

CHAPTER 52: WATER AND SEWERS

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GENERAL PROVISIONS

§ 52.01 DEFINITIONS.

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

AUTHORIZED REPRESENTATIVE. A president, vice-president, secretary, treasurer, manager, general partner, proprietor, principal executive officer or director having responsibility for the overall operation of the discharging facility.

B.O.D. or (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) 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, i.e. a sewer conveying wastewater from the premises of a user to the POTW.

CITY. The city of Madisonville, Kentucky.

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

COMBINED WASTESTREAM FORMULA (CWF). Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream from a categorical industrial user is combined with other wastestream prior to treatment. (40CFR 403.6(e)).

CROSS-CONNECTION. Any physical connection or arrangement between two or more otherwise separate pipes or piping of the water purveyor that transports the water of the city, one of which contains potable water and the other either water of unknown or questionable safety, or any source of pipes or piping conveying any other liquid, regardless of the number or types of water valves, checks, or gauges devised as eliminators, backflow preventors, or cross-connections, whereby there may flow from one system to the other, the direction of flow depending on the pressure differential between the two systems. Cross-connections caused by antiquated plumbing due to submerged outlets, negative heads, drains, vacuums, or valves shall be considered cross-connections when sewage, pesticides, chemicals, or other liquids, other than such potable municipal water supply, may be discharged or drawn into the municipal water supply or its customers.

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

DILUTION STREAMS. For purposes of the combined wastestream formula, the average daily flow (at least a 30-day average) from: boiler blowdown streams, non-contact cooling streams, storm water streams, and demineralizer backwash streams (provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an industrial user's regulated process wastestreams will result in a substantial reduction of that pollutant, the control authority, upon application of the industrial user, may exercise its discretion to determine whether such streams should be classified as diluted or unregulated. In its application to the control authority, the industrial user must provide engineering, production, sampling and analysis, and such other information so that the control authority can make its determination); or sanitary wastestreams where such streams are not regulated by a categorical pretreatment standard; or from any process wastestreams which were, or could have been, entirely exempted from categorical pretreatment standards pursuant to paragraph 8 of the NRDC v. Costle Consent Decree (12 ERC 1833) for one or more of the following reasons (see Appendix D of 40 CFR 403):

- (1) The pollutants of concern are not detectable in the effluent from the industrial user [paragraph (8)(a)(iii)]
- (2) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects [paragraph (8)(a)(iii)]
- (3) The pollutants of concern are present in amounts too small to be effectively deduced by technologies known to the Administrator [paragraph (8)(a)(iii)]; or
- (4) The wastestream contains only pollutants which are compatible with the POTW [paragraph (8)(b)(i)] [40 CFR 403.6 (e)].

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

HEARING BOARD. That board appointed according to the provisions of § 52.47.

INDUSTRIAL WASTE. The liquid wastes from industrial manufacturing processes, trade, or business, as distinct from sanitary sewage.

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

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

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

MAYOR. The Mayor of the city or the duly appointed and authorized representative of the Mayor, including the superintendent, and City Engineer.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or **PRETREATMENT STANDARD.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Clean Water Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or **PROHIBITIVE DISCHARGE STANDARD.** Any regulation developed under the authority of 307(b) of the Clean Water Act and 40 CFR, § 403.5.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued pursuant to § 402 of the Clean Water Act (33 U.S.C. 1342).

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

NEW SOURCE.

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

(a) The building, structure, facility or installation is constructed at a site

at which no other source is located; or

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

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of divisions (1)(b) or (c) above, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this division has commenced if the owner or operator has:

(a) Begun, or caused to begin as part of a continuous on-site construction program;

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this division.

OPERATION AND MAINTENANCE. Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing such works as designed and constructed.

PASS THROUGH. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) [40 CFR 403.3(n)].

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.

PRETREATMENT or TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or other means, except as prohibited by 40 CFR § 403.6(d).

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

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

PURVEYOR. Any reference to the purveyor of water shall include all water districts, wholesale customers, private systems, and the like, that use water furnished and treated by the city.

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

SANITARY SEWER. A sewer which carries sewage and to which storm water, surface water, and groundwater are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface water, and storm water 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. Mandatory; "May" is permissive.

SIGNIFICANT INDUSTRIAL USER. Includes all categoricals, noncategoricals with an average process flow of 25,000 gallons per day (gpd) or more, noncategoricals contributing 5% or more of the POTW's dry weather hydraulic or organic capacity, or any industrial user designated by the control authority to have a reasonable potential to adversely affect the POTW's operation [40 CFR 403.3 (t)].

SIGNIFICANT NONCOMPLIANCE. Significant noncompliance is one or more of the following:

- (1) Chronic violations (exceedances 66% of the time during a six-month period) of the same pollutant parameters;
- (2) Technical Review Criteria (TRC) violations [33% or more of measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the applicable limit and the TRC value (1.4 times the limit for a conventional pollutant or 1.2 times the limit for a toxic pollutant)];
- (3) Any violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) A discharge of imminent endangerment to human health, welfare, or the environment, or which required the POTW to use its emergency authorities under 40 CFR 403.8 (f)(1)(vi)(B);
- (5) Violations of a compliance schedule milestone by 90 days;
- (6) Violations of report submittal deadlines by 30 days;
- (7) Failure to report noncompliance; and
- (8) Any other violation deemed significant by the control authority [40 CFR 403.8 (f)(2)(vii)].

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 operations.

STORM DRAIN. Sometimes termed **STORM SEWER**, shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

SUPERINTENDENT. The Superintendent of the City Sewer Department or his 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.

USER. Any individual, firm, company, association, society, corporation, or group.

USER CHARGE. That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

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

WATER METER. A water volume measuring and recording device, furnished and/or installed by a user and approved by the City of Madisonville.

('74 Code, § 27-50) (Ord. passed 1-16-78; Am. Ord. passed 2-20-84; Am. Ord. passed 9-2-86; Am. Ord. passed 8-19-91; Am. Ord. 95-03, passed 5-17-95)

§ 52.02 CONTRACT REQUIRED; UNAUTHORIZED USE.

No person shall take or use any water furnished or supplied through the waterworks system of the city for domestic or other purposes without contracting for same, pursuant to the rules and regulations of the city, nor shall any person permit water to be taken from his premises by any person not having a permit or license to take or use such water.

('74 Code, § 27.51) (Ord. passed 3-4-74; Am. Ord. passed 9-2-86) [Penalty, see § 52.99](#)

§ 52.03 UNAUTHORIZED TAMPERING; DAMAGING WATER WORKS PROPERTY.

No person, other than an officer or employee of the city, or, not having a permit from one duly authorized to execute same, shall turn on or off any water from any main, distributing pipe, shutoff box, or any device, or open, damage, or otherwise interfere with any shutoff box or water meter; nor shall any person damage, tamper with, or unscrew any nut or other fastening device on or about any fireplug.

('74 Code, § 27-52) (Ord. passed 3-4-74; Am. Ord. passed 9-2-86) [Penalty, see § 52.99](#)

§ 52.04 DUTY OF POLICE TO REPORT DAMAGE TO FIREPLUGS AND WATER SYSTEM.

It shall be the duty of all policemen to report any breakage or damage to any fireplug or other water system in any way, which report shall be made to the Chief of Police promptly on discovery.

('74 Code, § 27-53) (Ord. passed 3-4-74; Am. Ord. passed 9-2-86)

§ 52.05 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 Mayor.

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

(C) All costs and expenses 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; however, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

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

(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 such building drain shall be lifted by an approved means and discharged to the building sewer.

(H) No person shall make connections 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 such connections shall be made gastight and watertight. Any

deviation from the prescribed procedures and materials must be approved by the Mayor before installation.

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

(L) Except as herein provided, the minimum fee for a connection is and shall be four hundred dollars (\$400.00) If the city is required to traverse an existing street by excavation or otherwise to make any such connection, the minimum fee shall be four hundred dollars (\$400.00) together with the reasonable cost of traversing and repairing the street. There shall be no connection fee charged: to a real estate developer for connecting a newly constructed main line with the city's collection system; or to an owner, if the tee and lateral to which the connection is to be made were constructed by a developer without cost to the city.

(Ord. passed 9-2-86; Am. Ord., passed 10-7-91) [Penalty, see § 52.99](#)

§ 52.06 POLICIES AND PROCEDURES MANUAL.

(A) The city does hereby establish and adopt a Policies and Procedures Manual for the Wastewater Collection Department. The policies and procedures manual, currently consisting of twenty (20) pages, is incorporated herein by reference. All members of the public receiving public sanitary sewer service from the city are required to comply with the provisions of the Policies and Procedures Manual as same may be amended from time to time.

(B) The Policies and Procedures Manual contains provisions relating to: use of public sanitary sewer service; design and construction standards; relocating or adjustment of wastewater facilities; application for wastewater service; customers not to provide wastewater service to others; unaccounted for services; discontinuance of service; no guarantee of system capacity; responsibility for property of customer; responsibility for damages to customer's wastewater line; sewer cleaning and/or flushing; service to annexed areas; main extensions; fees and other charges.

(C) The Policies and Procedures Manual may be amended from time to time by the Water Distribution Department and/ or the Engineering Department. Any change in rates requires the approval of the City Council. A copy of the Policies and Procedures Manual shall be attached to ordinance 2003-15, passed 6-16-03, same is incorporated herein by reference and made a part of the permanent records of the city.

(Ord. 2003-04, passed 6-16-03; Am. Ord. 2003-15, passed 6-16-03)

§ 52.07 STANDARDS MANUAL.

(A) The city does hereby establish and adopt a Standards Manual setting forth regulations and specifications pertaining to new water mains and sanitary sewerage facilities located within or served by the city. The Standards Manual, currently consisting of a foreword, an index, twelve (12) chapters and an appendix, is incorporated herein by reference.

(B) The Standards Manual may be amended from time to time by the Wastewater Collection Department and/or the Engineering Department. Any change in rates requires the approval of the City Council. A copy of the Standards Manual shall be attached to ordinance 2003-16, passed 6-16-03, same is incorporated herein by reference, and made a part of the permanent records of the city.

(Ord. 2003-16, passed 6-16-03; Am. Ord. 2005-13, passed 8-1-05)

RATES, CHARGES, AND BILLING

§ 52.10 (RESERVED).

§ 52.11 WATER RATES.

The rates and charges for water service furnished by the city, are fixed and established on a monthly basis, as follows:

(A) The minimum water bill for retail service within the city shall be eight and 66/100 dollars (\$8.66) per month, and each water customer shall be entitled to one thousand (1,000) gallons (or less) of water in each month for such minimum charge. Thereafter, the following metered charges shall be made for each one thousand (1,000) gallons of water consumption per month to customers of all size connections:

Number of Gallons of Water per Month	Monthly Charge per 1,000 Gallons
First 1,000 gallons or less, minimum	\$8.66
Next 19,000 gallons	\$4.65
Next 3,980,000 gallons	\$3.69

All over 4,000,000 gallons shall be at a rate to be negotiated between the customer and the Mayor.

(B) The minimum water bill for retail service beyond the city limits shall be twelve and 99/100 dollars (\$12.99). Thereafter, the following metered charges shall be made for each one thousand (1,000) gallons of water consumption per month to customers of all size connections:

Number of Gallons of Water per Month	Monthly Charge per 1,000 Gallons
First 1,000 gallons or less, minimum	\$12.99
Next 19,000 gallons	\$ 6.98
Next 3,980,000 gallons	\$ 5.54
All over 4,000,000 shall be at a rate to be negotiated between the customer and the Mayor	

(’74 Code, § 27-59) (Ord. passed 4-18-77; Am. Ord. passed 9-19-79; Am. Ord. passed 10-19-82; Am. Ord. passed 9-2-86; Am. Ord. passed 6-19-90; Am. Ord. passed 7-20-92; Am. Ord. 93-19, passed 7-19-93; Am. Ord. 94-16, passed 6-21-94; Am. Ord. 99-09, passed 6-21-99; Am. Ord. 2000-10, passed 6-19-00; Am. Ord. 2003-33, passed 11-19-03)

(C) Sprinkler systems. In addition to the water rates set out above, the following additional charges shall be assessed: water use through an unmetered sprinkling system for testing, or by reason of leaks or fire, or for any other reason, shall be charged to the consumer by an estimate from the City of Madisonville. However, should the water consumption be due to a fire and the sprinkling devices have functioned correctly for those buildings within the city limits of Madisonville, there will be no charge for such water consumed as an extension of city fire protection. It shall be the duty of the consumer of water through unmetered sprinkling systems to inform the Superintendent of the Water Department, City of Madisonville, of its consumption of water, for whatever reason, through such sprinkling systems.

(Ord. passed 9-20-82; Am. Ord. passed 9-2-86) [Penalty, see § 52.99](#)

§ 52.12 WATERWORKS CONNECTION CHARGES.

(A) The following fees shall be charged and collected for water connections:

Size of Connection	Connection Charge
5/8 inch tap	\$700.00
1 inch tap	900.00
1-1/2 inch tap	1,600.00
2 inch tap	2,000.00

(B) If the city is required to traverse an existing street, by excavating or otherwise, to make any such connection, the reasonable cost of street repairs shall be charged and collected in addition to the appropriate connection fee.

(’74 Code, § 27-60) (Ord. passed 4-18-77; Am. Ord. passed 2-18-80; Am. Ord. passed 9-2-86; Am. Ord. passed 8-19-91; Am. Ord. 99-09, passed 6-21-99)

§ 52.13 METER DEPOSITS.

In addition to connection charges as aforesaid, all customers except resident property owners shall pay a meter deposit to the city for water service before such customers shall be entitled to such service. The meter deposit shall be twenty-five dollars (\$25.00) for residential customers and one hundred dollars (\$100.00) for commercial customers. Such deposit, less any unpaid charges, shall be refunded to the customer, his heirs, or assigns, whenever such customer notifies the city legally to disconnect or terminate service to such customer. No meter deposit shall be required of resident property owners.

('74 Code, § 27.60.1) (Ord. passed 4-18-77; Am. Ord. passed 1-21-80; Am. Ord. passed 10-19-82; Am. Ord. passed 9-2-86)

§ 52.14 CHARGE FOR SERVICE CALLS.

A charge of two dollars (\$2.00) for each service trip per location for the purpose of meter readouts, disconnection, or connection shall be made.

('74, Code, § 27-61) (Ord. passed 3-4-74; Am. Ord. passed 9-2-86)

§ 52.15 FREE USE OF SEWER PROHIBITED.

No free use of the sewer and facility of the sewer shall be granted or permitted to any user thereof.

('74 Code, § 27-62) (Ord. passed 3-4-74; Am. Ord. passed 9-2-86) [Penalty, see § 52.99](#)

§ 52.16 FINDING OF FACT; BASIS OF SEWER CHARGE.

It is determined that the most equitable, accurate and feasible method of ascertaining and measuring use of the facility and service of the city sewers and of designation of a charge of such use is by basing sanitary sewer service rates and charges on the quantity of water supplied to the premises of the respective sewer user may be achieved by establishing a minimum monthly sewer service charge and fixing the amount of the monthly sewer service charge at a stated percentage of the monthly water bill rendered to the same premises and that adoption of such method will effect substantial economic savings in preparing those bills. Rates and charges for such use and service are herein established based on these finding of fact subject to exception hereinafter provided.

('74 Code, § 27-63) (Ord. passed 3-4-74; Am. Ord. passed 9-2-86)

§ 52.17 SEWER RATES.

Except as specifically noted herein, residential, commercial, and those industrial customers not participating in the industrial cost recovery program, shall pay sewage service rates based on water purchased from the City. Industries participating in industrial cost recovery shall be

charged on metered waste flows. The rates and charges for sewer service furnished by the City shall be based insofar as possible on the number of gallons of water used in each month and are hereby fixed and established on a monthly basis, as follows:

(A) (1) All customers other than wholesale customers beyond the City limits shall be billed seven and 75/100 dollars (\$7.75) per month, based on water usage, for each one thousand (1,000) gallons of water consumption. This rate consists of five and 09/100 dollars (\$5.09) for operation, maintenance and replacement (O, M & R) and two and 66/100 dollars (\$2.66) for debt service. The minimum sewer bill for all customers shall be fifteen and 50/100 dollars (\$15.50) per month, based on water usage of two thousand (2,000) gallons (or less) in each month.

(2) Wholesale customers beyond the city limits shall, as a minimum, be billed for operation, maintenance and replacement costs of the sewer system. The bill for wholesale customers beyond the city limits shall be one and 95/100 dollars (\$1.95) per one thousand (1,000) gallons based on readings of a wastewater meter. Should the existing wastewater treatment plant located at 1000 McCoy Avenue, remain in service after said date, on June 1, 1996, the sewer rate for wholesale customers beyond the city limits shall be two and 50/100 dollars (\$2.50) per one thousand (1,000) gallons based on readings of a wastewater meter.

(B) (1) Surcharge. A surcharge will be levied on any customer discharging above twenty five (25) milligrams per liter ammonia nitrogen, two hundred fifty (250) milligrams per liter BOD and three hundred (300) milligrams per liter suspended solids. The charge will be eighty nine cents (\$0.89) per pound of ammonia nitrogen, twenty nine cents (\$0.29) per pound of BOD and eighteen center (\$0.18) per pound of suspended solids.

(2) Method of Billing Surcharges. The excessive strength surcharge shall be based on the following formula, with the total applied to the monthly bill of affected users:

Payment (\$/month)

$$(A(D-250) + B(E-300) + C(F-25)) \times .00834 \times G = \text{Surcharge}$$

Where formula components are as follows:

- (A) Surcharge rate for BOD, in \$/pound.
- (B) Surcharge rate of SS, in \$/pound.
- (C) Surcharge rate for ammonia nitrogen in \$/pound.
- (D) User's average BOD concentration, in mg/l.
- (E) User's average SS concentration, in mg/l.
- (F) User's average ammonia nitrogen concentration, in mg/l.

(G) User's monthly flow to sewage works, per 1,000 gallons.

(3) No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged to the sewage works contain less than mg/l of BOD, mg/l of SS or mg/l of ammonia nitrogen.

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

('74 Code, § 7-64) (Ord. passed 4-18-77; Am. Ord. passed 9-2-86; Am. Ord. passed 6-19-90; Am. Ord. passed 7-1-91; Am. Ord. passed 7-20-92; Am. Ord. 93-19, passed 7-19-93; Am. Ord. 94-16, passed 6-21-94; Am. Ord. 95-03, passed 5-17-95; Am. Ord. 08-10, passed 7-9-08)

§ 52.18 INDUSTRIAL COST RECOVERY.

(A) Industries shall remit to the city, in addition to the normal sewage service charges, the industries' share based on strength and volume of its wastes, of the federal grant funds applied to the construction of the sewage treatment facility and other grant applicable projects.

(B) Industries which are required to contribute cost recovery of applicable costs are categorized as those industries which discharge any waste other than normal domestic waste to the sewage system.

(C) Industries shall submit cost recovery payments annually for a period not to exceed 30 years.

(D) Industrial cost recovery payments are based on the amount of federal grant funds allocable to the design flow, B.O.D., and suspended solids of the sewage treatment facility. The design costs are divided by the 30-year recovery period to give the cost per year. These costs are divided by the design daily flow, B.O.D., and suspended solids for the year. The addition of the elements of cost constitute the amount an industry pays for cost recovery for the applicable year. Industry will be responsible for monitoring its wastes in § [52.51](#) and submitting monthly analyses to the Mayor. Rates and industrial cost recovery will be based on the industrial analyses. Samples will be taken by the Mayor, his representative, or duly authorized employees of the city, on an irregular basis for the purpose of validating the results of industrial samples (see § [52.32](#)). If an industry does not wish to monitor its wastes, rates and industrial cost recovery will be based on results obtained from samples taken by the city plus a monitoring charge.

(E) Industrial cost recovery payments, payable to the city, shall be collected semiannually. However, an industry may fulfill its cost recovery obligation by making a lump sum payment for

its entire share of project costs. An industry shall be required to make an additional payment over and above the lump sum if and whenever the flow or strength of its waste increases.

(F) In the case of nonpayment, an industry shall be subject to a fine not exceeding five hundred dollars (\$500.00) per day until such payment is made.

(G) Industrial cost recovery funds collected by the city shall be held in federally insured, interest bearing accounts. The city shall annually remit 50% of the total amount collected to the U.S. Treasury. Forty percent will be held for future grant applicable construction of sewage facilities, and 10% may be used as the governing body of the city shall determine.

('74 Code, § 27-65) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86)

§ 52.19 SPECIAL RATES FOR UNUSUAL USES OR OCCUPANCIES.

Whenever it is determined by the city to be necessary to classify any institutions or industries by reason of the unusual purposes for which water is used or whenever the established schedule of rates for water service for any reason is not applicable, the City Council may determine that a particular or unusual use exists for such service and may set a rate therefor as it sees fit.

('74 Code, § 27-66) (Ord. passed 3-4-74; Am. Ord. passed 9-2-86; Am. Ord. 95-03, passed 5-17-95)

§ 52.20 BILLING COLLECTION.

That the rates or charges aforesaid shall be billed monthly, on statements which shall be issued on or about the first of each month, and all bills for such service shall be considered due and payable ten (10) days after the date of issue. If a bill is not paid within fifteen (15) days after such date of issue, such bill shall be considered delinquent, and there shall be imposed a penalty on each bill not so paid, in an amount equal to ten percent (10%) of the charges (other than sales tax) shown on the face amount of such delinquent bill. The city may serve a customer written notice of his delinquency and of the fact that such customer is entitled, on written request, to a hearing on the question of termination of service. If such bill is not paid within ten days after the mailing of such notice and if no hearing is requested, or if a hearing is requested and timely held, and such customer's delinquency is thereby established, the city may disconnect the water service of such customer without further notice. If any deadline date falls on a Sunday or legal holiday, such deadline shall not expire until the next secular day thereafter.

('74 Code, § 27-67) (Ord. passed 4-18-77; Am. Ord. passed 9-19-79; Am. Ord. passed 1-21-80; Am. Ord. passed 9-2-86)

§ 52.21 DISCONNECTION AND RECONNECTION CHARGE.

(A) Disconnection for nonpayment of bill. If water service is disconnected by the city by reason of delinquency in the payment of any water or sewer bill, reconnection of such service shall not be made until the owner or user pays all charges and penalties owed, plus the amount of

ten dollars (\$10.00) as a disconnection and reconnection charge, if reconnection is made during regular office hours. Such disconnection and reconnection charge shall be twenty-five dollars (\$25.00) if reconnection is made after regular office hours.

(B) Voluntary disconnection and reconnection. In the event a customer whose water service has been disconnected because of delinquency in the payment of a water or sewer bill elects not to have such water service reconnected, or a customer who voluntarily requests that his water service be disconnected, subsequently requests reconnection, such customer shall pay to the city, before water service is restored to his premises, any delinquent water or sewer bill owed by such customer, including the penalty on such bill, plus the disconnection and reconnection charge prescribed in division (A) of this section, plus an amount equal to the lesser of:

(1) The minimum monthly water (or water and sewer) rate for each month during which such customer's service was disconnected;

(2) The minimum monthly water (or water and sewer) rate for a period of one year; or

(3) The applicable connection charge at that time for new customers.

('74 Code, § 27-68) (Ord. passed 9-19-79; Am. Ord. passed 1-21-80; Am. Ord. passed 9-2-86)

§ 52.22 APPLICATION OF WATER REVENUE.

All revenue realized from the sale of water shall be deposited in the water account to be used for such purposes as the Council from time to time directs.

('74 Code, § 27-72) (Ord. passed 3-4-74; Am. Ord. passed 9-2-86)

§ 52.23 APPLICATION OF SEWER REVENUE.

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

(B) Fiscal year end balances in the Operation, Maintenance and Replacement Fund shall be used for no other purposes than those designated. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within six months of the fiscal year in which the monies were borrowed.

(C) The City shall maintain financial records to accurately account for revenues generated by the treatment system and expenditures for operation and maintenance of the system, including normal replacement costs.

(D) The City shall review, not less than annually, the sewage contribution of users, the total cost of operation and maintenance of the sewage works, debt service obligations and sewer service charges. Based on such review, the City shall revise, when necessary, the schedule of sewer service charges.

(E) Each user shall be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the total charge which is attributable to operation and maintenance of the sewage system.

('74 Code, § 27-73) (Ord. passed 3-4-74; Am. Ord. passed 9-2-86; Am. Ord. 95-03, passed 5-17-95)

SEWER USE

§ 52.30 PROHIBITED DEPOSITS ON PUBLIC OR PRIVATE PROPERTY.

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.

('74 Code, § 27-81) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86) [Penalty, see § 52.99](#)

§ 52.31 UNAUTHORIZED TAMPERING WITH SEWAGE WORKS PROHIBITED.

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

('74 Code, § 27-82) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86) [Penalty, see § 52.99](#)

§ 52.32 POWERS AND DUTIES OF INSPECTORS.

(A) The Mayor and other duly authorized employees of the City Sewer Department 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.

(B) The Mayor 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.

('74 Code, § 27-83) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86; Am. Ord. passed 12-21-92)

§ 52.33 DISCHARGES TO NATURAL OUTLETS.

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.

('74 Code, § 27-84) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86) [Penalty, see § 52.99](#)

§ 52.34 CONNECTION REQUIRED WHERE PUBLIC SEWER AVAILABLE.

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 required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this subchapter, within ninety (90) days after date of official notice to do so, provided that the public sewer is within one hundred (100) feet (30.5 meters) of the property line.

('74 code, § 27-85) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86)

§ 52.35 PRIVATE SEWAGE DISPOSAL SYSTEMS.

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

('74 Code, § 27-86)

(A) When permitted. Where a public sanitary or combined sewer is not available under the provisions of § [52.34](#), the building sewer shall be connected to an interim private sewage disposal system complying with the provisions of this subchapter.

('74 Code, § 27-87)

(B) Permit required; application; fees. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Mayor. The application for such 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 Mayor. A permit and inspection fee of one hundred dollars (\$100.00) shall be paid to the city at the time the application is filed.

('74 Code, § 27-88)

(C) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Natural Resources Cabinet. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where it conflicts with County Health Department standards. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

('74 Code, § 27-89)

(D) Additional requirements by Mayor and health officers. No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the Mayor or the appropriate health officer of the State of Kentucky or of Hopkins County.

('74 Code, § 27-90)

(E) Inspection of installation. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Mayor. The Mayor shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Mayor when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the Mayor.

('74 Code, § 27-91)

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

('74 Code, § 27-92)

(G) Abandonment; connection to public sewer. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in division (A) hereof, a direct connection shall be made to the public sewer in compliance with this subchapter, and any septic tanks, cesspools, and similar private sewage materials. When a public sewer becomes available, the building sewer and the owner shall have the private sewage disposal system cleaned of sludge and filled with clean bank-run gravel or dirt at no cost to the city.

('74 Code, § 27-93) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86) [Penalty, see § 52.99](#)

§ 52.36 (RESERVED).

§ 52.37 PROHIBITED DISCHARGES TO SANITARY SEWER.

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

('74 Code, § 27-101) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86) [Penalty, see § 52.99](#)

§ 52.38 DISCHARGE OF UNPOLLUTED DRAINAGE TO STORM SEWERS.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Mayor. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Mayor, to a storm sewer, combined sewer, or natural outlet, providing an N.P.D.E.S. permit has been issued from the Environmental Protection Agency.

(’74 Code, § 27-102) (Ord. passed 1-15-78; Am. Ord. passed 9-2-86)

§ 52.39 PROHIBITED DISCHARGES TO PUBLIC SEWERS.

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

(A) Any gasoline, benzene, naphtha, fuel oil, oil products in amounts causing interference or pass through, other flammable or explosive liquid, solid, gas, or pollutants with a closed-cup flashpoint of less than 140° F or 60° C.

(B) Any waters or wastes containing toxic or poisonous solids, liquids, fumes 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 1.000 milligrams per liter as CN in the wastes as discharged to the public sewer.

(C) Any waters or wastes having a pH lower than 5.5 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, or the like, either whole or ground by garbage grinders.

(E) Any discharge of trucked or hauled wastes to sanitary sewers except at points designated by the Mayor.

(’74 Code § 27-103) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86; Am. Ord. passed 8-19-91; Am. Ord. 08-14, passed 9-18-08) [Penalty, see § 52.99](#)

§ 52.40 DISCHARGE OF POTENTIALLY HARMFUL WASTES.

(A) No person, municipality, sewer and/or water district shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in

the opinion of the Mayor that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming such opinion as to the acceptability of these substances, the Mayor will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 104° F.
- (2) Any water or waste containing oil and grease of animal vegetable origins, fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter, or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F.
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of $\frac{3}{4}$ -horse power (0.76 hp metric) or greater, shall be subject to the review and approval of the Mayor.
- (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 such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Mayor for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Mayor as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by state or federal regulations.
- (8) Any waters or wastes having a pH lower than 5.5 or in excess of 10.0.
- (9) Materials which exert or cause;
 - (a) Unusual concentrations or inert suspended solids (such as, but not limited to sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).

(c) Unusual B.O.D. chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Any hydrogen sulfide levels about 1.9 PPM per water borne test, or any hydrogen sulfide levels above 8.0 PPM per air borne test.

(e) Unusual volume of flow or concentration of wastes constituting slugs, spills, or any by-passing or overflow of untreated wastewater containing substances regulated by this permit, to the sanitary sewer from the permittee's facility. In the event this should occur, the permittee shall immediately notify the Mayor's representative (City Engineer). The Mayor shall have the authority to require significant industrial users to develop a slug control plan.

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

(11) Materials discharged that are considered hazardous waste under the Resource Conservation and Recovery Act (RCRA) must be immediately reported to the control authority.

(B) 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 (A) hereof, and which in the judgment of the Mayor may have a deleterious effect on the sewage works, processes, equipment, or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Mayor may:

(1) Reject the wastes;

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

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

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 52.46.

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

(D) Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first have a valid Domestic Waste Hauler's Permit. All applicants for a Domestic Waste Hauler's Permit shall complete the application form, pay the appropriate fee and receive a copy of the city's regulations governing discharge to sewers of liquid wastes from trucks. All persons receiving such permits shall agree in writing to abide by all applicable

provisions of this section and any other special provisions that may be established by the city as necessary for the proper operation and maintenance of the sewerage system.

(1) Discharge of septic tank, seepage pit, interceptor or cesspool contents or other wastes containing no industrial wastes may be made by trucks holding a valid permit at a manhole designated by the Superintendent for that purpose. Discharge of truck-transported grease pit contents or industrial wastewater shall take place only after notification is made to the Superintendent and then only at the locations specified by the Superintendent. The city requires payment as hereinafter provided for treatment and disposal costs.

(2) The WWTP reserves the right to refuse permission to discharge any waste that may cause interference or upset at the WWTP or any waste that violates any provision of this section.

(3) Any person holding a valid permit and wishing to discharge to the WWTP may be required to submit to the plant operator of the WWTP a sample of each load prior to discharge. A fee and payment schedule shall be published in the permit to cover cost of the required analysis.

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

(5) Any liquid waste hauler illegally discharging to the public sewer system or discharging wastewater not authorized in the permit shall be subject to immediate revocation of discharge privileges and further subject to the penalties and enforcement actions prescribed in § [52.99](#) of this chapter including fines and imprisonment. A suspended permittee shall immediately cease discharging any wastes to the sanitary sewer system of the city or to facilities that discharge directly or indirectly into its system. Should a suspended permittee fail to voluntarily comply with any suspension order, the Superintendent shall take such actions as are deemed necessary or appropriate to prevent or minimize damage to the WWTP and/or to protect the health and welfare of the general public.

(6) A suspended permit may be reinstated by the Superintendent upon submission of assurances satisfactory to the Superintendent that the suspended permittee will comply with this section and the rules and regulations promulgated pursuant this section plus payment of such fines or other penalties as may be levied by the WWTP. The Superintendent shall require that within fifteen (15) days after the date of such occurrence, the suspended permittee submit a written report to the WWTP detailing the nature and extent of the violation(s) including any non-permitted discharges and the measures taken by the suspended permittee to prevent any future occurrences.

(7) Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for such discharge in accordance with a fee schedule established by the Superintendent and approved by the city. The city shall establish, and from time to time may alter, a schedule of fees, rates and charges for the Domestic Waste Hauler's Permit to cover the

costs of treatment and disposal of all wastes governing permit issuance, requirements, conditions, suspensions and all other matters necessary or appropriate to implement this section.

(8) Dumping hours shall be limited to 6:00 a.m. to 6:00 p.m. local time Monday through Saturday, excluding recognized WWTP holidays. Dumping after hours or on holidays may be allowed by permission only from the operator on duty at the Westside Wastewater Treatment Plant

(9) The permittee shall complete a chain of custody report for each load of waste deposited into the city's sewer system. The information on the chain of custody report shall be recorded, and signed by an employee of the permittee or the permittee himself and shall be in duplicate on forms furnished by the city. The original copy of the chain of custody will be maintained at the Westwood Wastewater Treatment Plant. A summary invoice detailing the total monthly discharges will be mailed prior to the tenth of each month. Payment will be due within two (2) weeks of receipt.

(10) Discharge of all liquid wastes allowed under this section shall take place only at the location(s) designated by the Superintendent. The designated location or manhole to be used under the Domestic Waste Hauler's Permit may be changed by the Superintendent as deemed necessary.

(11) The discharge of trucked and/or hauled wastes from industrial plating processes or radiator businesses is prohibited.

(12) Nothing in this section shall relieve waste haulers of the responsibility for compliance with the Hopkins County Health Department, state and federal regulations.

('74 Code, § 27-104) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86; Am. Ord. passed 8-19-91; Am. Ord. 2002-09, passed 8-19-02; Am. Ord. 2005-01, passed 1-3-05; Am. Ord. 08-14, passed 9-18-08) [Penalty, see § 52.99](#)

§ 52.41 INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Mayor, 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 such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Mayor, and shall be located as to be readily and easily accessible for cleaning and inspection.

('74 Code. § 27-105) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86) [Penalty, see § 52.99](#)

§ 52.42 CONTROL MANHOLES.

When required by the Mayor, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary

meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with plans approved by the Mayor. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(’74 Code, § 27-106) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86) [Penalty, see § 52.99](#)

§ 52.43 MEASUREMENTS, TESTS, AND ANALYSES.

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 40 CFR 136 or equivalent methods, and shall be approved by the United States Environmental Protection Agency.

(’74 Code, § 27-107) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86; Am. Ord. passed 8-19-91)

§ 52.44 DISCHARGES CONTAINING CERTAIN CONCENTRATIONS PROHIBITED.

All sewage service customers are prohibited from discharging above the following concentrations at any time unless a higher concentration limit for that specific user is established and incorporated into that user's wastewater contribution permit. The Mayor may apply and enforce alternative concentration limits to categorical SIU's which are subject to either production based standards or the combined wastestream formula.

Substances	Milligrams per Liter
(A) Arsenic	0.23
(B) Cadmium	0.06
(C) Total chromium	1.80
(D) Chromium, Hexavalent	0.12
(E) Copper	0.68
(F) Cyanide, Amenable	0.04
(G) Cyanide, Total	0.49
(H) Lead	0.09
(I) Mercury	0.0002
(J) Nickel	2.15
(K) Selenium	0.08
(L) Silver	0.05
Substances	Milligrams

	per Liter
(M) Zinc	3.12
(N) Total phosphorous	20.000
(O) Ammonia nitrogen	25.000
(P) Total Nitrogen	40.000
(Q) Phenols	2.6
(R) Polychlorinated biphenyls	0.001
(S) Trichloroethylene	0.15
(T) Hydrocarbon based greases and/or oils, whether emulsified or not	100.000
(U) Oil and grease if of animal or vegetable origin	100.00

('74 Code § 27-108) (Ord. passed 1-16-78; Am. Ord. passed 5-2-83; Am. Ord. passed 9-2-86; Am. Ord. passed 6-20-88; Am. Ord. passed 7-1-91; Am. Ord. passed 8-19-91; Am. Ord. 2002-01A, passed 1-21-02; Am. Ord. 08-14, passed 9-18-08)

§ 52.45 MAINTENANCE OF PRETREATMENT OR FLOW-EQUALIZING FACILITIES.

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

('7 Code, § 27-109) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86)

§ 52.46 RESERVED.

§ 52.47 HEARING BOARD.

A Hearing Board shall be appointed as needed for arbitration of differences between the Mayor and sewer users on matters concerning interpretation and execution of the provisions of this subchapter by the Mayor. The cost of the arbitration will be divided equally between the city and the sewer users.

('74 Code, § 27-111) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86)

§ 52.48 BACKFLOW PREVENTION; PROHIBITION OF CROSS-CONNECTION.

(A) The only approved type of backflow prevention is an air gap or vacuum breaker. Any mixing of liquids that does not have either of these devices is hereby prohibited as a cross-connection.

(B) The city, acting through its water superintendent or consulting engineer or their duly authorized assistants, shall direct investigations and keep suitable records of all premises, either residential, commercial, or industrial, suspected of having existing or proposed cross-connections with the municipal water supply.

(C) The city water superintendent or consulting engineer or their duly authorized representatives may enter upon any property of any residential, commercial, or industrial user of the water purveyor to inspect any suspected cross-connection violations of this section. Refusal to permit inspection by either the consulting engineer, water superintendent, or their duly authorized representatives shall be sufficient grounds to terminate water service.

(D) The consulting engineer or his agent shall order in writing the owner or occupant of any premises having or suspected of having any cross-connections to remove the cross-connections at his expense within twenty-five (25) hours of the date of receipt of the order to remove the cross-connections.

(Ord. passed 2-20-84; Am. Ord. passed 9-2-86) Penalty, see 52.99

§ 52.49 FEDERAL STANDARDS.

(A) Upon the promulgation of the federal categorized pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than the limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitation imposed under this chapter. The Mayor shall notify all affected users of the applicable reporting requirements under 40 CFR, § 403.12.

(B) Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards. **CONSISTENT REMOVAL** shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in § 403.7(c)(92) of Title 40 of the Code of Federal Regulations, Part 403: "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Clean Water Act. The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403, § 403.7, are fulfilled and prior approval from the approval authority is obtained.

(Ord. passed 9-2-86)

§ 52.50 ADMINISTRATION OF WASTEWATER PERMITS FOR INDUSTRIAL DISCHARGES.

(A) Wastewater discharges. It shall be unlawful to discharge without a city permit to any natural outlet within the city, or in any area under jurisdiction of the city, and/or to the POTW any wastewater from any industry listed in the Standard Industrial Classifications Manual, Bureau of the Budget, 1972, as amended, except as authorized by the Mayor in accordance with the provisions of this chapter. The city shall have jurisdictional authority over users outside city limits who contribute to the POTW's sewage system.

(B) Wastewater contribution permits

(1) General permits. All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within one hundred eighty (180) days after the effective date of this chapter.

(2) Permit application. Users required to obtain a wastewater contribution permit shall complete and file with the city, an application in the form prescribed by the city. Existing users shall apply for a wastewater contribution permit within thirty (30) days after the effective date of this chapter, and proposed new users shall apply at least ninety (90) days prior to connection to or contribution to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics including, but not limited to those mentioned in § 52.44 as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Clean Water Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of the contribution;
- (e) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (g) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether

additional operation and maintenance (O and M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

(i) If additional pretreatment and/or O and M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (i.e., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and the like);

2. No increment referred to in division 1. above shall exceed nine (9) months;

3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Mayor including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Mayor;

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

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

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

(m) Signature of an authorized representative of the industrial user; and

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

The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater contribution permit subject to the terms and conditions provided herein.

(3) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit as

required by division (B)(2), the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the Mayor within one hundred eighty days (180) after the promulgation of an applicable federal categorical pretreatment standard the information required by division (B)(2)(h) and (i) above.

(4) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges, and fees established by the city. Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater and characteristics;
- (c) Limits on average and maximum rates and times of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
- (i) Requirements for notification of the city of any new introduction of wastewater constituents and/or substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment
- (j) Requirements for notification of slug discharges; and
- (k) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(5) Permit duration. Permits shall be issued for a period of two (2) years. A permit may be issued of a period of less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty days (180) prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modifications by the city during the term of the permit, as limitations or requirements as

identified in division (B)(2) are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(6) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(Ord. passed 9-2-86; Am. Ord. passed 8-19-91) [Penalty, see § 52.99](#)

§ 52.51 REPORTING REQUIREMENTS FOR PERMITTEE.

(A) Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Mayor a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O and M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.

(B) Periodic compliance reports. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of new sources, after commencement of the discharge into the POTW, shall submit to the Mayor during the months of June and December, unless required more frequently in the pretreatment standard or by the Mayor, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in [§ 52.50\(B\)\(2\)\(e\)](#). Significant industrial users must report all self-monitoring conducted during the reporting period. Categorical users subject to production-based standards shall report annual production rates. At the discretion of flow rates, holidays, budget cycles, and the like, the Mayor may agree to alter the months during which the above reports are to be submitted. This report shall be signed by an authorized representative of the industrial user.

(1) The Mayor may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow, nature, and

concentration, or production and mass where requested by the Mayor, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standards. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to § 304(g) of the Clean Water Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

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

(C) Monitoring facilities. The city shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. Significant industrial users must report a change in their monitoring point prior to making the change.

(1) There will be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(2) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the city.

(3) If sampling performed by an industrial user indicates a violation, the user shall notify the city immediately. The user shall repeat the sampling and analysis and submit the results to the city within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the city performs sampling within the same time period for the same pollutant in question.

(D) Inspection and sampling. The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Person or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, or in the performance of any of their duties. The city shall have the right to copy any records maintained by any user hereunder. The EPA shall have the right to set up on the user's property such devices as are necessary to conduct

sampling, inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority, and the EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

(E) Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes. Dilution is prohibited as a means of treating wastes to meet federal and local limits.

(1) The city shall annually publish in the Madisonville Messenger a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the previous twelve (12) months. The notification shall also summarize any enforcement actions taken against such users during the same twelve (12) months.

(2) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

(F) Confidential information. Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits, and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

(Ord., passed 9-2-86; Am. Ord., passed 3-20-89; Am. Ord. passed 8-19-91) [Penalty, see § 52.99](#)

§ 52.52 PERMIT SYSTEM.

The following three (3) classes of permits are established for:

- (A) The installation of private sewage disposal facilities;
- (B) Residential and commercial building sewers; and
- (C) Industrial sewer connections.

(Ord. passed 9-2-86)

§ 52.53 VALIDITY.

(A) All ordinances or parts of ordinances in conflict with this chapter are hereby repealed.

(B) The invalidity of any section, clause, sentence, or provision of this chapter shall not affect the validity of any part of this chapter which can be given effect without such invalid part or parts.

(Ord. passed 9-2-86)

§ 52.54 ADMINISTRATIVE ENFORCEMENT REMEDIES.

(A) Notification of violation. Whenever the Mayor finds that any user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the Mayor or his agent may serve upon the user written notice of the violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Mayor. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

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

(C) Show cause hearing. The Mayor may order any user which causes or contributes to violation of this chapter or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. The notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

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

(E) Cease and desist orders. When the Mayor finds that a user has violated or continues to violate this chapter or any permit or order issued hereunder, the Mayor may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(1) Comply forthwith.

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(F) Administrative fines. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be fined in an amount of at least one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the Mayor shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Users desiring to dispute such fines must file a request for the mayor to reconsider the fine within ten (10) days of being notified of the fine. When the Mayor believes a request has merit, he shall convene a hearing on the matter within fifteen (15) days of receiving the request from the user.

(G) Termination of permit.

(1) Users proposing to discharge into the POTW must first obtain a wastewater discharge permit from the control authority. Any user who violates the following conditions of this chapter or a wastewater discharge permit or order, or any applicable or state and federal law, is subject to termination of permits and/or sewer service:

(a) Violation of permit conditions.

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(c) Failure to report significant changes in operations or wastewater constituents and characteristics.

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

(2) Noncompliant users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under division (C) above why the proposed action should not be taken.

(Ord. passed 8-19-91)

§ 52.55 JUDICIAL REMEDIES.

If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this chapter or any order or permit issued hereunder, the Mayor, through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the Circuit Court of Hopkins County, Kentucky.

(A) Injunctive relief. Whenever a user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the Mayor, through counsel, may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user. The Mayor shall have such remedies to collect these fees as it has to collect other sewer service charges.

(B) Civil penalties. Any user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the Mayor for a civil penalty of not more than twenty five thousand dollars (\$25,000.00) but at least one thousand dollars (\$1,000.00) plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the Mayor may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses. The Mayor shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of hard caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(Ord. passed 8-19-91)

§ 52.99 PENALTY.

(A) Any person except an industrial user who shall violate any provision of this chapter shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. Any industrial user who shall violate any provision of this chapter shall be fined in the amount of at least one thousand dollars (\$1,000.00) for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

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

(C) The Mayor, as control authority over the city's pretreatment program, is authorized to implement and enforce program requirements under 40 CFR 403.8. Any person found to be violating any provision of this chapter except § 52.31 shall be served, at the Mayor's discretion, whatever enforcement option he deems necessary as an initial response. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(D) Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be guilty of a misdemeanor and be punished by a fine of at least five hundred dollars (\$500.00) per violation or imprisonment for not more than one year or both. Each day shall be considered a separate violation.

(Ord. passed 9-2-86; Am. Ord. passed 3-20-89; Am. Ord. passed 8-19-91)

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