility and electric plant at the Smithland Locks and Dam on the Ohio River near Smithland, Kentucky.

(Ord. 83-12, passed 10-18-83)

§ 51.04 ISSUANCE OF BONDS.

The city, by action of the Electric Plant Board, shall issue and sell revenue bonds, subject to the provisions of KRS 96.550 to 96.900 to pay the cost of construction of the hydro-electric generating facility and electric plant in an amount sufficient to finance the entire cost of same, not be exceed \$250,000,000.00.

(Ord. 83-12, passed 10-18-83)

Section

General Provisions

- 52.001 Purpose and policy
- 52.002 Definitions
- 52.003 Abbreviations

Use of Public Sewers

- 52.010 Mandatory sewer connections
- 52.011 Unlawful discharge to storm sewers or natural outlets
- 52.012 Compliance with local, state and federal laws
- 52.013 Discharge of unpolluted waters into sewers
- 52.014 Prohibited discharges

Private Wastewater Disposal

- 52.020 Public sewer not available
- 52.021 Requirements for installation

Building Sewers and Connections

- 52.025 Permits
- 52.026 Prohibited connections
- 52.027 Design and installations
- 52.028 Inspection

Pollutant Discharge Limits

- 52.035 General conditions
- 52.036 Restricted discharges
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Pretreatment Program Administration

- 52.050 Wastewater discharges
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- 52.052 Permit modifications
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- 52.060 Monitoring
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- 52.075 Purpose
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- 52.085 Right to enter premises
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- 52.100 General
 - 52.101 Notice of violation
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 - 52.103 Show cause hearing
 - 52.104 Additional enforcement remedies
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Cross-reference:

Additional regulations for sewer charges, see § 50.30

GENERAL PROVISIONS

§ 52.001 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Marion, Kentucky and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR, Part 403).

(B) The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system

inadequately treated into receiving waters so as to cause violations of the city's KPDES permit or the atmosphere or otherwise be incompatible with the system;

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

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

(5) To provide for the safety of the treatment plant employees; and

(6) To ensure that the municipality complies with its KPDES non-discharge permit conditions, sludge permit conditions, including use and disposal requirements and any other federal or state environmental laws to which the municipal wastewater system is subject.

(C) This chapter provides for the regulation of direct and indirect contribution to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(D) This chapter shall apply to the City of Marion, Kentucky and to persons outside the city who are, by contract or agreement with the city, users of the city publicly owned treatment works (POTW). Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this chapter.
(Ord. 04-01, passed 1-19-04)

§ 52.002 DEFINITIONS.

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

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

"APPROVAL AUTHORITY." The Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet or an authorized representative thereof.

"AUTHORIZED REPRESENTATIVE." An "AUTHORIZED REPRESENTATIVE" of a user may be: (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall

operation of the facilities from which the indirect discharge originates. An "AUTHORIZED REPRESENTATIVE" of the city may be any person designated by the city to act on its behalf.

"BASELINE MONITORING REPORT (BMR)." A report submitted by categorical industrial users within 180 days after the effective date of a categorical standard which indicates the compliance status of the user with the applicable categorical standard (40 CFR 403.12(b)).

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

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

"BUILDING SEWER." The extension from the building drain to the public sewer or other place of disposal, also called "HOUSE CONNECTION."

"BUILDING SEWER PERMIT." As set forth in §§ 52.025 through 52.028.

"CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD)." With chemical inhibition of nitrification, the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius expressed in terms of concentration in milligrams per liter (mg/l).

"CATEGORICAL INDUSTRIAL USER." An industrial user subject to categorical pretreatment standards which have been promulgated by EPA.

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

"CITY." The City of Marion, Kentucky.

"CLEAN WATER ACT (CWA)." (Also known as the "FEDERAL WATER POLLUTION CONTROL ACT") enacted by Public Law 92-500. October 18, 1972. 33 USC 1251 et seq.: as amended by PL 95-217. December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.

"COMBINED SEWER." Any conduit designed to carry both sanitary sewage and storm water or surface water.

"COMBINED WASTESTREAM FORMULA (CWF)." Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other nonregulated wastestreams prior to treatment (40 CFR 403.7).

"COMPATIBLE POLLUTANT." Biochemical oxygen demand, suspended solids and fecal coliform bacteria; plus any additional pollutants identified in the POTW's NPDES/KPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants so as to ensure compliance with the POTW's NPDES/KPDES permit.

"CONCENTRATION-BASED LIMIT." A limit based on the relative strength of a pollutant in a wastestream, usually expressed in mg/l.

"CONTROL AUTHORITY." The term "CONTROL AUTHORITY" shall refer to the city when there exists an approved pretreatment program under the provisions of 40 CFR 403.11.

"COOLING WATER." The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

"DAILY MAXIMUM." The maximum allowable value for any single observation in a given day.

"DILUTE WASTESTREAM." Boiler blowdown, sanitary wastewater, noncontact cooling water and certain process wastestreams that have been excluded from regulation in categorical pretreatment standards because they contain none or only trace amounts of the regulated pollutant.

"DIRECT DISCHARGE." The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.

"DISCHARGER." Any person that discharges or causes a discharge to a public sewer.

"DOMESTIC WASTEWATER." The water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.

"EASEMENT." An acquired legal right for the specific use of land owned by others.

"EFFLUENT." The liquid overflow of any facility designed to treat, convey or retain wastewater.

"ENVIRONMENTAL PROTECTION AGENCY" or "EPA." The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of that agency.

"EQUIPMENT." All movable, non-fixed items necessary to the wastewater treatment process.

"FLOW PROPORTIONAL COMPOSITE SAMPLE." Combination of individual samples proportional to the flow of the wastestream at the time of sampling.

"FLOW WEIGHTED AVERAGING FORMULA (FWA)." A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and nonregulated wastestreams combine after treatment, but prior to the monitoring point as defined in 40 CFR 403.

"GARBAGE." The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

"GRAB SAMPLE." A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and without consideration of time.

"HOLDING TANK WASTE." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

"INCOMPATIBLE POLLUTANT." All pollutants other than compatible pollutants as defined in this section.

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

"INDUSTRIAL USER (IU)." A source of indirect discharge.

"INDUSTRIAL WASTES." The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.

"INTERCEPTOR." A device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes which permits normal sewage or liquid wastes to discharge into the sewer or drainage system by gravity. "INTERCEPTOR" as defined herein is commonly referred to as a "GREASE, OIL, or SAND TRAP."

"INTERFERENCE." A discharge which alone or in conjunction with a discharge or discharges from other sources:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and/or,

(2) Is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA)), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).

"MAY." This is permissive. (See "SHALL.")

"MEDICAL WASTE." Isolation wastes, infectious agents, human blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

"MONTHLY AVERAGE." The maximum allowable value for the average of all observations obtained during one month.

"MULTI-UNIT SEWER CUSTOMER." A location served where there are two or more residential units or apartments, two or more businesses in the same building or complex or where there is any combination of business and residence in the same building or complex.

"NATIONAL CATEGORICAL PRETREATMENT STANDARD" or "PRETREATMENT STANDARD." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

"NATIONAL (or KENTUCKY) POLLUTANT DISCHARGE ELIMINATION SYSTEM" or "NPDES/KPDES PERMIT." A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.

"NATURAL OUTLET." Any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"NEW SOURCE."

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

(2) In determining whether these are substantially independent factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(3) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

"NINETY-DAY (90-DAY) COMPLIANCE REPORT." A report submitted by a categorical industrial user, within 90 days following the date for final compliance with applicable categorical standards that documents and certifies the compliance status of the user (40 CFR 403.12(d)).

"ORDINANCE." This chapter, unless otherwise specified.

"PASS THROUGH." A discharge of pollutant which cannot be treated adequately by the POTW, and therefore exits into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3).

"PERIODIC COMPLIANCE REPORT." A report on compliance status submitted by significant industrial users to the Control Authority at least semiannually (40 CFR 403.12(e)).

"PERSON." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estates, governmental entity of any other legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"pH." The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

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

"POLLUTANT." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water, including medical wastes, chemical wastes, biological materials, radioactive materials, heat, and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, CBOD, COD, toxicity, or odor).

"POTW TREATMENT PLANT." That portion of the POTW designed to provide treatment to wastewater.

"PRETREATMENT" or "TREATMENT." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by

physical, chemical or biological processes, or process change(s), or other means, except as prohibited by 40 CFR 403.6(d).

"PROCESS WASTEWATER." Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product, or waste product.

"PRODUCTION-BASED STANDARD." A discharge limitation expressed in terms of allowable pollutant mass discharge rate per unit of production and is applied directly to an industrial user's manufacturing process.

"PROHIBITIVE DISCHARGE STANDARD." Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.(5).

"PROPERLY SHREDDED GARBAGE." The wastes from the preparation, cooking, and dispensing of food that has 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 1/2 inch in any dimension.

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

"PUBLIC SEWER." A common sewer controlled by a governmental agency or public utility. In general, the "PUBLIC SEWER" shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.

"REGULATED WASTESTREAM." An industrial process wastestream regulated by a national categorical pretreatment standard.

"SANITARY SEWER." A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

"SEWAGE." The spent water of a community. "DOMESTIC" or "SANITARY WASTE" shall mean the liquid or water-carried wastes from residences, commercial buildings, and institutions as distinct from industrial sewage. The terms "SEWAGE" and "WASTEWATER" are used interchangeably.

"SEWERAGE." Any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.

"SEWER USER CHARGES." A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement of such works.

"SEWER SYSTEM" or "WORKS." All facilities for collecting, transporting, pumping, treatment and disposing of sewage and sludge, namely the sewerage system and the POTW.

"SEWER." A pipe or conduit that carries wastewater or drainage water.

"SHALL." This is mandatory. (See "MAY.")

"SIGNIFICANT INDUSTRIAL USER (SIU)." Defined by EPA guidance as: (a) all industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and (b) any noncategorical industrial user that (i) discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary noncontact cooling, and boiler blowdown wastewaters) or (ii) contributes a process wastestream which makes up to 5% or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant or (iii) has a reasonable potential, in the opinion of the Control or Approval Authority, to adversely affect the pollutants, sludge contamination or endangerment of POTW workers.

"SLUG DISCHARGE." Any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or non-customary batch discharge or any discharge of water or wastewater in which the concentration of any given constituent or quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the 24-hour concentration or flow rate during normal operation which adversely affects the POTW.

"SLUG LOAD." Any pollutant (including biochemical oxygen demand) released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works or which exceeds limits set forth in the industry's discharge permit and which includes accidental spills.

"SPILL PREVENTION AND CONTROL PLAN." A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

"SPLIT SAMPLE." Portion of a collected sample given to the industry or to another agency to verify or compare laboratory results.

"STANDARD INDUSTRIAL CLASSIFICATION (SIC)." A classification scheme based on the type of industry or process at a facility.

"STANDARD METHODS." The examination and analytical procedures set forth in the recent editions of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation as specified at 40 CFR 136.

"STATE." Commonwealth of Kentucky.

"STORM DRAIN" or "STORM SEWER." A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.

"STORM WATER." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

"SUPERINTENDENT." The person designated by the city to supervise the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter or his or her duly authorized representative.

"SURCHARGE." A charge for services in addition to the basic sewer user and debt service charges, for those users whose contributions contain biochemical oxygen demand (BOD₅), chemical oxygen demand (COD), total suspended solids (TSS), oil & grease or ammonia-nitrogen (NH₃-N) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the Control Authority, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.

"SUSPENDED SOLIDS (TSS)." Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater."

"TOXIC ORGANIC MANAGEMENT PLAN." Written plan submitted by industrial users as an alternative to TTO monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.

"TOXIC POLLUTANT." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of the Clean Water Act 307(a) or any amendments thereto.

"UNPOLLUTED WATER." Water of quality equal to or better than the treatment works effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

"UNREGULATED WASTESTREAM." A wastestream that is not regulated by a national categorical pretreatment standard.

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

"WASTEWATER." The spent water of a community. "SANITARY" or "DOMESTIC WASTES" shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial waste.

"WASTEWATER DISCHARGE PERMIT (WDP)." A permit issued to industrial users which authorizes discharges to the public sewer as set forth in §§ 52.050 through 52.066.

"WASTEWATER FACILITIES." The structures, equipment, and processes required to collect, carry away, treat domestic and industrial wastes, and dispose of the effluent.

"WASTEWATER TREATMENT WORKS." An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "WASTE TREATMENT PLANT" or "WASTEWATER TREATMENT PLANT" or "WATER POLLUTION CONTROL PLANT" or "SEWAGE TREATMENT PLANT."

"WATERCOURSE." A natural or artificial channel for the passage of water either continuously or intermittently.

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

"TIME PROPORTIONAL COMPOSITE SAMPLE." Combination of individual samples with fixed volumes taken at specific time intervals.
(Ord. 04-01, passed 1-19-04)

§ 52.003 ABBREVIATIONS.

For the purpose of this chapter, the following abbreviations shall have the designated meanings:

ABBREVIATION	FULL NAME/MEANING
ADMI	American Dye Manufacturers Institute
ASTM	American Society for Testing and Materials
BMP	Best management practices
BOD	Biochemical oxygen demand
BPJ	Best professional judgment
CFR	Code of Federal Regulations
CIU	Categorical industrial user
COD	Chemical oxygen demand
CWA	Clean Water Act (33 U.S.C. 1251 et seq.)
CWF	Combined wastestream formula
EPA	Environmental Protection Agency

FWA	Flow weighted average
FR	Federal Register
gpd	Gallons per day
IU	Industrial user
l	Liter
mg	Milligram
mg/l	Milligrams per liter
NPDES	National pollutant discharge elimination system
KPDES	Kentucky pollutant discharge elimination system
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classification
SIU	Significant industrial user
SWA	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TSS	Total suspended solids
TTO	Total toxic organics
USC	United States Code

(Ord. 04-01, passed 1-19-04)

USE OF PUBLIC SEWERS

§ 52.010 MANDATORY SEWER CONNECTION.

(A) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city 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 sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30 1/2 meters) of the property line.

(B) 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 wastewater where public sanitary sewer service is available, as defined in division (A) above, except as provided for in §§ 55.020 and 55.021

(C) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public system within 60 days in compliance with this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed. (Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.011 UNLAWFUL DISCHARGE TO STORM SEWERS OR NATURAL OUTLETS.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited any pollutant in any unsanitary manner on public or private property within the City of Marion, Kentucky, or in any area under the jurisdiction of the City of Marion, Kentucky except in compliance with the provisions of this chapter.

(B) It shall be unlawful to discharge to any natural outlet or storm sewer within the City of Marion, Kentucky, or in any area under the jurisdiction of the city, any sanitary wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of this chapter. No provision of this chapter shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable state and federal regulations governing such discharge. (Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.012 COMPLIANCE WITH LOCAL, STATE AND FEDERAL LAWS.

The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this chapter, and any more stringent state or federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, and subsequent amendments, and 40 CFR 403. (Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.013 DISCHARGE OF UNPOLLUTED WATERS INTO SEWERS.

(A) No person(s) shall discharge or cause to be discharged, through any leak, defect, or connection any unpolluted waters such as storm water, groundwater, roof runoff or subsurface drainage to any sanitary sewer, building sewer, building drain or building plumbing. The Superintendent or his or her representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require disconnection or repair of any pipes carrying such water to the building sewer. No sanitary drain sump or sump pump discharge by manual switch-over of discharge connection shall have a dual use for removal of such water.

(B) The owners of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.014 PROHIBITED DISCHARGES.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user shall not contribute the following substances to the POTW:

(A) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall the wastewater exhibit a closed cup flashpoint of less than 140° Fahrenheit or 60° Centigrade using the test methods specified in 40 CFR 261.21.

(B) Any waters or wastes having a pH lower than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.

(C) Any slug load of pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or concentration that will cause interference with the normal operation of the POTW.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities (i.e., wood, glass, ashes, sand, cinders, unshredded garbage, paper products such as cups, dishes, napkins, and milk containers, etc.).

(E) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 40° Celsius (104° Fahrenheit).

(F) Any pollutant(s) which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(G) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the

POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(H) Any substance which will cause the POTW to violate its NPDES/KPDES permit and/or sludge disposal system permit.

(I) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.

(J) Any trucked or hauled pollutants except at discharge points designated by the POTW.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

PRIVATE WASTEWATER DISPOSAL

§ 52.020 PUBLIC SEWER NOT AVAILABLE.

(A) Where a public sanitary sewer is not available under the provisions of §§ 52.010 through 52.014, the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the Crittenden County Health Department and all applicable local and state regulations.

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

(C) No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by applicable local or state regulations.

(D) Holders of NPDES/KPDES permits may be excepted. Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance with the issuing authority.
(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.021 REQUIREMENTS FOR INSTALLATION.

(A) The type, capacity, location and layout of a private sewage disposal system shall comply with all local or state regulations.

(B) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

BUILDING SEWERS AND CONNECTIONS

§ 52.025 PERMITS.

(A) There shall be two classes of building sewer permits required: (a) for residential and (b) for service to commercial and industrial establishments. In either case, the owner(s) or his or her agent shall make application on a special form furnished by the city. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. Details regarding commercial and industrial permits include, but are not limited to those required by this chapter. Permit and inspection fees shall be paid to the city at the time the application is filed.

(B) Users shall promptly notify the city in advance of any introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW. The Superintendent may deny or condition the new introduction or change in discharge based on the information submitted in the notification or additional information as may be requested.

(C) No person(s) shall uncover, plug or make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining permission from the Superintendent.
(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.026 PROHIBITED CONNECTIONS.

No person shall make connection of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this chapter shall be completely and permanently disconnected within 60 days of the effective date of this chapter. The owner(s) of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps, and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to public sanitary sewer.
(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.027 DESIGN AND INSTALLATIONS.

(A) 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, courtyard, or driveway. The sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(B) 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. Permit and inspection fees for new buildings using existing building sewers shall be the same as for new building sewers. If additional sewer customers are added to the old building sewers, additional sewer tap fees shall be charged accordingly even though no new sewer tap is actually made into the city system.

(C) Extension of customer service lines from any point on the customer's side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted.

(D) The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM D-3034, latest revision, or ductile iron pipe, AWWA specification C-151 cement lined, and shall meet requirements of the state plumbing code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five feet of a water service pipe shall be constructed with cast iron soil pipe or ductile iron pipe, unless the building sewer is at least one foot deeper in the ground than the water service line. Cast iron soil pipe or ductile iron pipe may be required by the city where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the cover over the building sewer is less than three feet, or in areas where the sewer is subject to vehicular or other external loads.

(E) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the local and state building and plumbing codes and other applicable rules and regulations of the city.

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

(G) The owner shall ensure that 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.

(H) In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved means and discharged to the same building sewer. Drain pipe and sump for collection of such sanitary drainage shall be above basement floor or in separately watertight or drained sump or channel.

(I) The building sewer shall be connected into the public sewer at the easement or property line. Where no property located service branch is available, an authorized agent of the city shall cut a neat hole into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer at such point of connection with a saddle shall be in the upper quadrant to the main line of the public sewer. A neat workmanlike connection, not extending past the inner surface of the public sewer, shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the public sewer and the building sewer. This fitting shall serve the purpose of a clean out and for applying the smoke test during inspection of the line. After testing, a cast iron or ductile iron riser will be inserted in this fitting and brought flush with the ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water.

(J) All building sanitary sewer lines will be installed so as to meet or exceed the most current revision of the state plumbing code. (Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.028 INSPECTION.

(A) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his or her representative. The connections shall be made gastight and watertight and verified by proper testing.

(B) All building sewers shall be smoke tested through the wye branch at the public sewer connection, with public sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to top of pipe and if backfill is completed, within two weeks after completion of backfill. At the time of the test, any openings into the building drain inside the building shall be water trapped or plugged. Any leakage of smoke from building sewer or building drain and plumbing shall be located at the test and repaired to stand repetition of the smoke test without leakage. When smoke testing is completed, the temporary flow line plug shall be removed and a permanent watertight plug shall be placed in branch of test wye branch and carefully backfilled by hand and tamped to at least six inches above the top of the branch.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

POLLUTANT DISCHARGE LIMITS

§ 52.035 GENERAL CONDITIONS.

The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentration or quantities which: will not harm either the sewers, wastewater treatment process or equipment, will maintain and protect water quality in the receiving stream, and will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set additional limitations or limitations more stringent than those established in the provisions below if in his or her opinion more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of a discharge, the Superintendent shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.036 RESTRICTED DISCHARGES.

(A) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

(B) Wastewater containing floatable oils, fat, or grease, whether emulsified or not, in excess of 25 milligrams per liter (25 mg/l) or containing substances which may solidify or become viscous at temperatures 32 to 150° Fahrenheit (0 to 65° Celsius).

(C) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(D) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants which: injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, causes the city to violate the terms of its KPDES permit, prevents the use of acceptable sludge disposal methods, or exceed a limitation set forth in a categorical pretreatment standard.

(E) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations.

(F) Any water or wastes which by interaction with other water or wastes in the public sewer system, release obnoxious gases, form

suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(G) Any wastewater with objectionable color which cannot be removed to an acceptable level within the operation of the wastewater treatment process but in no case, wastewater with a color that exceeds 40 ADMI units.

(H) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the city's NPDES/KPDES permit.

(I) Any waste(s) or wastewater(s) classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without a 60-day prior notification of such discharge to the Superintendent. This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The Superintendent may prohibit or condition the discharge(s) at any time.

(J) Wastewater identified as causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(K) Recognizable portions of human or animal anatomy.

(L) Any wastes containing detergents, surface active agents, or other substances which will cause excessive foaming in the municipal wastewater system.

(M) Any water or wastes which have characteristics based on a 24-hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater parameter concentrations:

PARAMETER	MAXIMUM ALLOWABLE CONCENTRATION WITHOUT SURCHARGES
BOD	300 mg/l
COD	600 mg/l
TSS	300 mg/l
NH ₃ -N	60 mg/l
Oil & grease (total)	100 mg/l

Any person discharging wastewater exceeding the maximum allowable concentration as noted above, will be subject to a surcharge fee for each pound loading over and above the set limit. Any other amenable constituents requiring the addition of specific chemicals for proper

treatment will also be subject to surcharge as noted on the wastewater discharge permit. Exceeding the effluent limits specified above shall not be deemed to constitute a violation of a permit condition or this chapter if the appropriate surcharge fee is paid and the discharge does not cause interference or pass through of the POTW.

(N) The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system. All significant industrial users must comply with these limitations where they are more stringent than applicable state and/or federal regulations.

PARAMETER	MAXIMUM DAILY CONCENTRATION (mg/l)
Arsenic	1.0
Cadmium	0.41
Chromium	1.64
Copper	2.01
Cyanide, total	0.71
Lead	0.41
Mercury	0.002
Nickel	2.36
Silver	0.26
Zinc	1.55
Total toxic organics	1.24

(O) The city has received authority through the U.S. EPA and state statutes to enforce the requirements of 40 CFR Subchapter N, 40 CFR 403, and 40 CFR Part 35. All users shall comply with the requirements of those regulations.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.037 DILUTION OF WASTEWATER DISCHARGE.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any pollutant specific limitation developed by the city or state.

(Ord 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.038 GREASE, OIL AND SAND INTERCEPTORS.

(A) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptor shall not be required for private living quarters or dwelling units.

(B) 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. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal.

(C) The city may require that hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

(D) Interceptors shall also comply with applicable regulations of the Crittenden County Health Department.
(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.039 SPECIAL INDUSTRIAL PRETREATMENT REQUIREMENTS.

(A) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial dischargers to public sewer systems are hereby made a part of this chapter. Any industrial waste discharge which violates these EPA pretreatment standards shall be in violation of this chapter.

(B) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, the industry shall be solely responsible for the continued maintenance in satisfactory and effective operation of such facilities at their own expense. The city may agree to assume these responsibilities if proper and appropriate arrangement for reimbursement of costs are made.

(C) (1) Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first have a valid discharge permit. All applicants for a discharge permit shall complete the application form, pay the appropriate fee, and receive a copy of the city's regulations governing discharge to sewers of liquid wastes from trucks. All persons receiving such permits shall agree, in writing, to abide by all applicable provisions of this chapter, and any other special provisions that may be established by the city as necessary for the proper operation and maintenance of the sewerage system.

(2) In addition any person holding a valid permit and wishing to discharge to the wastewater treatment plant must submit to the chief operator a sample of each load prior to discharge. A fee and payment schedule shall be established in the permit to cover cost of the required analysis.

(3) It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer system, except at designated points of discharge specified by the city for such purpose.

(4) Any liquid waste hauler illegally discharging to the public sewer system or discharging wastewater not authorized in the permit shall be subject to immediate revocation of discharge privileges and further subject to the penalties and enforcement actions prescribed §§ 52.100 through 52.104, and 52.999, including fines and imprisonment.

(5) Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for such discharge in accordance with a fee schedule established by the Superintendent and approved by the city.

(6) Nothing in this chapter shall relieve waste haulers of the responsibility for compliance with the Crittenden County Health Department, state, or federal regulations.
(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.040 PROTECTION FROM ACCIDENTAL AND SLUG DISCHARGE.

(A) (1) Each significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this chapter which adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two years, the Superintendent will determine whether each industrial user needs to develop or update a plan to control slug discharges. If the Superintendent determines that a slug control plan or revision is necessary, the plan shall contain the following:

- (a) Description of discharge practices;
- (b) Description of stored chemicals;
- (c) Procedures for notifying the POTW; and
- (d) Prevention procedures for spills.

(2) In the case of all possible or actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

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

(C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.041 STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.
(Ord. 04-01, passed 1-19-04)

§ 52.042 CITY'S RIGHT OF REVISION.

The city reserves the right to establish more stringent limitations, or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this chapter.
(Ord. 04-01, passed 1-19-04)

§ 52.043 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter.
(Ord. 04-01, passed 1-19-04)

PRETREATMENT PROGRAM ADMINISTRATION

§ 52.050 WASTEWATER DISCHARGES.

(A) It shall be unlawful to discharge to the POTW any wastewater except as authorized by the city in accordance with the provisions of this chapter.

(B) Any agency, nondomestic user, and/or industry outside the jurisdiction of the city that desires to contribute wastewater to the POTW must execute (through an authorized representative) an interjurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this chapter and state and federal regulations. An industrial user permit may then be issued by the Superintendent in accordance with § 52.051.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.051 INDUSTRIAL USER DISCHARGE PERMITS.

(A) General. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain an industrial user permit before connecting to or contributing to the POTW.

(B) Permit application. Users required to obtain an industrial user permit shall complete and file with the city, an application in the form prescribed by the city, and accompanied by a permit fee. New users shall apply at least 90 days prior to connecting to or contributing to the POTW. Existing permit holder shall apply no later than 60 days prior to expiration of permit. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address, and location if different from the address;

(2) SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1972, as amended;

(3) Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the city; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

(4) Time and duration of contribution;

(5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(7) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by the city, state or federal pretreatment standards, and a statement regarding whether or not

the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards;

(9) (a) If additional pretreatment will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards;

(b) The following conditions shall apply to this schedule:

1. The schedule must be acceptable to the city.

2. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards.

3. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress and the reason for delay, and the steps being taken by the user to return the construction to the schedule established.

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

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

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

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

(14) A copy of the industry's written environmental control program, comparable document, or policy.

(C) Issuance. The city shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City Engineer or his or her designee may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.052 PERMIT MODIFICATIONS.

Within nine months of the promulgation of national categorical pretreatment standards, the industrial wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a user, subject to national categorical pretreatment standards, has not previously submitted an application for an industrial wastewater discharge permit as required, the user shall apply for an industrial wastewater discharge permit within 90 days after the promulgation of the applicable national categorical pretreatment standards. In addition, the user with an existing industrial wastewater discharge permit shall submit, to the City Engineer within 90 days after the promulgation of an applicable federal categorical pretreatment standard, the information required by this chapter.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.053 PERMIT CONDITIONS.

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

(A) The unit surcharges or schedule of other charges and fees for the wastewater to be discharged to a community sewer;

(B) Limits on the average and/or maximum wastewater constituents and characteristics;

(C) Limits on average and/or maximum rate and time of discharge or requirements for flow regulations and equalization;

(D) Requirements for installation and maintenance of inspection and sampling facilities;

(E) Specifications for monitoring programs which may include sampling location; frequency of sampling; number, type and standards for tests; and reporting schedule;

(F) Compliance schedules;

(G) Requirements for submission of technical reports or discharge reports;

(H) Requirements for maintaining and retaining, for a minimum of three years, all plant records relating to pretreatment and/or wastewater discharge as specified by the city, and affording city access thereto as required by 40 CFR 403.12(o)(2);

(I) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(J) Requirements for notification of slug discharges;

(K) The permit may require the user to reimburse the city for all expenses related to monitoring, sampling and testing performed at the direction of the City Engineer and deemed necessary by the city to verify that the user is in compliance with the permit;

(L) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.
(Ord. 04-01, passed 1-19-04)

§ 52.054 ALTERNATIVE DISCHARGE LIMITS.

(A) Where an effluent from a categorical industrial process(es) is mixed prior to treatment with wastewater other than that generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the Superintendent. These alternative limits shall be applied to the mixed effluent and shall be calculated using the combined wastestream formula and/or flow-weighted average formula as defined in §§ 52.001 through 52.003.

(B) Where the effluent limits in a categorical pretreatment standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or of effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits.

(C) All categorical users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical user must notify the Superintendent 30 days in advance of any major change in production levels that will affect the limits for the discharge permit.
(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.055 PERMIT DURATION.

(A) Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

(B) The user shall apply for permit reissuance a minimum of 60 days prior to the expiration of the user's existing permit.

(C) The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in §§ 52.035 through 52.043 are modified or other just cause exists. The user shall be informed of any proposed

changes in their permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.056 PERMIT TRANSFER.

Industrial user permits are issued to a specific user for a specific operation. An industrial user permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without a 30-day prior notification to the Superintendent and provision of a copy of the existing permit to the new owner. The Superintendent may deny the transfer of the permit if it is deemed necessary.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.057 COMPLIANCE DATA REPORTING.

(A) Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to federal categorical pretreatment standards and requirements shall submit, to the Superintendent, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such categorical standards and requirements. The report shall state whether the applicable categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional pretreatment and time schedule is necessary to bring the user into compliance with the applicable categorical pretreatment standards or requirements.

(B) This statement shall be signed by an authorized representative of the user.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.058 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users shall submit, to the Superintendent, every six months (on dates specified in the industrial user permit) unless required more frequently by the permit, a report indicating, at a minimum, the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards or discharge permit. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, and the like, the Superintendent may agree to alter the months during which the above reports are to be submitted.

(B) All analyses shall be performed by a laboratory acceptable to the city. Analytical procedures shall be in accordance with procedures established by the U.S. EPA Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto and 40 CFR 261 or with any other test procedures approved by the U.S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA Administrator.

(C) Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant(s) in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA Administrator.

(D) A Baseline Monitoring Report (BMR) must be submitted to the Superintendent by all categorical industrial users at least 90 days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:

(1) Production data: a process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category (if applicable), and a schematic which indicates points of discharge to the sewer system.

(2) Identifying information to include name, address of facility, owner(s), contact person and any other permits held by the facility.

(3) Wastewater characteristics: total plant flow, types of discharges, average and maximum flows from each process.

(4) Nature/Concentration of pollutants: analytical results for all pollutants regulated by this ordinance and/or any applicable federal pretreatment standard and sample type and location. All analyses must conform with 40 CFR, Part 136 and amendments thereto.

(5) Information concerning any pretreatment equipment used to treat the facility's discharge.

(E) New sources shall give estimates of the information requested in divisions (D)(3) and (4) above, but at no time shall a new source commence discharge(s) to the public sewer of substances that do not meet provisions of this chapter. All new sources must be in compliance with all provisions of this chapter, state and federal pretreatment regulations prior to commencement of discharge to the public sewer. (Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.059 PERMIT VIOLATIONS.

(A) All significant industrial users must notify the Superintendent within 24 hours of first becoming aware of a permit

violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance.

(B) The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the Superintendent within 30 days after becoming aware of the violation. Exception to this regulation is only if the city performs the sampling within the same time period for the same parameter(s) in question. (Ord. 04-01, passed 1-19-04) Penalty, see § 52.999.

§ 52.060 MONITORING.

(A) (1) The city shall require significant users to provide and operate, at the user's own expense, monitoring facilities and equipment necessary to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The Superintendent shall review and approve the location, plans, and specifications for such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows.

(2) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility shall be designed and maintained in a manner such that the safety of city and industrial personnel shall be foremost. The facility, sampling, and measuring equipment shall be maintained at all times in a proper operating condition at the expense of the user.

(3) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following approval of the location, plans and specifications.

(B) All sampling analyses done in accordance with approved federal EPA procedures by the industrial user during a reporting period shall be submitted to the Superintendent regardless of whether or not that analysis was required by the industrial user's discharge permit.

(C) The industrial user must receive the approval of the Superintendent before changing the sampling point and/or monitoring facilities to be used in all required sampling. (Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.061 INSPECTION AND SAMPLING.

(A) The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all

requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, copying records, records examination or in the performance of any of their duties.

(B) The city, Approval Authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make the necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.062 PRETREATMENT.

(A) All significant industrial users shall provide necessary wastewater treatment as required to comply with this chapter and achieve compliance with any applicable federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations.

(B) The city may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any industrial user that cannot meet discharge limits required by this chapter. Any facilities required to pretreat wastewater to a level required by this chapter shall be provided, operated, and maintained at the user's expense.

(C) Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent that complies with the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.
(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.063 ANNUAL PUBLICATION.

(A) The city shall annually publish in its largest daily newspaper a list of significant users which were in significant noncompliance with any pretreatment requirements or standards. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(B) All records relating to the city's pretreatment program shall be made available to officials of the EPA or Approval Authority upon

request. All records shall be maintained for a minimum of three years in accordance with 40 CFR 403.12(0)(2).

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.064 SIGNIFICANT NON-COMPLIANCE.

A user is defined as being in significant noncompliance when it commits one or more of the following conditions:

(A) Causes imminent endangerment to human health or the environment or results in the exercise of emergency authority;

(B) Involves failure to report noncompliance accurately;

(C) Results in a chronic violation defined here as 66% or more of all measurements taken during a six-month period that exceed (by any magnitude) the daily maximum limit or the monthly average limit for the same pollutant parameter;

(D) Results in a technical review criteria (TRC) violation defined here as 33% or more of all measurements for each pollutant parameter taken during a six-month period that equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, and oil & grease and 1.2 for all other pollutants except pH);

(E) Any violation of a pretreatment effluent limit that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through or has endangered the health of the POTW personnel or the public;

(F) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTW's use of its emergency authority to halt or prevent such a discharge;

(G) Violations of compliance schedule milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by 90 days or more after the schedule date;

(H) Failure to provide required reports within 30 days of the due date;

(I) Any violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.065 CONFIDENTIAL INFORMATION.

(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental

agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to all governmental agencies for uses related to this chapter, the NPDES/KPDES permit, sludge disposal system permit and/or the pretreatment programs upon request. Such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.066 SIGNATORY REQUIREMENTS.

All applications, reports or information submitted to the city shall be signed and certified.

(A) All permit applications shall be signed:

(1) For a corporation: by a principal executive officer of at least the level of vice president;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

(B) All other correspondence, reports and self-monitoring reports shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above;

(2) The authorization specifies either an individual or a position having facility or activity, such as the position of plant manager, superintendent or position of equivalent responsibility.

(C) Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I am familiar with the information contained in this report and its attachments and that to the best of my knowledge and belief such information is true, complete and accurate."

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

FEES

§ 52.075 PURPOSE.

This subchapter provides for the recovery of costs from users of the POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.

(Ord. 04-01, passed 1-19-04)

§ 52.076 CHARGES AND FEES.

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

(1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;

(2) Fees for monitoring, inspections, and surveillance procedures;

(3) Fees for reviewing accidental discharge procedures and construction;

(4) Fees for permit applications;

(5) Fees for filing appeals;

(6) Fees for consistent removal by the POTW of excessive strength conventional pollutants;

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

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

(Ord. 04-01, passed 1-19-04)

POWERS AND AUTHORITY OF INSPECTORS

§ 52.085 RIGHT TO ENTER PREMISES.

The Superintendent and other duly promulgated employees and representatives of the city and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharges to the public sewer system in accordance with the provisions of this chapter.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.086 RIGHT TO OBTAIN INFORMATION REGARDING DISCHARGES.

The Superintendent and other duly authorized employees of the city and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification are authorized to obtain information including but not limited to copying of records concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999.

§ 52.087 ACCESS TO EASEMENTS.

Duly authorized employees and representatives 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 purpose of, but not limited to, construction, inspection, observation, measurement, sampling, repair, and maintenance of any portions of the wastewater facilities 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.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.088 SAFETY.

While performing the necessary work on private properties referred to in § 52.087, all duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. The company shall be held blameless for injury or death to city employees. The city shall secure the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this chapter.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

ENFORCEMENT

§ 52.100 GENERAL.

(A) The city, through the Superintendent or his or her designee, to insure compliance with this chapter, and as permitted through 40 CFR Subchapter N, and 401 KAR 5:055, may take the following enforcement steps against users in noncompliance with this chapter. The remedies available to the POTW include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service

and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the Superintendent or his or her designee.

(B) The Superintendent may suspend the wastewater treatment service and/or an industrial user permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES/KPDES permit.

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

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.101 NOTICE OF VIOLATION.

(A) Any user found to be violating any provisions of this chapter, wastewater permit, or any order issued hereunder, shall be served by the city with written notice stating the nature of the violation(s). Within ten days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Superintendent. Submission of this plan in no way relieves the user of potential liability for any violation occurring before or after receipt of the notice of violation.

(B) If the violations persist or the explanation and/or plan are not adequate, the city's response shall be more formal and commitments (or schedules as appropriate) for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant noncompliance as defined in § 52.064 will require a formal enforcement action.

(C) The full scale of enforcement actions will be as detailed in the enforcement response plan.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.102 ADMINISTRATIVE ORDERS.

(A) Any user who after receiving a notice of violation shall continue to discharge in violation of this chapter or other pretreatment standards or requirements or is determined to be a chronic or persistent violator or who is determined to be a significant violator, shall be ordered to appear before the city. At the appearance, a compliance schedule will be given to the non-conforming user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type and severity of violations, duration of violation, number of violations, severity of impact on the POTW, impact on human health, users economic benefit from the violation, history of violations, good faith of the user, and shall be a non-arbitrary but appropriate amount.

(B) The administrative order may take any of the following three forms:

(1) Consent orders. The Superintendent or his or her designee is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as orders issued pursuant to division (B)(3) below.

(2) Compliance order. When the Superintendent or his or her designee finds that an user has violated or continues to violate this chapter or a permit or order issued thereunder, he or she may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(3) Cease and desist orders. When the Superintendent finds that a user has violated or continues to violate this chapter or any permit or order issued hereunder, the Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to: (a) comply forthwith, or (b) take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.103 SHOW CAUSE HEARING.

(A) The Superintendent or his or her designee may issue to any user who causes or contributes to violations of this chapter, wastewater permit or order issued hereunder, an order to appear and show cause why

the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the Superintendent regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause, before the Superintendent, why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of the industrial user. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

(B) The city may, itself, conduct the hearing and take the evidence, or designate a representative to:

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

(2) Take the evidence;

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

(C) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

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

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.104 ADDITIONAL ENFORCEMENT REMEDIES.

(A) Performance bonds. The Superintendent may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

(B) Liability insurance. The Superintendent may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(Ord. 04-01, passed 1-19-04) Penalty, see § 52.999

§ 52.999 PENALTY.

(A) Written notice.

(1) Any user found to be violating any provision of this chapter or a wastewater permit or order issued hereunder, shall be served by the Superintendent or his or her designee with written notice stating the nature of the violation. The offender shall permanently remedy all violations upon receipt of this notice.

(2) As contained in §§ 52.100 through 52.104, the notice may be of several forms. Also as contained in §§ 52.100 through 52.104, penalties of various forms may be levied against users for violations of this chapter. The penalties, if levied, shall range from publication of violators in the local newspaper to administrative fines of at least \$1,000 per day per violation.

(B) Revocation of permit.

(1) Any user violating any of the provisions of this chapter or a wastewater permit order issued hereunder, may be subject to termination of its authority to discharge sewage into the municipal sewer system. Such termination may be immediate if necessary for the protection of the POTW. Said user may also have water service terminated.

(2) Any user who violates the following conditions of this chapter, or applicable state or federal regulations, is subject to having his or her permit revoked in accordance with the procedures of this chapter.

(a) Failure of a user to factually report the wastewater constituents and characteristics of his or her discharge;

(b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(d) Violation of conditions of the permit.

(C) Liability. Any user violating any of the provisions of this chapter, discharge permit or other order issued hereunder shall become liable to the City of Marion, Kentucky for any expense, loss or damage occasioned by the city by reason of such violation. This civil liability is as provided by state and federal regulations.

(D) Misrepresentation and/or falsifying of documents. Any user who knowingly and/or negligently makes any false statements, representations or certification of any application, record, report, plan or other document filed or required pursuant to this chapter or industrial user discharge permit or who falsifies, tampers with or knowingly and/or negligently renders inaccurate any monitoring device

or method required under this chapter, shall be punished by a fine of at least \$1,000 or by imprisonment for not more than 12 months or by both.

(E) Destruction of POTW and legal action.

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

(2) It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.

(F) Legal action. If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements or any order of the city, the city may commence an action for appropriate legal and/or equitable relief in the appropriate court of this jurisdiction.

(G) Injunctive relief. Whenever a user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the Superintendent, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user.

(H) Civil penalties.

(1) Any user who has significantly violated or continues to violate this chapter or any order or permit issued hereunder, may be liable to the Superintendent for a civil penalty of not more than \$1,000 per day plus actual damages incurred by the POTW per violation per day for as long as the violation continues. Each day in which such violation shall continue shall be deemed a separate offense. In addition to the above described penalty and damages, the Superintendent may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(2) The Superintendent may petition the court to impose, assess and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(I) Criminal prosecution.

(1) Violations - General.

(a) Any user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000 per violation per day or imprisonment for not more than one year or both.

(b) In the event of a second conviction, the user shall be punishable by a fine not to exceed \$10,000 per violation per day or imprisonment for not more than three years or both.
(Ord. 04-01, passed 1-19-04)

Section

- 53.01 Short title
- 53.02 Purpose and policy
- 53.03 Definitions
- 53.04 Exemptions
- 53.05 Prohibited solid waste activities
- 53.06 Abatement of nuisances
- 53.07 Promulgation of regulations
- 53.08 Appeals from decisions of Administrator

- 53.99 Penalty

§ 53.01 SHORT TITLE.

This chapter shall be known as the "Solid Waste Collection and Disposal Chapter".

(Ord. 87-40, passed 12-28-87)

§ 53.02 PURPOSE AND POLICY.

In order to protect the health, safety, and welfare of the citizens of the county, and the city, and to provide a coordinated program on accumulation, collection, and disposal of wastes and solid waste within the county and the city, it is declared to be the public policy of the county and the city to regulate the accumulation, collection, and disposal of wastes and solid waste and the creation and operation of disposal sites in order to:

(A) Provide for the safe and sanitary accumulation, storage, collection, and disposal of solid waste.

(B) Prohibit and provide for the abatement of accumulated wastes or solid waste on private property which create a public nuisance, a hazard to health, or a condition of unsightliness.

(C) Provide for a coordinated solid waste disposal program.
(Ord. 87-40, passed 12-28-87)

§ 53.03 DEFINITIONS.

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

"COMMITTEE." The Committee as established and appointed pursuant to the franchise agreement dated August 17, 1987, by and between the Court, Council, and Carroll Crider and John Rogers and pursuant to City of Marion Ordinance No. 87-29 and Crittenden County Ordinance No. 87-____. The administration and enforcement of this chapter shall be the responsibility of the Committee. The Committee shall have such specific powers and duties as are delegated to

them in this chapter and by rules and regulations promulgated thereunder and such specific powers and duties as are delegated to them in the ordinance relating to the franchise agreement dated August 17, 1987 between the Court, Council, and Carroll Crider and John Rogers.

"COUNCIL." The City Council of Marion, Kentucky.

"COURT." Shall mean the Crittenden County Fiscal Court unless the context indicates otherwise.

"RESIDENCE." Any structure or shelter or any part thereof used or constructed for use as a residence.

"SOLID WASTE." Any garbage, refuse, or discarded materials generated by commercial, residential, or community activities. For the purposes of this chapter, "SOLID WASTE" shall also include household appliances, furniture, and auto tires, but shall exclude grass, leaves, trees or parts thereof, auto parts, and auto bodies, unless changed hereafter by amendment to this chapter or by regulation.

(Ord. 87-40 passed 12-28-87)

§ 53.04 EXEMPTIONS.

This chapter shall not apply to special wastes as defined in KRS 224.868, or to solid waste from agricultural or mining operations or from industrial processes.

(Ord. 87-40, passed 12-28-87)

§ 53.05 PROHIBITED SOLID WASTE ACTIVITIES.

(A) Except as provided in this chapter, no person shall accumulate, store, collect, dispose, maintain, or display on any property any solid waste materials. This storage, collection, disposal, maintenance, or display in violation of this section shall be punishable by the provisions set out herein and also shall be considered as a public nuisance which may be abated as provided in this chapter.

(B) No person shall provide solid waste collection or collect wastes or solid waste from a residential customer within the boundaries of the franchise area established and created by the ordinance relating to the franchise agreement dated August 17, 1987 between the Court, Council, and Carroll Crider and John Rogers without first having obtained a franchise from the Court and Council or without first having obtained written approval from the Committee to collect and remove solid waste and garbage as a special services exception. Although an owner or occupant of residential property may transport and dispose of wastes and solid waste from their property to a pickup station, no owner or occupant of residential property within the boundaries of the franchise area shall allow or

permit any other person, other than the franchisee or person who has obtained written approval from the Committee, to collect and remove solid waste and garbage.

(C) The Committee shall promulgate and enforce any and all reasonable rules and regulations deemed necessary or proper from time to time in order to carry out the objects and purposes of this chapter and for the health and welfare of the citizens of the city and the county in respect to the collection, removal, and disposal of solid waste and garbage. Any violation of the rules and regulations established by the Committee shall be punishable by the provisions set out herein.

(D) No person shall dispose of wastes and solid waste at any place other than a disposal site approved by the Committee.

(E) No person shall use or permit to be used any land within the county as a public or private disposal site. Persons desiring to dispose of solid waste in any other manner on their own property may do so only if authorized by state permit.

(Ord. 87-40 passed 12-28-87) Penalty, see § 53.99

§ 53.06 ABATEMENT OF NUISANCES.

(A) The Committee may on their own initiative or upon the written request of any person make an investigation to determine whether or not the storage, collection, maintenance, or display of waste or solid waste is in violation of § 53.05.

(B) After investigation, if the Committee finds that there is reasonable cause to believe that a public nuisance or violation exists, they shall forward a written notice of such finding to the alleged violator or violators.

(C) If within 72 hours after the receipt of the written notice by the alleged violator, the situation complained of by the Committee has not been remedied, the Committee, if the violation is accumulation of solid waste or wastes, may cause the removal from the subject premises the wastes or solid waste found to be the cause of the danger. Such removal shall be at the costs of the person served, and the Committee, the County Judge/Executive, the Court, the Mayor, the Council, or an agent thereof, shall not be liable for any trespass or conversion to any real or personal property.

(D) The accumulation, storage, collection, or disposal of solid waste by any person in violation of this chapter or regulations promulgated hereunder is a nuisance and the Court, Council, or Committee may, in addition to other remedies provided by law, institute injunction, abatement, or other appropriate legal proceedings to temporarily or permanently enjoin or abate such storage, accumulation, collection, or disposal.

(E) The provisions of this section are in addition to and not in lieu of any criminal prosecution, penalties, or proceedings as provided by § 53.99 or by state law.

(Ord. 87-40 passed 12-28-87)

§ 53.07 PROMULGATION OF REGULATIONS.

The Committee shall have the authority to promulgate any and all reasonable regulations necessary for the implementation, administration, or operation of this chapter. Said regulations shall be subject to change and shall become part of any contract or subcontract issued under this chapter by being added as an addendum thereto.

(Ord. 87-40 passed 12-28-87)

§ 53.08 APPEALS FROM DECISIONS OF ADMINISTRATOR.

The Court and Council upon its own motion or upon the written request of an interested person or affected public agency, may review decisions of the Committee made pursuant to this chapter.

(Ord. 87-40, passed 12-28-87)

§ 53.99 PENALTY.

The violation of any provision of this chapter shall be punishable upon conviction by a fine of not more than \$500, or imprisonment in the county jail not to exceed 12 months, or by both fine and confinement. Each day that a violation continues to exist shall be, at the discretion of the appropriate court, considered a separate and distinct violation.

(Ord. 87-40 passed 12-28-87)