

RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1990-08

Passed August 21, 19 90

AN ORDINANCE AMENDING CHAPTER 51 OF THE MUNICIPAL CODE OF ORDINANCES OF THE MUNICIPALITY OF BROOKVILLE, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, it has recently become obvious that it is necessary to make certain changes in Chapter 51 which deals with the Municipal Sewer System including but not limited to rates and charges; and

WHEREAS, due to certain financing that is dependant upon obtaining these changes immediately, but is deemed to be necessary and to be in the best interest for the public welfare, health, and safety of the citizens of the Municipality of Brookville, Ohio, to pass such changes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, OHIO THAT:

SECTION I:

Chapter 51 of the Municipal Code of Ordinances of the Municipality of Brookville, Ohio, shall be amended to read as follows:

See the Exhibit attached hereto and marked Exhibit "A".

SECTION II:

This Ordinance shall revoke and rescind all Ordinances, parts of Ordinances, and Resolutions and parts of Resolutions that are in conflict herewith.

SECTION III:

This Ordinance is hereby declared to be an emergency ordinance for the immediate preservation of the public peace, health, safety and welfare of the citizens of the Municipality of Brookville, Ohio and this Ordinance shall take effect and be in full force and effect from and after its passage by a two-thirds majority of council as provided for in the chart of Municipality of Brookville, Ohio.

RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1990-08

Passed August 21, 1990

PASSED this 21st day of August, 1990.

ATTEST:


E. EUGENE ROESER, Clerk


MICHAEL DUNCAN, Mayor

CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1990-08 passed by the Council of said Municipality on the 21st day of August, 1990.


E. EUGENE ROESER, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1990-08 was posted at the Municipal Building, U.S. Post Office and the Brookville National Bank, Brookville, Ohio on the 23rd day of August, 1990 to the 21st day of September, 1990, both days inclusive.


E. EUGENE ROESER

D. No person shall turn, lift, remove, raise or tamper with any cover of any manhole, basin, inlet, or other appurtenance of any public sanitary and/or storm sewer without a written permit from the Municipal Manager or his designated representatives. No person, other than one employed by the Municipality while on duty, shall enter any public sanitary and/or storm sewer or appurtenance thereof without a written permit from the Municipal Manager or his designated representative. No person shall break or damage any public sewer or appurtenance or part thereof.

51.03 SEWER CONNECTIONS; INSPECTIONS

A. All work done shall be inspected by an authorized inspector representing the municipality upon notification by the plumber at least 12 hours before work will be ready for inspection. Any work covered prior to inspection shall be uncovered by the plumber, and opportunity must be given to inspect the interior as well as the exterior of the pipe. The actual tapping of a connection into the sewer or water main shall be done in the presence of the inspector. No connection shall be covered until inspected and approved in writing.

B. The Department of Sewers shall be the final judge of the quality of all materials and workmanship, and shall have the right to inspect the same at all times. It shall have free access to all buildings and fixtures therein connected with the sewers to inspect such fixtures, and may take samples of any wastes entering the sewer. The Department of Sewers, in any duty prescribed by these rules and regulations, may act through properly authorized representatives.

51.04 SANITARY SEWERS; USE REGULATIONS

A. The sanitary sewers shall be used for all waterborne wastes from water closets, urinals, lavatories, bathtubs, showers, laundry tubs, refrigerator drips, soda fountains, drinking fountains, sinks, cellar floor drains, stable floor drains, and garage floor drains (when kept free from excess oil or gasoline), whether from residences, factories or business buildings, schools, or public buildings, wherever or however located, and for no other purpose. No waste from such fixtures shall be permitted to enter the storm sewers. No wastes which are likely to cause damage or stoppage of sewers or which may interfere with purification of sewage shall be permitted to enter the sanitary sewers; and if any such are discovered, the sewer discharging

such waste shall be disconnected and the offending wastes shall be treated or otherwise disposed of by the owner. Connection with a cesspool or a privy vault shall not be made into a sanitary, combined or storm water sewer. A trap for the interception of grease and oil shall be provided on a connection from a hotel, restaurant, club, or institutional kitchen, and from public garage or automobile washing station. Such trap shall be satisfactory to the Director of Public Service.

B. No person(s) shall discharge or cause to be discharged any of the following described waters and/or wastes to any public sewer that, in amounts or concentrations, would cause damage to the sanitary sewage collection/conveyance or wastewater treatment system, all of which might endanger public safety and/or the physical integrity of the wastewater treatment facility or cause it to violate its NPDES permit.

1. Any gasoline, benzine, naptha fuel oil or other flammable or explosive liquid, solid, or gas.
2. Any waters 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 waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
3. Any waters or wastes having pH lower or higher than that encountered in the system or having any other corrosive property capable of causing damage or hazard to structures, equipment/operation and personnel of the wastewater treatment works without a permit to do so.
4. Solid or viscous substances in quantities or of such size as may be capable of causing obstruction to the flow in sewers, or other interference with the operation of the wastewater facilities such as (but not limited to) ashes, bone, cinders, sand, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

EXHIBIT "A"

**VILLAGE OF BROOKVILLE
MONTGOMERY COUNTY, OHIO
SEWER ORDINANCE
AND
USER CHARGE SYSTEM**

CHAPTER 51: SEWERS

<u>Section</u>	<u>General Regulations</u>
51.01	Privy vaults prohibited where public sewer accessible
51.02	Sewer connections; permit and license required; application; fee
51.03	Sewer connections; inspections
51.04	Sanitary sewer; use regulations
51.05	Connection to storm sewers
51.06	Street excavations; permit required
51.07	Damage to paving or sidewalks
51.08	Plumber's liability for noncompliance
51.09	Sewer construction standards adopted
51.10	Specifications to comply with Ohio EPA standards
51.11	Measurements, tests, and analysis
51.12	Accidental spills notification

Rates and Charges

51.20	Definitions and sewer rates
51.21	Tap-in fees
51.99	Penalty

GENERAL REGULATIONS

51.01 PRIVY VAULTS PROHIBITED WHERE PUBLIC SEWER ACCESSIBLE

All buildings, including both commercial and residential properties, which have the services of the sewerage system available thereto by means of main or lateral sewers, shall, as soon as practicable, make the necessary connections with the system, and all unnecessary outside toilets, septic tanks, and other means of sewage disposal are declared to be unsanitary and dangerous to public health, and therefore a nuisance.

SEWER CONNECTIONS; PERMIT AND LICENSE REQUIRED;
APPLICATION; FEE

A. No person, firm, or corporation, or any employee thereof, shall tap any sewer or water main, or lay any house connection pipe or dig in or open any street, road, or other public way for the purpose of tapping any such sewer or water main, or laying such house connections, unless such person has obtained from the Department of Sewers a permit for doing such work. The work shall at all times be under the supervision of the sewer builder, plumber, or contractor (hereinafter called "plumber") licensed to do such work. These rules shall not prevent any licensed sewer builder from building of house laterals as a part of any contract job being done under supervision of the Department of Sewers. Any competent person, firm, or corporation shall, on application, be granted a plumber's license, such application to be accompanied by satisfactory evidence of qualifications and responsibility. Such license will be good until December 31 of the year for which it is issued, unless previously revoked. The license will be revoked if the holder violates any of the rules and regulations. Bond in an amount not to exceed \$1,000 will be required unless otherwise ordered by the Department of Sewers.

B. Application for permits shall be made by a licensed plumber on the prescribed form and shall include intelligible plans and specifications of the work to be done, showing location and character. Any misrepresentation in such application shall constitute sufficient grounds for revocation of the applicant's license. Permits shall be kept on the job at all times while work is in progress.

C. No connection with any sewer, or repair or removal thereof, shall be made without a permit from the Department of Sewers. A fee of \$5 will be charged for each permit, to cover the cost of inspection and recording, and the Department of Sewers shall maintain a record accessible to the public, and a daily record of the operation of the sewage treatment plant shall be kept and submitted monthly to the Ohio Environmental Protection Agency (Ohio EPA).

C. The following described substances, materials, waters, or waste shall be limited in discharges to concentrations which will not harm either the sewers; wastewater treatment processes or equipment; will not have an adverse impact on the receiving stream; or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Council may set limitations lower than those established below if, in their opinion, such more severe limitations are necessary to meet the above noted objectives. In forming this opinion as to acceptability, the Council will consider such factors as the quantity of waste in relation to flows and velocities in the sewers, materials used in the construction of the sewers, the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharge to the sanitary sewer which shall not be violated without approval of the Council are as follows:

1. Wastewater having a temperature higher than 150 degrees F (65 degrees C).
2. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable oils, or product of mineral oil origin.
3. Wastewater from industrial plants containing floatable oils, fat, or grease.
4. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants or similar places where garbage originates from the preparation of food in kitchens for consumption on the premises or when served by caterers.
5. Any waters or wastes containing iron, chromium, copper, zinc and similar toxic substances to such a degree that any material received in the composite wastewater at the wastewater treatment plant exceeds the limits established by the Municipality's NPDES permit.
6. Any waters or wastes containing odor-producing substances exceeding limits established by the Council.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Council in compliance with applicable state or federal regulation.
8. Quantities of flow, concentrations, or both which constitute a "slug". A "slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and adversely affects the collection system and/or performance of the wastewater treatment works.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of its NPDES permit to discharge to the receiving waters of Wolf Creek.
10. Any waters or wastes which, by interaction with other water or wastes in the public sewer system, release noxious gases from suspended solids which interfere with the collection system, or create a condition deleterious to structures or treatment processes.
11. Toxic substances (a list of which is published from time to time by the Administrator of U.S. EPA), consistent with Section 307(a) of the Clean Water Act, which may not be discharged to a public sewer system. Such toxic substances include, but are not limited to, Arsenic, Cadmium, Chromium, Copper, Cyanide, Lead, Mercury, Nickel, Phenols, Phthalate Esters, Silver, and Zinc.

D. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or processes enumerated in subsections (B) and (C) of this Section 51.04 and which in the judgment of Council may cause the Municipality to violate its NPDES permit and/or may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or cause the Water Quality Standards of the stream to be violated, or which otherwise create a hazard to life or constitute a public nuisance, the Council may:

1. Reject the wastes.
2. Surcharge for extra strength waste.
3. Require pretreatment in accordance with Section 40 CFR 403 (Pretreatment Standards) pursuant to Section 307(b) of the Clean Water Act (CWA). Such compliance is to be in accordance with Federal, State, or other pretreatment ordinances.
4. Require control over the quantities and rates of discharge.
5. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(In all such cases, special agreements or arrangements are authorized for the treatment and disposal of such wastes to the extent that other environmental laws and regulations are complied with.)

- E. When required by the Council, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structures, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Municipal Manager. The structure shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be accessible at all times.
- F. When discharge permits are issued to industries discharging to the public sewer system, such dischargers shall report quarterly as to compliance with such discharge permits.

51.05

CONNECTION TO STORM SEWERS

- A. Connection with storm sewers shall be for the removal of surface, roof, and ground water from surface water inlets and catch basins, yard drains, downspouts from roofs, cistern overflows, subsoil drains, and wastewater from water motors and elevators, and for no other purpose. No water or waste of the character described in this Chapter shall be admitted to the sanitary sewer.
- B. Connections with storm sewers shall be of such size as may be approved by the Department of Sewers, and shall be provided with such catch basins, inlets, and other accessories as that Department may prescribe.

51.06

STREET EXCAVATIONS; PERMIT REQUIRED

- A. Before receiving a permit for any work requiring excavation in any street, the person desiring to make such excavation shall obtain from the office of the Superintendent of Streets the required permit for such work, and shall agree to comply with all requirements of the Superintendent of Streets covering the opening of such streets.
- B. Where a new sewer is being built into the street, the contractor for such sewer shall take out applications and permits for each house sewer connection that he may be employed to lay.

51.07

DAMAGE TO PAVING OR SIDEWALKS

In case paving or sidewalks which are damaged or removed in laying any house drain or doing other work specified under these rules, shall need repairs or renewal within a period of six months after completion and approval of such work, the plumber shall, upon receiving notification in writing from the Department of Sewers of the necessity for such repairs or renewal, at once do the work called for in such notification. Upon failure of the plumber to do such work within a period of 96 hours after such notification, the Department of Sewers may cause such work to be done, either by contract with some capable person without advertising, or by such other arrangement as may be most convenient and satisfactory, and a bill for the entire cost of same will be rendered to the plumber, who shall be liable for and pay such bill at once.

51.08 PLUMBER'S LIABILITY FOR NONCOMPLIANCE

If any plumber shall neglect or refuse to do anything required by these rules and regulations, or to repair any settlement of his trenches within a reasonable time after being notified by the Department of Sewers to do so, the Department may cause such work to be done and charge the same to the plumber, and unless such charges are paid, the plumber's license shall be revoked forthwith.

51.09 SEWER CONSTRUCTION STANDARDS ADOPTED

- A. The standards and specifications for the construction of water mains and sanitary sewer lines as prepared by the Southwest Ohio Engineer's Association in October 1976, as adopted by the Village of Brookville by ordinance on March 6, 1979.
- B. The standard drawing of streets, sewers and water mains, as revised on July 6, 1959, and approved by the Council on July 7, 1959, on file with the Clerk, is adopted as if fully contained herein.

51.10 SPECIFICATIONS TO COMPLY WITH OHIO E.P.A. STANDARDS

All sanitary sewer systems shall conform to the following specifications:

- A. Joints for vitrified clay bell and spigot pipe shall be compression joints as defined by ASTM Designation C-425. Poured joints and joints of the slip seal type will not be approved.
- B. For concrete sanitary sewer pipe, flexible water tight joints conforming to ASTM Designation C-443 will be required.
- C. If satisfactory materials other than clay or concrete are used for sanitary sewer pipe, the joints shall meet standards equal to the standards set forth above for clay and concrete pipe.
- D. Manholes shall be either poured-in-place concrete or precast concrete manhole sections. Precast concrete manhole sections shall conform to ASTM Designation C-478, and the joints between sections shall conform to ASTM Designation C-443.
- E. Revisions of the specifications referred to herein will be accepted, provided the revisions upgrade the quality of sewer construction.

- F. Sanitary specifications shall include provisions for testing the tightness of the sewer by an infiltration or exfiltration process, or by any other approved process. The testing, as well as the sewer construction, must be under the direction of a qualified engineer or a competent inspector directed by an engineer.
- G. Building sewers shall be constructed in accordance with specifications equal to those indicated above.
- H. Sanitary sewer plans submitted for approval shall either be accompanied by separate contract specifications or sewer specifications noted on the plans.

51.11 MEASUREMENTS, TESTS AND ANALYSIS

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association and shall conform to the requirements set forth in the current version of 40 CFR 136 (Regulations on Test Procedures for the Analysis of Pollutants).

51.12 ACCIDENT SPILLS NOTIFICATION

- A. Should accidental spills occur, the residue of such spills entering the Municipality's sanitary sewer system (and subsequently there-through to the Municipality's wastewater treatment plant, the person or entity responsible for, or having knowledge of, such a spill will immediately attempt to notify (in the order of precedence listed) the following individuals of said spill until one has been contacted:
 1. The Wastewater Treatment Plant Operator
 2. The Municipal Manager
 3. The Fire Chief
 4. The Clerk/Finance Director
 5. The Mayor

B. This notification will contain as much information as is available at the time, and such information should be updated every 30 minutes as to the type of material spilled; whether it is a solid, liquid, or gas; whether the spill has been continuing or has been controlled; the name of the person reporting the spill and his or her telephone number; and the address/location of the spill. The purpose of establishing this spill notification procedure is to reduce any damages to the sanitary sewer system and/or the wastewater treatment plant and to reduce impacts on the water quality of the receiving stream.

RATES AND CHARGES

51.20 DEFINITIONS AND SEWER RATES

A. For purposes of this Chapter, the following words and phrases shall have the following meanings ascribed to them.

1. **"Biochemical Oxygen Demand" (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.
2. **"Combined Sewer.** A sewer intended to receive both wastewater and storm or surface water.
3. **"Debt Service Charge".** The amount of the principal and interest due on money borrowed for the construction of new or improvements to existing wastewater collection and treatment works and for replacement of such facilities. Debt Service is usually expressed in annual amounts.
4. **"Industrial Waste".** The liquid wastes resulting from industrial processes, trade, or business as distinct from domestic or sanitary strength wastewater.
5. **"Normal Domestic Wastes".** The wastewater from residences, commercial establishments, institutions and the like as distinct from industrial wastewater.

6. **"National Pollutant Discharge Elimination System (NPDES) Permit".** A legally binding document issued by the Ohio EPA to the owner/operator of a wastewater treatment plant. The document contains a schedule of compliance requiring the permit holder to achieve specific effluent limitations by a specified date. It also specifies monitoring and reporting requirements. The final effluent limits established by Ohio EPA for the discharge of treated wastewater by the Municipality of Brookville to South Wolf Creek are currently as follow:

<u>PARAMETER</u>	<u>EFFLUENT LIMITATIONS</u>	
	<u>30-DAY</u>	<u>7-DAY</u>
CBOD ₅ , mg/l	10	15
Suspended Solids, mg/l	12	18
NH ₃ -N - summer, mg/l	1.5	2.3
winter, mg/l	2.5	3.8
Dissolved Oxygen, mg/l		5.0 minimum
Chlorine Residual, mg/l		0.5 maximum
Fecal Coliform, ct/100 ml	1,000	2,000
Oil and Grease, mg/l		10.0 maximum
pH, S.U.	6.5	to 9.0

7. **"Operation and Maintenance".** Those activities and expenditures required to assure that a wastewater collection and treatment system operates safely, effectively and efficiently in meeting the effluent limitations and other conditions of its NPDES permit.

8. **"Replacement".** Reconstruction or reinstallation, in its entirety, of a component of a wastewater collection and treatment system to assure that the system continues to function safely, efficiently, and effectively.

9. **"Sanitary Sewer".** A sewer that collects and conveys liquid and water-carried wastes from residences, commercial establishments, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not intentionally introduced to the sewer.
10. **"Sewer Service Charge".** That proportionate amount of the entire user charge system allocated to defray debt service charges, operation and maintenance costs, and replacement costs of the sanitary sewage collection and conveyance system.
11. **"Storm Sewer".** A drain or sewer for conveying water, ground water, subsurface water, or unpolluted water from any other source.
12. **"Suspended Solids".** The total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.
13. **"User Charges".** The total amount of each customer's quarterly invoice for wastewater collection, conveyance, and treatment services. Included in such user charges are debt service, operation and maintenance, and replacement costs.
14. **"User Classes".**
 - a. **Residential:** Property, the use of which is primarily for domestic purposes as opposed to commercial, industrial, institutional, or governmental purposes.
 - b. **Commercial:** Property, the use of which is primarily for retail trade, office, or general/business purposes -- including but not necessarily limited to eating and drinking establishments, gasoline/automobile service and repair stations, hardware stores, grocery stores, storage/warehouse facilities and the like.

- c. Industrial: Property, the use of which is primarily for the production of goods that will be directly resold through a retail or wholesale outlet or otherwise used in the fabrication of a finished product.
- d. Institutional: Property, the use of which is primarily for religious purposes, hospitals, museums, senior citizens centers, private schools and the like that serve a public or quasi-public purpose but that are not directly used for governmental purposes.
- e. Governmental: Property, the use of which serves a direct public purpose. Included among such uses are schools, courthouses, municipal buildings, fire-houses, police stations, municipal maintenance facilities and the like that are directly related to officially constituted units of federal, state, or local government.

B. For the payment of the proper and reasonable expense of operation, repair, replacement, improvements, additions, betterments, extensions and the maintenance of the sanitary sewer system and for the payment of the sums required to pay the principal and interest of all loans and/or bonds as they become due; the Council shall enact and may from time to time, but no less than annually, review expenditures and revenues, and amend a schedule of just and equitable charges for the use of and services rendered by the municipal sewer system and wastewater treatment plant; which schedule of rates and charges shall be based upon the metered amount of water supplied to the premises. Revised rates shall start and be in effect on the January billing of each respective year for sewer usage during the preceding quarter. Each schedule shall be maintained on file in the office of the Municipality while it is in effect.

- c. Rates and charges established shall be applicable to all customers served by the Municipality's sanitary sewer system. Service shall be available to all domestic, commercial industrial, institutional, and governmental users.
- D. The following shall be the quarterly rates charged by the Municipality for services to be rendered by its sanitary sewage system to it and to its inhabitants and others, until otherwise changed, based on water consumption as follows:

1. Domestic Strength Wastewater.

First: Minimum charge for 1,000 cubic feet or less per quarter: \$ 17.50

Second: Charge for each 100 cubic feet or any part thereof, in excess of 1,000 cubic feet, but less than 10,000 cubic feet: \$1.60

Third: Charge for each 100 cubic feet, or any part thereof in excess of 10,000 cubic feet: \$0.80

2. Extra-Strength Wastewater.

A surcharge shall be applied to all non-residential, extra-strength wastewater dischargers. For the purpose of this surcharge, 30% of the User Charge shall be allocated toward BOD and 30% towards Suspended Solids (SS).

The adjusted User Charge shall be computed as follows:

$$\text{BOD Charge} = .30 \times \text{user charge} \times \frac{\text{BOD (mg/l)}}{200}$$

$$\text{SS Charge} = .30 \times \text{user charge} \times \frac{\text{SS (mg/l)}}{190}$$

$$\text{Adjusted user charge} = \text{flow} + \text{BOD charge} + \text{SS charge}$$

No users shall pay an Adjusted User Charge less than the minimum user charge for up to 1,000 cubic feet.

- E. The foregoing rates and charges for sewer service shall be billed and collected quarterly, and shall be applicable to all improved property abounding and abutting upon the sewerage system or serviced thereby for each entire year of operation, and shall not be suspended except with the approval of the Municipal Manager. The foregoing charges are minimum charges, not maximum charges, and the Municipality reserves the right and is obligated to increase the same at any time should the revenues of the system prove insufficient to pay the operating and maintenance expenses and the debt and reserve charges.
- F. The owner of private property which is served by the sewerage system by pipes connected with such system to convey sewerage away, shall, as well as the lessee of the premises, be liable to the Municipality for all service of such system rendered such premises.
- G. There will be a penalty of 10% of the total bill for the use of the sanitary sewer system and sewage treatment plant service added to the sanitary sewer system and sewage treatment plant service bill should that bill not be paid 25 days after the billing date on the sanitary sewer system and sewage treatment plant service bill. Any sewer bill which has been delinquent for more than 45 days from the date of billing shall be certified to the County Auditor and shall become a lien against the property served and shall be collected as general taxes.
- H. The funds derived from the collection of charges or rentals authorized by this section shall be deposited with the Director of Finance and shall be accounted for and known as the sanitary sewer fund, and shall be available for the payment of costs and expenses of management, maintenance, and repair of the sanitary sewerage system, the sewage pumping, treatment, and disposal works, and any surplus in such fund shall be used for the payment of the interest on bonds issued and outstanding or which may be issued, to provide funds with which to pay the municipal portion of the cost of construction of such sanitary sewerage system or part thereof, and such sewage pumping, treatment, and disposal works, and to retire such bonds when they mature, or for the enlargement or replacement of the sanitary sewerage system, sewage pumping, treatment, and extension of such sewerage system into unsewered areas.

- I. The Council shall conduct an annual review of expenditures and revenues associated with the sanitary sewer fund and adjust sewer service rates and charges as may be appropriate.
- J. Each user shall be notified at least annually, in conjunction with the rendering of a regular bill, of the current rates and portion of the sewer service charge attributable to operation, maintenance and replacement costs. This notice shall normally accompany the first bill in each calendar year.

51.21 TAP-IN FEES

Before any person connects to or discharges sewerage into the sanitary sewer system or extends the use of the sanitary sewer system on his premises to additional dwelling, commercial, manufacturing, or other units, he shall pay to the municipality as the permit fee for connecting to and discharging sewage into the sanitary sewer system a fee in the amounts shown below.

- A. For all connections to the sanitary sewer system, the fee shall be in the amount for the respective uses shown below, but in no case less than \$200.

<u>Residential</u>	<u>Fee</u>
Single-family residence	\$200.00 per residence
Doubles	400.00 per double
Apartments:	
Efficiency or one bedroom	60.00 per unit
Two bedroom	120.00 per unit
Three bedroom	175.00 per unit
Four bedroom	200.00 per unit

<u>Industrial</u>	<u>Fee</u>
Light industries	\$.20 per square foot
Heavy industries	1.00 per square foot

<u>Commercial</u>	<u>Fee</u>
Auto showroom, including garage and offices	\$ 734.00 each
Barber shop	100.00 per chair
Beauty shop	100.00 per chair
Bowling alley	140.00 per alley
Car wash	1,040.00 per unit
Fire station	200.00 each

Commercial
(Continued)

Food Service:

	<u>Fee</u>
Bar	\$ 15.00 per seat
Restaurant	15.00 per seat
Curb service	80.00 per parking space
Grocery store	.30 per square foot
Laundries (coin operated)	140.00 per washer
Motel	100.00 per sleeping room
Office building	.15 per square foot
Post office	200.00 each building
Retail store	.15 per square foot
Service station	40.00 per pump
Swimming pool	.60 per square foot of pool area
Theater	70.00 per seat
Trailer park	85.00 per space
Warehouse	.02 per square foot

Institutional

	<u>Fee</u>
Assembly halls	\$.30 per square foot
Churches:	
Without kitchen	.25 per seat
With kitchen	.35 per seat
Country clubs	10.00 per member
Hospital	205.00 per bed
Doctors offices	200.00 per doctor
Nursing homes	50.00 per bed

Schools

	<u>Fee</u>
Elementary	\$.30 per square foot
High school	.35 per square foot
College	.35 per square foot
Dorm	50.00 per sleeping room

B. Connection fees for uses not enumerated above shall be determined by the Municipal Manager based on accepted engineering standards for sewage flow and in proportion to fees for uses shown above. The Council shall hear and decide appeals from determinations of fees by the Municipal Manager.

C. Other provisions.

1. Connections to trunk must be added where available.

2. Protections established by resolution must be collected.
3. No proration rate shall be used to substantiate charges less than the minimum.

D. For each unit which is created or added to a consumer's premises in excess of the number for which connection permit fee have been paid to the municipality, the fee shall be as shown in Division A. above.

51.99 PENALTY

- A. Any person who violates any provision of Sections 51.01 through 51.08 shall be fined not less than \$5.00 nor more than \$50.00 for each offense, and a separate offense shall be deemed to have been committed each period of 24 hours such violation shall continue after a period of 30 days following the original conviction.
- B. Any person who shall construct storm sewers, sanitary sewers, water mains, or other related structures which fail to comply with the provisions of Sections 51.09 and 51.10 shall be guilty of a misdemeanor, and shall be fined not less than \$10.00, nor more than \$100.00 and costs; and each day the violation continues shall constitute a separate offense.
- C. Any person who violates any provisions of Section 51.21 shall be fined not more than \$50.00, and each 30-day period shall constitute new violation and separate offense.
- D. Penalties recommended by the Law Director may be appealed to the Council. The recommended penalty shall be confirmed, amended, or dropped entirely by a majority vote of Council at a duly constituted session.