

**TITLE V: PUBLIC WORKS**

Chapter

**50. SEWER REGULATIONS**



## CHAPTER 50: SEWER REGULATIONS

### Section

#### *Sewer Connections*

- 50.01 Definitions
- 50.02 Enforcement
- 50.03 Installation standards
- 50.04 License required
- 50.05 Mandatory connections
- 50.06 Permit
- 50.07 Revocation of permit
- 50.08 Connection fee
- 50.09 Special fee
- 50.10 Connection fee and special fee as systems development charges
- 50.11 Excavations
- 50.12 Inspection and approval

#### *Private Construction of Sewers*

- 50.25 Permission to construct
- 50.26 Conformance to city requirements
- 50.27 Inspection of the installation
- 50.28 Responsibility for the cost of installation
- 50.29 Acceptance by the city

#### *Sewer Use Regulations*

- 50.40 Definitions
- 50.41 Use of public sewers required
- 50.42 Private sewage disposal
- 50.43 Septic tank effluent pump system allowed as alternative to standard system
- 50.44 Building sewers and connections
- 50.45 Use of the public sewers; discharges
- 50.46 Protection from damage
- 50.47 Powers and authority of Inspectors
- 50.48 Provisions in force

**Winston - Public Works***Sewer Use Charges*

- 50.60 Definitions and findings
- 50.61 Sewer use charges, generally
- 50.62 Classes of users
- 50.63 Flat charge
- 50.64 Residential STEP system maintenance surcharge
- 50.65 Change in number of units
- 50.66 Appeal
- 50.67 Reassignment of a user
- 50.68 Records
- 50.69 Charges
- 50.70 Special users
- 50.71 New users, vacant or unoccupied property and rebates
- 50.72 Discontinuance of sewer service
- 50.73 Multiple classifications
- 50.74 Review and revision of rates
- 50.75 Responsibility and payment of charges
- 50.76 Delinquent charges
- 50.77 Enforcement
- 50.78 Handling of funds
- 50.79 Appeals
- 50.80 Provisions in force
- 50.81 Rates for senior citizens
- 50.82 Discounts
  
- 50.999 Penalty

***SEWER CONNECTIONS*****§ 50.001 DEFINITIONS.**

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

***PUBLIC SEWER.*** A common sanitary sewer directly controlled by the city.

***SEWER SUPERINTENDENT.*** The city official in charge of the city sewer system, hereinafter referred to as ***SUPERINTENDENT.***

(1993 Code, Comp. No. 3-2) (Ord. 195, passed 10-1-1975)

**§ 50.002 ENFORCEMENT.**

The Superintendent shall supervise connections with public sewers in this city and enforce all regulations pertaining thereto in accordance with this subchapter. This subchapter shall apply to all replacements of existing sewers as well as to new sewers. The Superintendent may make any regulations as are necessary and that do not conflict with this subchapter.  
(1993 Code, Comp. No. 3-2) (Ord. 195, passed 10-1-1975)

**§ 50.003 INSTALLATION STANDARDS.**

The installation of a connection with the public sewer shall comply with all pertinent and applicable provisions of the State Plumbing Specialty Code as now or hereafter constituted, adopted in § 150.001, and the specifications adopted by the Superintendent.  
(1993 Code, Comp. No. 3-2) (Ord. 195, passed 10-1-1975)

**§ 50.004 LICENSE REQUIRED.**

All sewer connections and sewer repair work shall be done by a licensed contractor, plumber or individual property owner.  
(1993 Code, Comp. No. 3-2) (Ord. 195, passed 10-1-1975)

**§ 50.005 MANDATORY CONNECTIONS.**

The owners of all residences and business establishments intended or used for human habitation, occupancy or use that are within the drainage area of the public sewer must connect their sewage facilities to the public sewers.  
(1993 Code, Comp. No. 3-2) (Ord. 195, passed 10-1-1975)

**§ 50.006 PERMIT.**

Before any person shall open, uncover or in any manner make a connection with or modify any part of the public sewers, he or she must obtain a written permit from the Superintendent. The application for the permit shall include a description of the property, the name of the property owner, the amount and date of any prior assessment for construction of the public sewers, a general description of the materials to be used and the manner of construction, the line of the building sewer and the place of connection, if known, the intended use of the sewer and the name and address of the person who will do the work. The Superintendent shall issue the permit if the proposed work meets all requirements of this subchapter and if all fees required under this subchapter have been paid. Work under any permit must be begun within six months after it is issued.  
(1993 Code, Comp. No. 3-2) (Ord. 195, passed 10-1-1975)

**§ 50.007 REVOCATION OF PERMIT.**

The Superintendent may at any time revoke the permit for any violation of this subchapter and require that the work be stopped. The owner may appeal the action to the City Council by giving notice of appeal to the City Recorder one week prior to a Council meeting, but in no case shall an appeal be allowed more than 60 days after the permit has been revoked.

(1993 Code, Comp. No. 3-2) (Ord. 195, passed 10-1-1975)

**§ 50.008 CONNECTION FEE.**

(A) Except as to those exempted as hereinafter set forth, before any permit is issued, the person who makes the application shall pay a connection fee determined as follows: a basic fee of \$300 shall be charged for each structure. In addition, \$700 shall be charged for each single-family residence, unit of multiple-family residence or business unit; plus an additional charge shall be imposed on each hookup in excess of four inches. The excess charge shall be at the rate of \$700 per two inches or part thereof in excess of four inches of lateral connecting pipe.

(B) There shall be an exemption and the previously existing rate schedule shall still apply and be charged for any structure now existing within the city limits but now unable to hook up and be served by city sewer by gravity flow without installation of a sewage pumping device.

(1993 Code, Comp. No. 3-2) (Ord. 195, passed 10-1-1975; Ord. 257, passed 3-5-1979; Ord. 271, passed 2-25-1980; Ord. 307, passed 2-1-1982; Ord. 316, passed 4-5-1982; Ord. 337, passed 6-6-1983; Ord. 384, passed 10-21-1985)

**§ 50.009 SPECIAL FEE.**

If the property to be connected to a public sewer has not been assessed for any part of the cost of construction of the public sewers, or has been assessed only as an unimproved lot, the person who makes the application shall pay a special fee to the city for the use of the public sewer before the permit is issued. The amount of the fee shall be determined by the Council.

(1993 Code, Comp. No. 3-2) (Ord. 195, passed 10-1-1975; Ord. 469, passed 7-1-1991)

**§ 50.010 CONNECTION FEE AND SPECIAL FEE AS SYSTEMS DEVELOPMENT CHARGES.**

The portion of the connection fee imposed by § 50.008 and of the special fee imposed by § 50.009 attributable to the average cost of inspecting and installing service connections or increasing service size, the local improvement district assessments or charges in lieu of local improvement assessments, or the cost of complying with requirements or conditions imposed upon a land use decision, are not systems development charges. The remainder of the connection fee and special fee are systems development charges within the meaning of state law, as established by resolutions and ordinances separately adopted

by the Council. These systems development charges arise and are payable only upon the issuance of the permit(s) requiring the charges and fees or upon commencement of development without the required permit(s).

(1993 Code, Comp. No. 3-2) (Ord. 469, passed 7-1-1991)

**§ 50.011 EXCAVATIONS.**

Excavations to do the work under this subchapter shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All the excavations shall have proper barricades at all times.

(1993 Code, Comp. No. 3-2) (Ord. 195, passed 10-1-1975)

**§ 50.012 INSPECTION AND APPROVAL.**

Connections with the public sewers must be inspected and approved in writing by the Superintendent before they are covered, and he or she shall keep a record of the approvals. Every person who uses or intends to use the public sewers shall permit the Superintendent or his or her authorized assistant to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours.

(1993 Code, Comp. No. 3-2) (Ord. 195, passed 10-1-1975)

***PRIVATE CONSTRUCTION OF SEWERS***

**§ 50.025 PERMISSION TO CONSTRUCT.**

(A) Upon the submission of a petition signed by all property owners in an area within the city not now served by the city sewer system, the Council may allow the property owners to provide for construction of the sewer.

(B) At the time of approval of the project, the Council shall establish the time within which the sewer extension work shall be completed.

(1993 Code, Comp. No. 2-3) (Ord. 206, passed 12-1-1975)

**§ 50.026 CONFORMANCE TO CITY REQUIREMENTS.**

The sewers so installed shall conform to the plans and specifications of the city and any requirements of the state.

(1993 Code, Comp. No. 2-3) (Ord. 206, passed 12-1-1975)

**§ 50.027 INSPECTION OF THE INSTALLATION.**

Before any of the system is covered, it shall be inspected and approved by the Sewer Superintendent or other city employee authorized to perform the inspection.  
(1993 Code, Comp. No. 2-3) (Ord. 206, passed 12-1-1975)

**§ 50.028 RESPONSIBILITY FOR THE COST OF INSTALLATION.**

(A) The property owners of the area shall assume all of the cost and expense of installing the sewer and making connections thereto.

(B) Each property owner shall also pay a connection charge as provided in §§ 50.001 through 50.012 when the system is accepted by the city.  
(1993 Code, Comp. No. 2-3) (Ord. 206, passed 12-1-1975)

**§ 50.029 ACCEPTANCE BY THE CITY.**

(A) Upon completion of the work and acceptance by the city, the sewer mains shall be turned over to the city free and clear of all expenses incurred for construction and installation, and shall become the property of the city.

(B) Upon transfer of the sewer to the city, the person or firm doing the work shall supply the city with a map or plat showing all of the property served by the facility and the lots, parts of lots or parcels actually connected to the sewer.  
(1993 Code, Comp. No. 2-3) (Ord. 206, passed 12-1-1975)

***SEWER USE REGULATIONS*****§ 50.040 DEFINITIONS.**

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

***BOD*** (denoting ***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.



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

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

**COMBINED SEWER.** A sewer receiving both surface runoff and sewage.

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

**INDUSTRIAL WASTES.** The liquid wastes from any nongovernmental user of publicly owned treatment works identified in the *Standard Industrial Classification Manual, 1972*, Office of Management and Budget under Divisions A, B, D, E and I.

**MAY.** The action referred to is permissive.

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

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

**pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

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

**PUBLIC SEWER.** A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

**SANITARY SEWER.** A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

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

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

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

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

**SHALL.** The action referred to is mandatory.

**SLUG.** Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

**STORM DRAIN** (sometimes termed **STORM SEWER**). A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**SUPERINTENDENT.** The Public Works Supervisor of the city, or his or her authorized deputy, agent or representative.

**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.

**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently.

(1993 Code, Comp. No. 3-3) (Ord. 261, passed 6-25-1979)

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

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

(B) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy outlet, septic tank cesspool or other facility intended or used for the disposal of sewage.

(D) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other 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 or combined sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this subchapter, within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line.

(1993 Code, Comp. No. 3-3) (Ord. 261, passed 6-25-1979) Penalty, see § 50.999

**§ 50.042 PRIVATE SEWAGE DISPOSAL.**

(A) Where a public sanitary or combined sewer is not available under the provisions of § 50.041(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent, weekend and holidays excluded.

(D) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Environmental Quality of this state. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At the time that a public sewer becomes available to a property served by a private sewage disposal system, as provided in division (D) above, a direct connection shall be made to the public sewer in compliance with this subchapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

(G) No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the Department of Environmental Quality.

(H) When a public sewer becomes available, the building sewer shall be connected to the sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(1993 Code, Comp. No. 3-3) (Ord. 261, passed 6-25-1979)

**§ 50.043 SEPTIC TANK EFFLUENT PUMP SYSTEM ALLOWED AS ALTERNATIVE TO STANDARD SYSTEM.**

(A) A septic tank effluent pump (STEP) system may be permitted as an alternative to the standard sewer system, subject to approval by the city.

(B) Application for approval of a STEP system shall be made by the property owner or an agent of the property owner authorized by the property owner in writing to make application. The property owner shall be responsible for:

(C) A STEP system permit shall be subject to the following conditions of approval.

(1) The STEP shall be installed pursuant to the standards and specifications of the city.

(2) Upon final approval by the city, the property owner shall dedicate the STEP system, including the service lateral for the septic tank to the sewer main, the tank, pump and pump controls, to the city, along with an easement permitting the city to enter onto the property to inspect, operate and maintain the system. The city shall not be responsible for any damage to the landscaping resulting from accessing the STEP system to inspect, operate and maintain the system.

(3) Prior to final approval and acceptance by the city, the property owner shall be responsible for the installation, operation and maintenance of the STEP system, pursuant to the requirements of the city.

(D) Following approval of the STEP system by the city and acceptance by the city, the city shall own operate and maintain the system, except that the property owner shall continue to be responsible for the cost of electricity necessary to operate the system. The sewer line from the benefitted structure to the STEP system shall continue to be owned and maintained by the property owner.

(E) If a STEP system becomes inoperable because of failure to pay electric costs or any other reason, the city may declare the property benefitted to be unfit for human habitation. At least five days prior to issuing this declaration, the city shall send written notice to the owner and occupant, if different from the owner. The owner or occupant may request a hearing before the City Council prior to the declaration. The decision of the City Council shall be final. All of the property shall have 24 hours from the issuance of the declaration to vacate the premises. Premises shall remain uninhabited until the system is restored to operation and the city rescinds the declaration in writing.

(F) (1) The property owner or customer shall undertake no alteration or repair of the installed STEP system, including covering or obstructing access to the pump, cleanouts and lockout switch, without prior written approval of the city. Any damage caused to the public system by the owner, occupant, agents or invitees shall be repaired by the city at the owner's expense.

(2) The expense shall be billed and collected with the utility fee if the owner is the customer or otherwise has a utility account with the city. The expense shall be billed to the owner directly if the owner is not the customer or has no other utility account with the city.

(1993 Code, Comp. No. 3-3) (Ord. 261, passed 6-25-1979; Ord. 494, passed 8-16-1993)

**§ 50.044 BUILDING SEWERS AND CONNECTIONS.**

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

(B) (1) There shall be two classes of building sewer permits:

(a) For residential and commercial services; and

(b) For service to establishments producing industrial wastes.

(2) In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.

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

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

(E) 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 subchapter.

(F) 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 Building and Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(G) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

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

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All the connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(J) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his or her representative.

(K) 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. (1993 Code, Comp. No. 3-3) (Ord. 261, passed 6-25-1979) Penalty, see § 50.999

#### **§ 50.045 USE OF THE PUBLIC SEWERS; DISCHARGES.**

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

(B) Storm water and all other unpolluted drainage shall be discharged to sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

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

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l CN in the wastes as discharged to the public sewer;
- (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works; and
- (4) Solid or viscous substances in quantities or of a size capable of causing obstructions to the flow in sewers, or other interference with the proper operation of the sewage works, such as but not

limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.

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

(1) Any liquid or vapor having a temperature higher than 150°F (65°C);

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0° and 65°C);

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent;

(4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to the degree that any material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for those materials;

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for the discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;

(8) Any waters or wastes having a pH in excess of 9.5;

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as but not limited to fullers earth, lime slurries and lime residues) or dissolved solids (such as but not limited to sodium chloride and sodium sulfate);

(b) Excessive discoloration (such as but limited to dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in quantities as to constitute a significant load on the sewage treatment works; or

(d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(10) Waters or wastes containing substances which are not amendable to 3-3.5 treatment or by the sewage treatment processes employed, or are amenable to treatment only to the degree that the sewage treatment plant effluent cannot meet requirements of other agencies having jurisdiction over discharge to the receiving waters.

(E) (1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (D) of this section, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of division (D)(10) of this section.

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

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



(1) No owner or person in charge of real property containing a grease, oil or sand interceptor shall cause or allow the device to remain in an unusable condition. Each owner or person in charge of real property containing a grease, oil or sand interceptor shall have effect a written maintenance plan for the device and shall maintain written records verifying the regular maintenance performed on the devices.

(2) The Superintendent may at any time inspect any grease, oil or sand interceptor and may inspect the written maintenance plan and the accompanying documentation.

(3) Upon determination by the Council that a device is in unusable condition, the Council shall cause a notice to be posted on the premises or at the site of the nuisance, directing the person responsible to abate the nuisance within ten days after posting the notice and to charge the cost of abatement to the owner thereof, the person in charge thereof, or the property itself, including the administrative fee established in § 50.074.

(G) Where preliminary treatment of flow-equalizing facilities are provided for any waters or waste, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(H) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with any necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(I) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or in the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.)

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

(K) Industrial uses shall comply with § 204 of Pub. L. No. 92-500 and the rules and regulations regarding industrial cost recovery as published in the August 21, 1973 *Federal Register*, Volume 38, No. 161.

(1993 Code, Comp. No. 3-3) (Ord. 261, passed 6-25-1979; Ord. 506, passed 7-5-1994) Penalty, see § 50.999

#### **§ 50.046 PROTECTION FROM DAMAGE.**

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

(1993 Code, Comp. No. 3-3) (Ord. 261, passed 6-25-1979) Penalty, see § 50.999

#### **§ 50.047 POWERS AND AUTHORITY OF INSPECTORS.**

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

(B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury to property damage asserted against the company and growing out of the gauging and sampling operation, except as it may be caused by negligence or failure of the company to maintain safe conditions as required in § 50.045(H).

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

(1993 Code, Comp. No. 3-3) (Ord. 261, passed 6-25-1979)

**§ 50.048 PROVISIONS IN FORCE.**

This subchapter shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.  
 (1993 Code, Comp. No. 3-3) (Ord. 261, passed 6-25-1979)

***SEWER USE CHARGES***

**§ 50.060 DEFINITIONS AND FINDINGS.**

(A) *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.

***COLLECTION SYSTEM.*** The system of public sewers to be operated by the city designed for the collection of sanitary sewage.

***COMMERCIAL USER.*** Any premises used for non-single-family residential purposes, and which is not an industry.

***DOMESTIC WASTE.*** Any wastewater emanating from dwellings or from domestic activities which are performed outside the home in lieu of a home activity directly by or for private citizens.

***DWELLING UNIT.*** One or more rooms in a building designed for occupancy by one family and having not more than one cooking facility.

***EXCESS WATER USAGE.*** Any usage in excess of 7,000 gallons per month.

***INDUSTRIAL USER.***

(a) Any nongovernmental user of the public treatment works identified in the *Standard Industrial Classification Manual, 1972*, Office of Management and Budget, as amended and supplemented, under the following divisions:

Division A	Agriculture, Forestry and Fishing
Division B	Mining
Division C	Manufacturing

## Winston - Public Works

Division D	Transportation, Communications, Electric, Gas and Sanitary Services
Division E	Services

(b) A user in these divisions may be excluded from the industrial category if it is determined that it will introduce primarily domestic wastes and wastes from sanitary conveniences.

**INDUSTRIAL WASTE.** The portion of the wastewater emanating from an industrial user which is not domestic waste or waste from sanitary conveniences.

**MAY.** The action referred to is permissible.

**NET OUTSIDE DEMAND.** The number of equivalent dwelling units served by the system outside the city limits.

**OPERATION AND MAINTENANCE.** All activities, goods and services which are necessary to maintain the proper capacity and performance of the treatment works for which the works were designed and constructed. The term **OPERATION AND MAINTENANCE** shall include replacement as defined hereinafter.

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

**PUBLIC TREATMENT WORKS.** A treatment works owned and operated by a public authority.

**REPLACEMENT.** Acquisition and installation of equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which the works were designed and constructed.

**RETURN ON INVESTMENT CHARGE.** A separate charge levied against those users which are located outside the city limits and served by the city sewer system and which shall be paid in addition to the basic monthly charge for operation, maintenance and replacement of the sewer system.

**RETURN ON INVESTMENT RATE.** The annual percentage rate of return on the utility rate base as set by resolution of the City Council.

**SERVICE AREA.** All the area served by the treatment works and for which there is one uniform user charge system.

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

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

**SHALL.** The action referred to is mandatory.

**SURCHARGE.** An additional charge on residential STEP system users, in addition to the standard flat rate residential charge, for maintenance of STEP systems.

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

**TOTAL SYSTEM DEMAND.** The total number of equivalent dwelling units (EDUs) served by the city sewer system. For nonresidential users, one EDU is equal to 7,000 gallons of wastewater per month.

**TREATMENT WORKS.** All facilities for collecting, pumping, treating and disposing of sewage. **TREATMENT SYSTEM** and **SEWERAGE SYSTEM** shall be equivalent terms for **TREATMENT WORKS**.

**UNOCCUPIED PROPERTY.** Property which no one has used, stayed in or resided in since its construction.

**USER.** Every person using any part of the public treatment works of the city.

**UTILITY RATE BASE.** The total depreciated cash value of the sewer system as stated in the most recent published audit report of the city.

**VACANT PROPERTY.** Property which has not been used as a habitation for a period of time and also has not generated any sewage or wastewater during that period of time.

(B) *Findings.*

(1) It is the intention of the city by the following ordinance to make it clear that sewer charges and fees are not a tax on property within the parameters of § 11(b), Article XI of the State Constitution.

(2) The city provides a valuable public service by providing a sewer system inside and outside of the city limits. These sewer facilities constitute a public utility (although not necessarily defined as one under state statutes) owned and operated by the city. The utility exists for the benefit of any person within the city who wants to have the system available for disposing of sewage.

(3) Users of the sewer system ought to be charged rates that reflect the operation of the sewer system as a public utility in the city. Persons who do not use the sewer utility should not pay monthly sewer utility rates. However, some use of the sewer system occurs when even a small amount of sewage or wastewater is generated by premises connected to the sewer system.

(4) Although sewer user charges are intended to constitute service charges, even if they are viewed as charges against property or against a property owner, they should not be viewed as a direct consequence of ownership of property, because the following §§ 50.061 through 50.063, and §§ 50.065 through 50.081, as amended, provide a property owner a means and method for entirely avoiding all sewer user charges.

(1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980; Ord. 383, passed 10-21-1985; Ord. 433, passed 4-17-1989; Ord. 460, passed 7-16-1990; Ord. 470, passed 7-1-1991; Ord. 17-674, passed 10-16-2017)

#### **§ 50.061 SEWER USE CHARGES, GENERALLY.**

User charges shall be levied on all users of the public treatment works which shall cover the cost of operation and maintenance, debt service, taxes and other administrative costs of the treatment works. The user charge system shall distribute these costs in proportion to each user's contribution to the wastewater loading of the treatment works.

(1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980)

#### **§ 50.062 CLASSES OF USERS.**

There shall be established classes of users such that all members of a class discharge approximately the same volume and strength of wastewater per residence, facility, seat or other appropriate unit, generally known as residential class, STEP system class and commercial class.

(1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980; Ord. 17-674, passed 10-16-2017)

#### **§ 50.063 FLAT CHARGE.**

The flat charge per appropriate unit shall be established in proportion to the volume and strength of wastes discharged from that unit such that each user pays his or her proportionate share of the treatment costs.

(1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980)

#### **§ 50.064 RESIDENTIAL STEP SYSTEM MAINTENANCE SURCHARGE.**

A user charge on residential STEP system users to cover the additional maintenance costs associated with these individual pump systems that is in addition to the residential flat rate charge.

(Ord. 17-674, passed 10-16-2017)

**§ 50.065 CHANGE IN NUMBER OF UNITS.**

Any change in the number of units on the premises of a user shall be reported by that user to the Public Works Supervisor.

(1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980)

**§ 50.066 APPEAL.**

Should any user believe that he or she has been incorrectly assigned a flat charge, that user may apply for review of his or her user charge as provided in § 50.079.

(1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980)

**§ 50.067 REASSIGNMENT OF A USER.**

Should the City Public Works Supervisor determine that a user is incorrectly assigned to a user class or incorrectly assigned a flat charge, he or she shall reassign a more appropriate user class to that user and shall notify that user of the reassignment.

(1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980)

**§ 50.068 RECORDS.**

Records of all assigned rates and any assigned wastewater volumes and strengths to used and user classes shall be kept on a file with the City Recorder and shall be open for public inspection.

(1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980)

**§ 50.069 CHARGES.**

(A) The charges for sewer service shall be set periodically by a resolution passed by the City Council and duly signed by the Mayor.

(B) The resolution shall set the following rates to be effective changed by future resolutions:

(1) A minimum monthly flat rate charge for each unit of residence using the city sewer;

(2) A monthly surcharge for each unit of residence using a STEP system, unless the owner(s) of the property have signed a waiver taking full responsibility for their individual STEP system;

(3) A minimum monthly charge for every business occupant occupying a portion or unit of each commercial building;

(4) A minimum monthly charge for each housing unit within an apartment building or building used for apartments;

(5) In addition to the minimum monthly charge under division (B)(2) above, a minimum monthly charge to all commercial users, except for service stations and mobile home parks without laundry room facilities, for every 7,000 gallons of water (prorated) used per month over and above a 7,000-gallon minimum.

(a) Water usage shall be determined by examining the water billings for the facility. In the case of existing commercial users, the water usage may be an average of their past 12 months' water usage and shall be adjusted annually. In the case of new commercial users, the water usage shall be adjusted in the month following each water billing until a 12-month history is compiled.

(b) If the commercial user has installed a city-approved water meter behind the Winston-Dillard Water District's meter to measure water usage that does not impact the sanitary sewer system, the city will deduct the additional water from the regular water billings for the facility, provided the user reports to the city no later than the seventeenth day of each month with a meter reading for the separate meter. The separate meter may be read periodically by the city.

(c) If it is not feasible to install a separate meter behind the Winston-Dillard Water District's meter to measure water usage that does not impact the sanitary sewer system, the commercial user can request that an estimate of the water usage be substituted for the meter reading. The Winston-Dillard Water District will be contacted for verification that a separate meter cannot be installed. The methodology used in making the estimate must be verified by a disinterested third party. The city will deduct verified estimates from the regular water billings to determine appropriate sewer billings.

(6) Wildlife Safari shall pay a minimum monthly charge as specified in divisions (B)(3) and (5) above except that instead of water usage the charges shall be based on effluent deposited into the sewer system. Effluent deposited shall be determined by the reading of meters located on Wildlife Safari's property. Reading of meters shall be reported to the city no later than the seventeenth of each month by Wildlife Safari and read periodically by the city. Payment of sewer charges by Wildlife Safari are allowed in monthly, quarterly and/or semi-annual installments.

(1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980; Ord. 272, passed 2-25-1980; Ord. 307, passed 2-1-1982; Ord. 316, passed 4-5-1982; Ord. 328, passed 2-7-1983; Ord. 337, passed 6-6-1983; Ord. 365, passed 6-6-1984; Ord. 383, passed 10-21-1985; Ord. 429, passed 10-17-1988; Ord. 456, passed 2-20-1990; Ord. 460, passed 7-16-1990; Ord. 490, passed 6-21-1993; Ord. 512, passed 2-6-1995; Ord. 653, passed 9-19-2011; Ord. 17-674, passed 10-16-2017; Ord. 18-681, passed 5-21-2018)

#### **§ 50.070 SPECIAL USERS.**

(A) Any user which cannot be classified by virtue of the volume of his or her wastewater in any of the above user classes shall be considered a special user, and a special charge based on volume and/or strength shall be assigned to that user by the Public Works Supervisor.



(B) Included among special users are the following which shall be charges:

(1) Users with more than 2,000 milligrams per liter BOD. Excess charges \$0.08 per 25 milligrams per liter of BOD per 1,000 gallons; and

(2) Users with more than 250 milligrams per liter suspended solids (SS). Charge \$0.043 per 25 milligrams per liter of SS per 1,000 gallons.  
(1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980; Ord. 383, passed 10-21-1985; Ord. 653, passed 9-19-2011)

### § 50.071 NEW USERS, VACANT OR UNOCCUPIED PROPERTY AND REBATES.

(A) *New users.* The sewer user charge for all occupied property shall begin 60 days after the sewer service becomes available or the day the connection is made to the public sewer, whichever occurs first.

(B) *Unoccupied property.* The sewer user charge for all unoccupied property shall begin within 30 days after the property is all ready for occupancy or on the first day of occupancy, whichever occurs first. All unoccupied property which is ready for occupancy at the time the sewer service becomes available shall be treated as occupied property.

(C) *Rebates.* Notwithstanding any other provisions of this or any other city ordinance, any owner of vacant or unoccupied property shall be entitled to a rebate, refund, credit, waiver or forgiveness of all sewer user charges, including any minimum monthly charges imposed by this subchapter, as amended, for each complete calendar month in which the property is vacant or unoccupied, upon the following conditions. The owner or his or her authorized agent shall make written application(s) to the City Recorder for relief under this division (C) within 45 days after the end of each billing month for which relief is sought.

(D) *Relief.* No claim(s) may be made for any relief nor for any refund of sums paid absent the timely application(s). Application(s) for relief shall be made in a form as may be prescribed by the City Recorder, and shall be supported by sufficient evidence that the property was vacant or unoccupied for the entire billing month for which relief is sought, and that no sewage or wastewater passed from the property into the sewerage system during the billing month for which relief is sought. Sufficient evidence for relief may include the water billing for the property showing that no water was used during the entire month for which relief is sought. If the evidence presented is deemed sufficient by the City Recorder or City Manager, either shall have authority to grant a refund of previous amounts paid and/or a credit on future billings and/or any other relief as deemed appropriate. The decision of the City Recorder or City Manager may be appealed to the City Council using the same procedure as set forth in § 50.079(A), as amended. The determination of the City Council upon the appeal shall be reviewed only as provided in O.R.S. 34.010 to 34.100, and not otherwise.

(1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980; Ord. 470, passed 7-1-1991; Ord. 651, passed 12-20-2010)

**§ 50.072 DISCONTINUANCE OF SEWER SERVICE.**

When any improvement which is connected to the municipal sewer system is destroyed by fire or is torn down and no longer connected to the sewer system, the owner shall file a certificate with the City Recorder stating the date of destruction or removal of the improvement and pay all sewer service charges to the date of the destruction or removal, and shall have the sewer connection sealed off and approved by the Public Works Supervisor. Thereafter, there shall be no monthly service charge made to the property until new improvements are placed on the premises and connected to the sewer system. At the time of any reconnection to the sewer system there shall be paid by the applicant a fee of \$100. (1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980; Ord. 354, passed 2-6-1984)

**§ 50.073 MULTIPLE CLASSIFICATIONS.**

A single user having more than one classification of use shall be charged the sum of the charges for those classifications. (1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980)

**§ 50.074 REVIEW AND REVISION OF RATES.**

The sewer user charges established in § 50.069 shall, as a minimum, be reviewed biennially and revised periodically to reflect actual costs of operation, maintenance, replacement and financing of the treatment works and to maintain the equitability of the user charges with respect to proportional distribution of the costs of operation and maintenance in proportion to each user's contribution to the total wastewater loading of the treatment works. (1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980)

**§ 50.075 RESPONSIBILITY AND PAYMENT OF CHARGES.**

(A) The person who owns the premises served by the sewerage system shall be responsible for payment of the sewer user charge for that property notwithstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay the charges.

(B) The users of the sewerage system shall be billed on a monthly basis in advance in accordance with the rate schedule as set forth in § 50.069.

(C) The date of billing shall be the first day of the month for which the sewer user charge is calculated as provided in § 50.069.

(D) Sewer user charges shall be due and payable to the City Recorder by the fifteenth day of the month of billing. (1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980; Ord. 383, passed 10-21-1985)

**§ 50.076 DELINQUENT CHARGES.**

(A) Delinquent charges at the rate of 1.5% per month shall accrue on all accounts from the date of delinquency. The date of delinquency shall be the twenty-fifth day of the month. Delinquent charges shall be a minimum of \$0.50 per month. The delinquent amount shall be any amount due, after applying payments received which remain unpaid. In addition to these delinquent charges, the second consecutive delinquency shall result in an additional penalty of \$5 being accrued. In the third and all subsequent consecutive delinquencies an additional \$5 penalty, in addition to the delinquency charge, shall be added until account is paid in full.

(B) In addition to the above charge, any charges that are delinquent and certified to the County Tax Assessor for collection shall also incur a handling charge of \$25, and a penalty of \$175 for the first unit plus \$100 for each additional unit as defined in § 50.069. Should it become necessary to certify the delinquent accounts to the County Tax Assessor for a second or subsequent time, the penalty shall be increased to \$350 for the first unit plus \$200 for each additional unit.

(C) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.  
(1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980; Ord. 383, passed 10-21-1985; Ord. 434, passed 5-1-1989; Ord. 476, passed 7-8-1992)

**§ 50.077 ENFORCEMENT.**

The city may enforce the collection of rates and charges for use of the sewerage system by withholding sewer service to any premises, the sewer charges for which are delinquent, and may use any other and further means of collection as may be provided by the laws of the state or permitted by the City Charter and ordinances. Any delinquency may be certified to the County Tax Assessor for collection in the manner and as provided by O.R.S. 454.225. Any charge due hereafter which shall not be paid when due may be recovered in an action at law by the city.  
(1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980)

**§ 50.078 HANDLING OF FUNDS.**

(A) Bills for sewer user charges shall be mailed to the address specified in the application for permit to make the connection unless or until a different owner or user of the property is reported to the City Recorder.

(B) All collections of sewer user charges shall be made by the City Recorder. Sewer user charges shall be computed as provided in § 50.069 and shall be payable as provided in § 50.075(D).

(C) The City Recorder is hereby directed to deposit in the Sewer Fund all of the gross revenues received from charges, rates and penalties collected for the use of the sewerage system as herein provided.

(D) The revenues thus deposited in the Sewer Fund shall be used exclusively for the operation, maintenance and repair of the sewerage system; reasonable administration costs; expenses of collection of charges imposed by this subchapter and connection fees provided for in §§ 50.001 through 50.012; and payments of the principal and interest on any debts of the sewerage system of the city. (1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980)

#### **§ 50.079 APPEALS.**

(A) Any sewer user who feels his or her user charge is unjust and inequitable as applied to his or her premises within the intent of the foregoing provisions may make written application to the City Council requesting a review of his or her user charge. The written request shall, where necessary, show the actual or estimated average flow and/or strength of his or her wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

(B) Review of the request shall be made by the City Council and shall determine if it is substantiated or not, including recommending further study of the matter by the Public Works Supervisor.

(C) If the request is determined to be substantiated, the user charges for that user shall be recomputed based on the approved revised flow and/or strength data and the new charges thus recomputed shall be applicable beginning on the first day of the following month. (1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980)

#### **§ 50.080 PROVISIONS IN FORCE.**

This subchapter shall be in full force and effect from and after its passage, approval, recording and publication as provided by law. (1993 Code, Comp. No. 3-4) (Ord. 269, passed 1-21-1980)

#### **§ 50.081 RATES FOR SENIOR CITIZENS.**

(A) Rates for senior citizen households shall be 25% less than the rates set forth in § 50.069. **SENIOR CITIZEN HOUSEHOLD** means any household having as full-time resident any person 62 years or older on the date the application for discount is submitted. Furthermore, the household must have a combined income which does not exceed the very low income level established in the latest HUD, Section 8 income guidelines for this county for the tax year last past.

(B) Any household desiring a senior citizen household discount shall file an application therefor on forms provided by the city. The city, as a condition of the discount, shall be allowed to require reasonable financial records verifying income and age and shall defer or suspend the discount until that documentation is provided.

(C) The discount herein set forth is available to the owner of the real property served by the city sewer, except in the case where the property is rented to others. In these cases, the renters may qualify for the discount hereunder upon furnishing, in addition to all other information required by the city, a written statement from their landlord that the rent for subject premises has been paid and includes all sewer user charges for which a discount is allowable. It is unlawful for any landlord to refuse to furnish to any renter such a statement on request. No claim for refund shall be paid by the city for any rent paid a landlord more than 180 days before filing the claim for refund.

(1993 Code, Comp. No. 3-4) (Ord. 272, passed 2-25-1980; Ord. 348, passed 9-6-1983; Ord. 428, passed 10-10-1988; Ord. 615, passed 5-1-2006) Penalty, see § 50.999

**§ 50.082 DISCOUNTS.**

An additional discount of 3% is available to those who are charged monthly sewer charges and pay 12 months in advance. The discounted annual payment shall be calculated as follows: monthly sewer charge multiplied by 12 months multiplied by a discount factor of 0.97%. This discount is not available to users who pay a monthly charge based on water consumption, nor to any account that is currently delinquent or has been certified, within the previous 18 months, to the Tax Assessor of this county. This discount is available in addition to any other discount taken and is to be applied to the remaining monthly sewer charge after any other discount taken. During the prepaid period the rate shall not be increased for those paying in advance.

(1993 Code, Comp. No. 3-4) (Ord. 476, passed 7-6-1992)

**§ 50.999 PENALTY.**

(A) Violation of provisions of §§ 50.001 through 50.012 is punishable by fine not to exceed \$250 for each violation.

(1993 Code, Comp. No. 3-2)

(B) (1) Any person found to be violating any provision of §§ 50.040 through 50.048 except § 50.045 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in division (B)(1) above, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding \$1,000 for each violation. Each day in which the violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of §§ 50.040 through 50.048 shall become liable to the city for any expenses, loss or damage occasioned the city by reason of the violation.

(1993 Code, Comp. No. 3-3)

(Ord. 195, passed 10-1-1975; Ord. 261, passed 6-25-1979; Ord. 446, passed 10-2-1989)