

TITLE V: PUBLIC WORKS

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CHAPTER 50: GARBAGE AND REFUSE

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GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

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

AGRICULTURAL USE. Operations for the production of agricultural or horticultural crops, including, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on their tract.

AGRICULTURAL WASTE. Any non-hazardous waste resulting from the production and processing of on-the-farm agricultural products, including manures, prunings, and crop residues.

APPROVED INCINERATOR. An incinerator which complies with all current regulations of the responsible local, state, and federal air pollution control agencies.

BASIC SERVICE. The universal collection service provided by the city, acting through its employees or agents authorized by agreements for collection of refuse from all residential and commercial premises within the city at least 1 time each week.

BULKY WASTE. Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded into solid waste transportation vehicles.

CABINET. The Natural Resources and Environmental Protection Cabinet.

CITY. The City of Harrodsburg.

COLLECTION. Removal of solid waste from the designated pick-up location to the transfer vehicle. Acceptable collection practices shall consist of the following:

- (1) Door-to-door household collection utilizing “curbside” or “rear of premises” methods;
- (2) Direct access to a manned convenience center or transfer facility; and/or
- (3) Dumpsters located throughout the service area.

COMMERCIAL (HEAVY) UNIT. Any business operation which is not included as a residential or dwelling unit and generates more than 3, but not more than 9 containers per week as defined in § 50.26(C).

COMMERCIAL (LIGHT) UNIT. Any business operation which is not included as a residential or dwelling unit and generates no more than 3 containers of refuse per week as defined in § 50.26(C).

COMMERCIAL SOLID WASTE. Solid waste resulting from the operation of any commercial, industrial, institutional, or agricultural establishment.

CONVENIENCE CENTER. A self-contained facility that is manned during operating hours for the collection and subsequent transportation of municipal solid wastes.

DEMOLITION AND CONSTRUCTION WASTE. Materials resulting from the construction or destruction of residential, industrial or commercial structures.

DISPOSABLE SOLID WASTE CONTAINER. Disposable plastic or paper sacks with a capacity of 10 to 35 gallons and a loaded weight not to exceed 35 pounds specifically designed for storage of solid waste.

DISPOSAL. The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that

the solid waste or hazardous waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any water, including groundwater.

DWELLING OR RESIDENTIAL UNIT. Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or are intended to be used for living, sleeping, cooking, and eating.

HAZARDOUS WASTE. Any waste or combination of wastes which are determined by the Cabinet because of its quantity, concentration, or physical, chemical, or infectious characteristics and may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

INDUSTRIAL UNIT. Any business operation which generates more than 9 containers of refuse per week as defined in § 50.26(C).

MULTI-UNIT GARBAGE CUSTOMER. Customers at any location served where there are 2 or more residential units or apartments, 2 or more businesses in the same building or complex or where there is a combination of business and residences in the same building or complex. Each residence or business shall be considered and billed as a separate city garbage customer.

OCCUPANT. Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved real property, either as an owner or as a tenant.

OPEN BURNING. Burning of any matter in the manner that the combustion resulting from burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

OPEN DUMP. Any facility or site for the disposal of solid waste which does not have a valid permit issued by the Cabinet and/or the Mayor and does not meet the environmental performance standards for a sanitary landfill under regulations promulgated by the Cabinet.

PERSON. An individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, federal agency, state agency, city, commission, political subdivision of the State of Kentucky, or any interstate body.

PROCESSING. Incinerating, composting, baling, shredding, salvaging, compacting, and other processes whereby solid waste containers are modified or solid waste quantity is reduced.

PUBLIC NUISANCE. Illegal waste disposal practices that include, but are not limited to, open burning, open dumps, or littering which are deemed to be a nuisance under applicable law.

RECYCLED MATERIALS. Any material which would otherwise become solid waste and can be collected, sorted, separated, or processed and reused or returned to use in the form of raw materials or products; including refuse-derived fuel when processes in accordance with administrative regulations by the Natural Resources Cabinet but does not include the incineration or combustion of materials for recovery of energy. (Ord. 2004-11, passed 7-13-2004)

REFUSE. Solid wastes; all things that have been traditionally collected by the City of Harrodsburg within the limits of the City, and specifically included, but not necessarily limited to:

(1) All garbage, such as organic household waste, offal, animal and vegetable matter, such as has been prepared or intended to be used as food, or shall have been arisen in preparation of food from residents, groceries, stores, stands, restaurants, apartments, hotels, or other commercial establishments;

(2) Trash, such as ashes, papers, cans, boxes, cloth, wrappings, magazines, and cartons so long as the trash is placed in containers or bundled securely in packages and tied together forming an easily handled "package not to exceed 36 inches in length, 30 inches in diameter, or 35 pounds in weight;

(3) Yard waste includes any accumulations of grass, leaves, branches, shrubs, vines, trees, tree stumps, discarded Christmas trees, or other similar items generated by the maintenance of lawns, shrubs, gardens, and trees so long as the yard waste is place in containers

or bundled securely in packages and tied together forming easily handled package not exceeding 36 inches in length, 30 inches in diameter, or 35 pounds in weight; and

(4) Bulk waste includes discarded items such as pallets, furniture, refrigerators, stoves, and other household appliances commonly referred to as "white goods," and rubbish. (Ord. 2004-11, passed 7-13-2004)

RESIDENTIAL SOLID WASTE. Solid waste resulting from the maintenance of dwelling units.

SANITARY LANDFILL. A permitted facility for the disposal of solid waste which complies with the "environmental performance standards" specified in 401 KAR 47:030.

SLUDGE. Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant or any other the waste having similar characteristics and effects.

SOLID WASTE. Any garbage, litter, refuse, sludge and other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, and agricultural operations and from community activities, but does not include solid or dissolved material in irrigation return flows or industrial discharges.

SOLID WASTE MANAGEMENT. The administration of solid waste activities: source reduction, collection, source separation, storage, transportation, transfer, processing, treatment and disposal, which shall be in accordance with a county or multi-county area solid waste management plan approved by the Cabinet.

SOLID WASTE SITE OR FACILITY. Any place at which solid waste is managed, stored, treated, processed, or disposed.

SOLID WASTE STORAGE/CONTAINER. Receptacle used by any person to store solid waste during the interval between solid waste generation and collection. A solid waste container is made out of plastic, vinyl, or metal, ranging in size from about 10 gallons to 42 cubic yards in size.

STORAGE. Keeping, maintaining, or storing solid waste from the time of its production until the time of its collection.

TRANSFER. The placement of solid waste from smaller collection vehicles into larger vehicles for transportation to intermediate or final disposal facilities.

TRANSFER FACILITY. Any transportation related facility, including loading docks, compaction equipment parking areas, and other similar facilities where shipments of solid waste are held or transferred during the normal course of transportation.

TREE TRIMMINGS. Branches or limbs, but not to include sections of tree trunks.

UNIVERSAL COLLECTION. Mandatory participation by all city residents, commercial enterprises or other waste producing entities in a waste collection service which is authorized by local ordinance, but not including industrial units.

YARD WASTES. Grass clippings or leaves.
(Prior Code, § 9-1) (Ord. 1995-5, passed 3-28-1995)

§ 50.02 RULES AND REGULATIONS.

The city shall make, amend, revoke, and enforce reasonable rules and regulations, governing, but not limited to:

(A) Preparation, drainage, and wrapping or garbage deposited in solid waste containers;

(B) Specifications for solid waste containers, including the type, composition, equipment, size, and shape thereof;

(C) Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any;

(D) Weight limitations on the combined weight of solid waste containers and the content thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers;

(E) Storage of solid waste in solid waste containers;

(F) Sanitation, maintenance, and replacement of solid waste containers;

(G) Schedules of and routes for collection and transportation of solid waste;

(H) Collection points of solid waste containers;

(I) Collection, transportation, processing, and disposal of solid waste;

(J) Processing facilities and fees for the use thereof;

(K) Disposal facilities and fees for the use thereof;

(L) Records of quantity and type of wastes received at processing and/or disposal facilities;

(M) Handling of special wastes such as sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, and the like; and

(N) Reporting requirements of permittees.
(Prior Code, § 9-2) (Ord. 1995-5, passed 3-28-1995)

§ 50.03 PROHIBITED PRACTICES.

It shall be unlawful for any person to:

(A) Dispose of garbage, refuse, rubbish, or debris by dumping same on any premises in the city with or without the consent of the owner of the premises;

(B) Dump or permit the dumping of garbage, refuse, rubbish, and debris on any property within the city;

(C) Deposit solid waste in any solid waste container other than his or her own, without the written consent of the owner of the container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;

(D) Fail to have solid waste collected as provided in this chapter;

(E) Interfere in any manner with solid waste collection and transportation equipment or with solid

waste collectors in the lawful performance of their duties as such, whether the equipment or collectors shall be those of the city or those of a solid waste collection agency operating under contract with the city;

(F) Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;

(G) Dispose of dead animals in any container to be collected by the city;

(H) Own or operate an open dump;

(I) Engage in the feeding of food waste to animals for commercial purposes;

(J) Dispose of solid waste at any facility or location which is not approved by the city and permitted by the Kentucky Department for Environmental Protection;

(K) Engage in the business of collection, transporting, processing, or disposing of solid waste within the geographic boundaries of the city without a permit, contract, or franchise agreement with the city, operate under an expired permit, or operate after a permit has been suspended or revoked or contract or franchise agreement canceled;

(L) Violate any section of this chapter or any other rule or regulation promulgated under the authority of § 50.02;

(M) No person engaged in the business of landscaping, tree trimming, and the like, shall perform any service for economic gain wherein trees or shrubbery are cut, trimmed, removed, or altered and wherein any accumulation of brush, wood, vines, or debris or other refuse attendant to landscaping. (Other material attendant to landscaping include, dirt, soil, rocks, mulch, timbers, cross ties, concrete blocks, pavers, and the like.) Is the result of the work or service without holding a valid license to do business in the city and without being equipped with a truck or vehicle capable of removing the brush, wood, vines, debris, or other refuse and the refuse shall be removed by the person causing or creating this accumulation; and/or (Ord. 2004-11, passed 7-13-2004)

(N) No person engaged in the business of demolition and construction shall perform any service for economic gain wherein an accumulation of demolition and construction debris is the result of the work or service without holding a valid license to do business in the city without being equipped with a truck or other vehicle capable of removing the demolition and construction debris; or other refuse and the refuse shall be removed by the person causing or creating its accumulation.

(Ord. 2004-11, passed 7-13-2004)

(Prior Code, § 9-3) (Ord. 1995-5, passed 3-28-1995) Penalty, see § 50.99

§ 50.04 FEES.

The city shall establish service charges or fees for each dwelling unit and each commercial establishment for basic service solid waste collection and disposal as are necessary to meet all costs of operation and maintaining the solid waste management system. All the fees, including subsequent revisions thereof, shall be paid by the resident or owner of record of the property served and shall be paid to the city or its designee at times set by the city. For other than the basic collection service, collectors will be required to obtain permits and the city shall establish service charges or fees for all collectors providing dumpsters or equivalent bulk containers.

(Prior Code, § 9-4) (Ord. 1995-5, passed 3-28-1995)

§ 50.05 DELINQUENCY.

All unpaid fees shall become delinquent if payment is not received within 30 days of the notice due and shall result in the termination of all utility services provided by the city until payment is received. Delinquent bills shall bear interest at 12% per annum until paid. The city or its designee may enforce collection of delinquent bills by bringing proper legal action against the owner or occupant of any dwelling unit or owner of any commercial establishment to recover any sums due plus a reasonable attorney's fee, court costs, and any other costs involved in the collection action.

(Prior Code, § 9-5) (Ord. 1995-5, passed 3-28-1995)

§ 50.06 UNCOLLECTED FEES.

All uncollected fees, after judgment, shall be placed on record in the locality where the property is located, as any other judgment lien, and shall be released when paid. (Prior Code, § 9-6) (Ord. 1995-5, passed 3-28-1995)

§ 50.07 UNOCCUPIED RESIDENCES AND BUILDINGS.

The service and service charge shall be terminated upon presentation of satisfactory proof to the city that any such dwelling unit or establishment is unoccupied and shall be commenced upon renewed occupancy thereof. (Prior Code, § 9-7) (Ord. 1995-5, passed 3-28-1995)

§ 50.08 NOTIFICATION.

It shall be the duty of the city to serve or cause to be served upon the owner or occupant of any premises on which there is kept or maintained any nuisance in violation of the provisions of this chapter and to demand the abatement of the nuisance within 10 days. (Prior Code, § 9-8) (Ord. 1995-5, passed 3-28-1995)

§ 50.09 NONCOMPLIANCE.

If the person so served does not abate the nuisance within 10 days, the city may proceed to abate the nuisance, keeping an account of the expense of the abatement, and the abatement shall be charged and paid by the owner or occupant. Whenever a bill for the charges remains unpaid for 30 days after that has been rendered, the city may file a statement of lien claim against the property. (Prior Code, § 9-9) (Ord. 1995-5, passed 3-28-1995)

§ 50.10 COST RECOVERY.

When the city must clean up and remove an open dump to ensure protection of the public health and safety and when the responsible party can be identified, the city shall require these persons to reimburse the city for the actual costs incurred. Recoverable costs include, but are not limited to, costs for site assessment and evaluation,

labor, equipment, disposal, and legal fees. Should other means of collection prove ineffective, the city may seek the reimbursement of funds 90 days following the completion of the cleanup. The cost recovery should not apply to property owners who are the victim of illegal dumping of solid waste without their knowledge or beyond their reasonable control.

(Prior Code, § 9-10) (Ord. 1995-5, passed 3-28-1995)

§ 50.11 BONDS.

Payment and performance bonds shall be required of all franchisees to collect and transport solid waste and to operate processing or disposal facilities. The amount of the bond shall be fixed by the City Commission. (Prior Code, § 9-11) (Ord. 1995-5, passed 3-28-1995)

COLLECTION SERVICE**§ 50.25 GENERALLY.**

(A) *Fee approval.* The city shall establish and collect all fees charged for basic service solid waste collection. (Prior Code, § 9-26)

(B) *City responsibility defined.* The city shall provide for a basic collection of all residential and commercial solid waste in the city, provided, however, the city may provide the collection service by contracting with a person, county, or other city or a combination thereof, for the entire city as deemed to be in the best interest of the city. (Prior Code, § 9-27)

(C) *Universal collection.* Every residence, commercial enterprise, or other waste producing entity shall subscribe to the waste collection services authorized by this chapter. (Prior Code, § 9-28)

(D) *Collection points.* Points of collection of solid waste shall be from “behind the premises” or from the roadside or curbside within public rights-of-way or other locations near buildings, parking lots, and the like, on private property. In general, for “curbside” collection, solid waste shall be placed along the roadside or curbside

fronting the subject property not more than 12 hours before collection. All reusable storage containers shall be removed from the roadside or curbside by the generator within 12 hours after collection. Residential, agricultural, commercial, institutional, and industrial uses required to provide bulk storage containers shall be located on private property in areas accessible to collection vehicles.

(Prior Code, § 9-29)

(E) *Bulky rubbish/waste.* The city shall establish the procedures for collecting bulky rubbish from residential and commercial units within the city. Bulky rubbish shall be collected at least twice a year.

(Prior Code, § 9-30)

(F) *Authority for collectors to enter private property.* Solid waste collectors, employed by the city or a solid waste collection agency operating under contract with the city, are hereby authorized to enter upon private property for the purpose of collection of solid waste as required by this chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collection of residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the city.

(Prior Code, § 9-31)

(G) *Collection frequency.* All solid waste, other than bulky waste, shall be collected at least once weekly. Residential, agricultural, commercial, institutional, and industrial uses, generating large quantities of solid waste, may be required to provide collection at more frequent intervals (i.e., twice weekly or more) upon determination by the city, as necessary for the protection of public health, safety, and welfare. All collection shall be made between 4:00 a.m. and 5:00 p.m., Monday through Friday.

(Prior Code, § 9-32)

(H) *Title of solid waste.* Title to solid waste shall pass to the contractor when placed in the contractor's collection vehicle, removed by the contractor from a container, or removed by the contractor from the customer's premises; excluding recycled materials.

(Prior Code, § 9-33) (Am. Ord. 2004-11, passed 7-13-2004)

(I) *Collector's responsibility defined.* Solid waste collectors operating within the city shall be responsible

for the collection of solid waste from collection points to a transportation vehicle, provided solid waste is stored in compliance with provisions set forth in this chapter. Spillage or blowing litter, caused as a result of the duties of the solid waste collector, shall be collected and placed in the transportation vehicle by the collector.

(Prior Code, § 9-34)

(J) *Acceptable collection practices.* Collection practices which are deemed acceptable by the city are as follows.

(1) *Door-to-door household, commercial, or industrial collection.* Collection service may be provided by the city or by contract, franchise, or permit with the private sector.

(2) *Direct access to a manned convenience center or transfer facility within the solid waste management planning area.* Residents may transport their waste directly to permitted manned convenience centers or transfer facilities.

(Prior Code, § 9-35)

(K) *Prohibitions.*

(1) The following wastes may not be deposited in solid waste containers or receptacles:

- (a) Hazardous waste;
- (b) Liquid wastes;
- (c) Bulky wastes, major appliances, furniture;
- (d) Tires;
- (e) Construction and demolition wastes;
- (f) Dead animals;
- (g) Any burning or smoldering materials or any other materials that would create a fire hazard; or
- (h) Batteries.

(2) No person may remove any item from a solid waste receptacle, climb on or into a container or receptacle or damage any container.
(Prior Code, § 9-36) (Am. Ord. 2004-11, passed 7-13-2004)

(L) *Collection vehicle standards.* All transportation vehicles shall be maintained in a safe, clean, and sanitary condition, and shall be constructed, maintained, and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.
(Prior Code, § 9-37)

(M) *Open burning.* Open burning of solid waste, hazardous waste, or bulky waste is prohibited.
(Prior Code, § 9-38)

(N) *Open dumping.* Open dumping of solid waste, including bulky waste, on all lands (i.e., roadsides, hollows, rivers, streams, lakes, and the like) by any person is prohibited.
(Prior Code, § 9-39)

(O) *Disposal sites.* All solid waste, including bulky waste, shall be disposed at an approved transfer station or within a sanitary landfill having a valid permit issued by the Cabinet in compliance with KRS 224.43 and this chapter.
(Prior Code, § 9-40)

(P) *Hazardous waste.* As defined within this chapter, hazardous waste will require special handling and shall be disposed of only in a manner authorized by state and/or federal regulations.
(Prior Code, § 9-41)
(Ord. 1995-5, passed 3-28-1995) Penalty, see § 50.99

§ 50.26 CONTAINERS.

(A) *Storage containers required.* The occupant or owner of every residential dwelling unit, agricultural, commercial, or institutional and industrial establishment producing solid waste within the city shall provide sufficient and adequate containers for the storage of all solid waste, except bulky waste and demolition and construction waste, to serve each dwelling unit and/or establishment; and to maintain the solid waste containers in good repair at all times.
(Prior Code, § 9-46)

(B) *Solid waste to be stored in a manner prescribed by this subchapter.* The occupant or owner of every residential dwelling unit, agricultural, commercial, business, institutional, and industrial establishment shall place all solid waste to be collected in proper solid waste containers, and shall maintain the solid waste containers and the area surrounding them in a clean, neat, and sanitary condition at all times. Solid waste shall be stored in a manner that will be kept free from insect and rodent infestation and will not create a fire hazard.
(Prior Code, § 9-47)

(C) *Standards for residential and commercial reusable storage containers.* Residential and commercial solid waste shall be stored in storage containers of not less than 10 gallons nor more than 35 gallons. Storage containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times, except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails, or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential and commercial solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual storage container and contents shall not exceed 35 pounds. Galvanized metal containers, or rubber, fiberglass, plastic, or vinyl containers, which do not become brittle in cold weather may be used. Disposable solid waste containers within suitable frames, wire bag holders, or other storage containers may also be used for storage of residential solid waste, subject to approval by the city.
(Prior Code, § 9-48)

(D) *Standards for residential, commercial, institutional, and industrial use storage containers.*

(1) All uses which generate more than a volume of 1.6 cubic yards (i.e., approximately equivalent to 400 pounds or 320 gallons) of solid waste per week shall be required to provide bulk containers for storage as approved by the city. The containers shall be waterproof, leakproof, and shall be covered at all times except when depositing waste therein or removing the contents thereof.

(2) Residential and light commercial units may contribute no more than 3 reusable containers per week as defined in division (C) above. Heavy commercial units may contribute nor more than 9 reusable containers per week as defined in division (C) above.

(Prior Code, § 9-49)

(E) *Airtight containers.* No owner, occupant, tenant, or lessee of any building or dwelling may leave outside the dwelling or building, in a place accessible particularly to children, any abandoned or unattended white goods (i.e., icebox, refrigerator, or other receptacle that has an airtight door) without first removing the door.

(Prior Code, § 9-50)

(F) *Yard wastes.* Yard waste shall be securely tied in bundles not larger than 36 inches long and 30 inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 35 pounds. Yard waste shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent rights-of-way. The weight of any individual container and contents shall not exceed 35 pounds.

(Prior Code, § 9-51) (Am. Ord. 2004-11, passed 7-13-2004)

(G) *Storage containers not in compliance.* Solid waste containers which do not meet the specifications as outlined in this division shall be considered waste and will be collected together with their contents and disposed of.

(Prior Code, § 9-52)

(Ord. 1995-5, passed 3-28-1995) Penalty, see § 50.99

§ 50.27 RATES.

(A) *Established; review.*

(1) The City Commission shall establish the rate of charge to each residential and commercial establishment for basic universal collection and disposal of garbage and other refuse.

(2) Rates shall be reviewed at least annually and adjustments to the rates shall be made in accordance with contractual provisions related to the consumer price index (CPI) to ensure adequate revenue is available to continue collection services and meet the costs of disposal.

(Am. Ord. 2004-11, passed 7-13-2004)

(3) The City Commission may, from time to time, establish other classifications and appropriate rates to fulfill the needs of the community.

(Prior Code, § 9-76)

(B) *Categories; rates.*

(1) The categories and rates for collection of garbage and refuse within city limits and from other customers on city water billing system, shall be as follows per month:

Residential	Curbside	\$11.69
Residential	Rear of Premises	\$17.08
Light Commercial	Curbside	\$11.69
Light Commercial	Rear of Premises	\$17.08
Heavy Commercial	Curbside	\$26.65
Heavy Commercial	Rear of Premises	\$36.30
Recycling (Voluntary)		\$5.33

(2) The city shall be paid by the contractor for collection and billing of monthly charges 5% of the net receipts for collection and billing of customers and 2% of the net receipts for the privilege of a long-term contract.

(3) Rates and charges will be automatically adjusted annually on July 1 to reflect the change in the

consumer price index as calculated by the requirements of KRS 83A.075(1).

(Prior Code, § 9-77) (Ord. 1986-2, passed 3-25-1986; Am. Ord. 1992-8, passed 7-23-1992; Am. Ord. 2001-2, passed 6-26-2001; Am. Ord. 2004-11, passed 7-13-2004; Am. Ord. 2006-8, passed 6-26-2006)

(C) *Collection of fees.* The city shall collect fees either through the water department as a separate item on each bill or by other practicable means. Fees shall be assessed against the person in whose name the water meter is listed.

(Prior Code, § 9-78)

(D) *Volume of refuse covered by fee.* Residential and commercial fees are based on an estimate of the volume of material to be collected. If a residential or light commercial customer is generating in excess of 3 containers of garbage or refuse per week or a heavy commercial customer more than 9 per week, the city may require a reclassification of service, the use of a dumpster and payment of fees which are applicable, or other reasonable adjustments.

(Prior Code, § 9-79)

(Ord. 1984-1, passed 3-13-1984; Am. Ord. 1995-7, passed 4-25-1995)

HAZARDOUS MATERIALS

§ 50.40 PURPOSE.

(A) This subchapter is adopted by the Mercer County Fiscal Court, the Burgin City Council, and the Harrodsburg City Commission for the purpose of protecting public health/safety and the environment in Mercer County, Kentucky, through timely response and remediation efforts by properly trained individuals for incidents requiring action by existing/future local, state, and/or federal requirements.

(B) This subchapter also provides a mechanism for local agencies to recoup response costs from persons responsible for the release.

(Prior Code, § 9-101) (Ord. 1996-13, passed 10-8-1996)

§ 50.41 DEFINITIONS.

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

AUTHORIZED RELEASE. A release of hazardous materials in accordance with an appropriate permit granted by a local, state, or federal agency having primary jurisdiction over the release.

CONSUMER PRODUCT. Shall have a meaning stated in 15 U.S.C. § 2052.

COSTS. All expenses incurred by local government and/or local emergency response organizations regardless of whether or not the agencies are publicly or privately owned in responding to any hazardous materials spill, leak, or other release into the environment and for any remedial or removal actions taken to protect and safeguard the public health and safety, property, or the environment. The term includes, but is not limited to costs incurred for personnel, equipment, and the use thereof, materials, supplies, services, damage or loss of equipment, both organization and personal, and related expenses resulting directly from response to a release or threatened release of a hazardous material.

EMPLOYEE. Any person who works, with or without compensation, in a workplace.

EMPLOYER. Any person, firm, corporation, partnership, association, government agency, or other entity engaged in a business or providing services which has employees.

ENVIRONMENT. The navigable waters of the United States and any other surface water, ground water, drinking water supply, soil surface, subsurface strata, storm sewer or publicly owned sanitary sewer or treatment works (other than those handling only wastewater generated at a facility) within Mercer County, Kentucky. The terms shall include air only for purposes of reporting releases pursuant to the further provisions of this subchapter.

FACILITY. Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment container), tank, motor vehicle, truck trailer, rolling stock, or aircraft; or any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed or otherwise come to be located. Consumer products in consumer use and vessels are not included.

HAZARDOUS MATERIALS. Any element, compound, substance, or material or any combination thereof which are toxic, flammable, explosive, corrosive, radioactive, oxidizers, etiological agents, carcinogenic, or are highly reactive when mixed with other substances, including, but not limited to, any substance or material which is designated a hazardous material pursuant to the Hazardous Materials Transportation Act, being 49 U.S.C. §§ 5101 *et seq.*, or is listed by Appendix A, 40 C.F.R. pt. 302, List of Hazardous Materials and Reportable Quantities, as amended, published by the U.S. Environmental Protection Agency (EPA), and herein incorporated by reference the same as if set out at length herein in words and figures, in a quantity and form which may pose a substantial present or potential hazard to human health, property, or the environment when improperly released, treated, stored, transported, disposed of, or otherwise managed.

NORMAL APPLICATION OF PESTICIDES. Application pursuant to the label directions for application of a pesticide produce registered under §§ 30 or 24 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, (7 U.S.C. §§ 136 *et seq.*) (FIFRA), or pursuant to the terms and conditions of an experimental uses permit issued under § 5 of FIFRA, or pursuant to an exemption granted under § 18 of FIFRA.

OIL. Oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged soil.

PERSON. Any individual, business, firm, partnership, corporation, consortium, association, trust, joint stock company, cooperative, joint venture, city, county, city or county special district, the state or any department, agency, or political subdivision thereof, the United States Government, or any other commercial or legal entity.

RELEASE. Any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping, or disposing of a hazardous material into or on any land, air, water, well, stream, sewer, or pipe so that the hazardous materials or any constituent thereof may enter the environment. The term shall not apply to:

(1) With respect to a claim which the persons may assert against the employer of the persons as provided by CERCLA regulations, any release which results in exposure to persons solely within a workplace;

(2) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or a pipeline station pumping engine; and/or

(3) The normal application of fertilizers and pesticides.

REMEDIAL ACTION. Any action consistent with permanent remedy taken instead of or in addition to any removal actions in the event of a release or threatened release of a hazardous material into the environment, to prevent or minimize the release of hazardous materials so that they do not migrate to cause a substantial present or potential hazard to human health, property, or the environment. The term includes, but is not limited to, the actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay (or other earth) cover, neutralization, cleanup of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, repair or replacement of leaking containers, collection of leachate and runoff, on-site treatment or incineration, provisions of alternative water supplies, and any monitoring reasonably required to assure that the actions protect public health and welfare and the environment.

REMOVAL. The cleanup or removal of released hazardous materials from the environment, the actions as may be necessary or appropriate to monitor, assess, and evaluate the release or threatened release of hazardous materials, the disposal of removed material, or the taking of the actions as may be necessary to prevent, minimize, or mitigate damage to public health or welfare or the environment. The term includes, but is not limited to, security fencing, provision of alternative water supplies, and temporary evacuation, reception and care of threatened persons.

REPORTABLE QUANTITY. That quantity:

(1) *Listed hazardous materials.* The quantity appearing in column "RQ" for each hazardous material listed in:

(a) "List of Hazardous Materials and Reportable Quantities," 40 C.F.R. pt. 302, as amended;

(b) "Extremely Hazardous Substances," as designated in 40 C.F.R. pt. 355 under SARA Title III.

(2) *Petroleum or petroleum products.* The reportable quantities are 25 gallons or more of a petroleum product with a 24-hour period and 75 gallons or more of diesel fuel in a 24-hour period or any amount that creates a visible sheen on surface waters.

(3) *Release to sanitary sewer system.* Notwithstanding any other provision of this section, any release of a hazardous material to a sanitary sewer system which is prohibited under applicable pretreatment or other regulations of the Harrodsburg Sewer Use Ordinance or other sewer system operating in Mercer County shall be deemed to be release in reportable quantities.

RESPONSE. Any remedial or removal action, including, but not limited to, response by local public safety and emergency agencies and subsequent actions taken to insure the preservation and protection of the public health, safety, welfare and the environment.

VESSEL. Every description of watercraft or other artificial contrivance used or capable of being used, as a means of transportation on water.
(Prior Code, § 9-102) (Ord. 1996-13, passed 10-8-1996)

§ 50.42 APPLICABILITY.

Pursuant to authority of KRS 67.083(7), and KRS 83A.060, the provisions of this subchapter shall apply to all persons who manufacture, use, store, or transport hazardous materials within Mercer County, the City of Burgin, and the City of Harrodsburg, when in the event of an unauthorized release of a hazardous material:

(A) In which the safety of local residents and/or irreversible damage to the environment is imminent without immediate action;

(B) The responsible party has refused to act in a reasonable time or the responsible party is not known through existing reporting or record-keeping requirements; and

(C) The responsible party would be required by existing local, state, and/or federal regulation(s) to report, contain and remediate the hazardous material release (cause a release of a "Reportable Quantity" (RQ) of hazardous material).
(Prior Code, § 9-103) (Ord. 1996-13, passed 10-8-1996)

§ 50.43 ADMINISTERING AGENCY.

The purpose of this subchapter is to establish a uniform county-wide program for protection of the environment from uncontrolled releases of hazardous materials to be administered by existing agencies of local government through protocols and standard operating procedures.
(Prior Code, § 9-104) (Ord. 1996-13, passed 10-8-1996)

§ 50.44 RESPONSE AUTHORITY.

(A) The Mercer County Disaster and Emergency Service (DES) Director/Deputy Director shall have authority to coordinate response to any release or threatened release of hazardous materials in Mercer County.

(B) The Fire Chief of the jurisdiction in which the release or threatened release is located shall have primary authority for taking remedial or removal actions necessary to control or contain the release or threatened release and to assure the protection of human health, property, and the environment. The role of DES is to give technical advice and assistance to the Fire Chief.

(C) DES or the Fire Chief shall immediately report any release or threatened release to the executive authority of the jurisdiction (e.g., County Judge/Executive or his or her administrative assistant, Mayor,

City Administrative Officer, City Coordinator) if § 50.42(B) applies. If, in the opinion of the executive authority, the seriousness of the situation warrants, the chief executive officer of the jurisdiction (County Judge/Executive or Mayor) shall declare the existence of a state of emergency in the jurisdiction, and thereafter, the response authority provided by this section shall then be vested in the chief executive officer. In that event, the chief executive officer may authorize DES, the Fire Chief, or other appropriate person to exercise all or part of the response authority provided by this section until further notice.

(D) All local emergency response personnel shall cooperate with and operate under the direction of the chief executive officer of the jurisdiction, the Fire Chief, DES, or other person then exercising response authority under this section until the time as the person then exercising response authority has determined that the response is complete, or responsibility for response has been assumed by the state or federal agency having primary jurisdiction over the release or threatened release.

(E) The person exercising response authority under this section shall coordinate and/or cooperate with other federal, state, or local public health, safety, and emergency agencies involved in the response to a release or threatened release of hazardous materials.

(F) The person exercising response authority under this section may, with the approval of the executive authority of the jurisdiction, obtain vital supplies, equipment, services, and other properties found lacking and needed for the protection of human health, property, and the environment and obligate the jurisdiction for the fair value thereof.

(Prior Code, § 9-105) (Ord. 1996-13, passed 10-8-1996)

§ 50.45 PROHIBITED ACTS.

(A) *Notice upon discovery.* When a release or a threatened release, other than an authorized release, of a hazardous material in a quantity equal to or exceeding the reportable quantity established for the material occurs or is imminent on any facilities of any kind within Mercer County, the person in charge of the facilities, upon discovery of the release or threatened release, or evidence that a release has occurred even though it has

apparently been controlled, shall immediately cause notice of the existence of the release or threatened release, the circumstances of same, and the location thereof to the Harrodsburg/Mercer County Emergency Communications Center.

(B) *Emergency telephone number.* The notice required to be given by this section in Mercer County may be given by telephoning "911" (or the other emergency telephone number as may be subsequently designated). This one call will meet the requirements for notification of local agencies (LEPC, Fire Department with jurisdiction, local DES, ambulance service, and the like as required).

(C) *Duty to control releases.* The notice required to be given by this section shall not be construed as forbidding or otherwise exempting any person on or about the facilities from exercising all diligence necessary to control the release prior to or subsequent to the notice to the Emergency Communication Center, especially if the efforts may result in the containment of the release and/or the abatement of any hazard to life and/or property.

(D) *Duty to report to other agencies.* No statement contained in this section shall be construed to exempt or release any person from any other notification or reporting procedures in accordance with applicable state or federal laws or regulations.

(Prior Code, § 9-106) (Ord. 1996-13, passed 10-8-1996) Penalty, see § 50.99

§ 50.46 LIABILITY FOR COSTS.

Notwithstanding any other provision or rule of law, the following persons shall be jointly and severally liable for all costs of removal or other remedial actions incurred by local public safety and emergency agencies as a result of a release or threatened release of hazardous materials into the environment:

(A) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of hazardous materials;

(B) Any person who, at the time of disposal, transport, storage, or treatment of hazardous materials, owned or operated the facility or vessel used for the

disposal, transport, treatment, or storage from which there was a release or substantial threat of a release of hazardous materials;

(C) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal, or treatment of hazardous materials owned, controlled, or possessed by another party or entity from which facility there is a release or substantial threat of a release of hazardous materials; and

(D) Any person who accepts or accepted any hazardous materials for transport to disposal, storage, or treatment facilities from which there is a release or substantial threat of a release of hazardous materials.

(Prior Code, § 9-107) (Ord. 1996-13, passed 10-8-1996)

§ 50.47 AUTHORIZED RELEASE.

There shall be no liability under this subchapter for any release permitted by local, state, or federal law, but only to the extent that the release is made in accordance with an appropriate permit granted by the state or federal agency having primary jurisdiction over the release and that the release is in full compliance with the permit with respect to time, location, and manner of the release so that the release will not create a hazard or potential hazard to human health, property, or the environment; or, if the release is in substantially lesser quantities than those reportable quantities established by state or federal law, regulations, permit requirements, or ordinances of the jurisdiction in which the release occurs.

(Prior Code, § 9-108) (Ord. 1996-13, passed 10-8-1996)

§ 50.48 CONTRACTUAL INDEMNIFICATION; SUBROGATION.

(A) No conveyance, transfer, sale, indemnification, hold harmless, or similar agreement shall be effective to release the owner or operator of any facility or vessel or any person who may be liable for a release of hazardous materials or threat thereof under this subchapter. Nothing in this section shall bar any arrangements to insure, hold harmless, or indemnify a party to the agreement for any liability under this subchapter.

(B) Nothing in this section, including the provisions of division (A) above, shall bar a cause of

action that an owner or operator or any other person subject to liability under this subchapter, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

(Prior Code, § 9-109) (Ord. 1996-13, passed 10-8-1996)

§ 50.49 DISCLAIMER OF LIABILITY.

This subchapter shall not create liability on the part of the administering agency or on the part of the response authority for any damages that result from reliance on this subchapter or any administrative decision lawfully made thereunder. All persons are advised to determine to their own satisfaction the level of protection, in addition to that required by this subchapter, necessary or desirable to ensure that there is no unauthorized release of hazardous materials.

(Prior Code, § 9-110) (Ord. 1996-13, passed 10-8-1996)

§ 50.99 PENALTY.

Any person violating any of the provisions of this chapter or any unlawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than \$25 nor more than \$500. Each day a violation continues shall be a separate offense. Violators of this chapter may be issued a citation by the city police or any authorized police officer.

(Prior Code, § 9-12) (Ord. 1995-5, passed 3-28-1995)

CHAPTER 51: GENERAL WATER AND SEWER PROVISIONS

Section

- 51.01 Water and sewer departments consolidated
- 51.02 Water deposit
- 51.03 Water rates
- 51.04 Payment of bills; disconnecting service
- 51.05 Water tap charges and meter costs; specifications
- 51.06 Only city to dig or excavate in streets
- 51.07 Building permit fee to include water tap fee
- 51.08 Cut-off valves, sump pumps, and the like
- 51.09 Use of city property, streets, and alleys for installation and rehabilitation of sewer collection mains and lines authorized
- 51.10 Use of city property, streets, and alleys for installation of water transmission and distribution mains and lines authorized

Statutory reference:

Acquisition of waterworks, see KRS Ch. 106
Municipal improvements, see KRS Ch. 107
Punishment for damaging waterworks, see KRS 96.340
Utilities in cities, see KRS Ch. 96

§ 51.01 WATER AND SEWER DEPARTMENTS CONSOLIDATED.

The works and facilities supplying water and sewer service in and to the city shall be combined and consolidated as municipal waterworks and sewer system and shall remain combined and consolidated as security and a source of payment for water and sewer revenue bonds of the city.

(Prior Code, § 17-1) (Ord. 1980-6, passed 3-18-1980)

Statutory reference:

Acquisition and development of public projects through revenue bonds, see KRS Ch. 58

§ 51.02 WATER DEPOSIT.

(A) Any person desiring water service shall post with the Treasurer a deposit to guarantee the payment of monthly bills. No one except the city shall turn the service on or off.

(B) The deposit amounts for all new services shall be:

- (1) Residential - \$75;
- (2) Small business - \$100;
- (3) Motels and restaurants - \$300; and
- (4) Industry - \$400.

(Prior Code, § 17-2) (Ord. 1980-6, passed 3-18-1980; Am. Ord. 1995-17, passed 9-26-1995; Am. Ord. 1999-14, passed 11-9-1999) Penalty, see § 10.99

§ 51.03 WATER RATES.

(A) *Generally.* The water rates for consumers shall be as set out in this section.

(B) *Specifically.*

(1) *Minimum water rate.* The minimum water bill shall be \$9.87 per month, and each water customer shall be entitled to 250 cubic feet of water consumption per month to customers of all size connections, except for any contractual arrangements with specific customers for additional surcharges.

<i>Number of Cubic Feet of Water per Month</i>	<i>Minimum Monthly Charge</i>
First 250	\$9.87 per 100 cubic feet
Next 750	\$3.75 per 100 cubic feet
Next 3,000	\$3.26 per 100 cubic feet
Next 6,000	\$2.77 per 100 cubic feet
Next 25,000	\$2.36 per 100 cubic feet
Next 25,000	\$1.97 per 100 cubic feet
Next 60,000	\$1.58 per 100 cubic feet

(2) *Meter rates for water usage in addition to minimum charge.* Subject to the minimum monthly water rate specified above, the following metered charges shall be made for each 100 cubic feet of water consumption per month to customers of all size connections, except for any contractual arrangements with specific customers for additional surcharges.

<i>Number of Cubic Feet of Water per Month</i>	<i>Minimum Monthly Charge</i>
First 250	\$9.87 per 100 cubic feet
Next 750	\$3.75 per 100 cubic feet
Next 3,000	\$3.26 per 100 cubic feet
Next 6,000	\$2.77 per 100 cubic feet
Next 25,000	\$2.36 per 100 cubic feet
Next 25,000	\$1.97 per 100 cubic feet
Next 60,000	\$1.58 per 100 cubic feet

(3) *Bulk water sales.*

(a) Bulk water shall be filled at \$.17 per 50 gallons of water from public hydrants or mains, sold only under the supervision of the department superintendent.

(b) Bulk water sales at the water treatment plant shall be \$.25 per 75 gallons.

(4) *Rates are exclusive of sales tax.* The foregoing rates are rates to be charged by the city and any applicable state sales tax shall be added to each monthly bill as a separate charge.

(5) *Hydraulic analysis.* Minimum fee is \$400. If the cost of the hydraulic analysis exceeds \$400 it will be at actual cost. (Prior Code, § 17-3) (Ord. 1980-6, passed 3-18-1980; Am. Ord. 1999-4, passed 4-13-1999; Am. Ord. 2003-16, passed 10-9-2003; Am. Ord. 2010-04, passed 4-26-2010; Am. Ord. 2012-09, passed 6-11-2012)

§ 51.04 PAYMENT OF BILLS; DISCONNECTING SERVICE.

(A) All water bills shall be mailed to the customer before the first of each month, and shall be due and payable on a monthly basis as set forth on the bills on the tenth of each month. Upon failure to pay any bill by the tenth of the month, a 10% penalty shall be added to the bill. Failure to pay the bill by the twentieth of the month will result in the service being disconnected. No service so disconnected shall be reinstated until the customer pays the bill in full and pays a disconnect fee of \$35 during normal business hours and \$50 after normal business hours. The service must be physically turned off to incur a \$35 charge. In addition, if services have been turned back on by the customer or locks cut off, other fees may occur, \$75 for unauthorized turn on fee or meter taper fee and then the meter will be pulled until the bill is paid in full.

(B) Customers desiring to discontinue service shall notify the city and remain liable therefore until the notice is given. Customers desiring to contest the accuracy of the billing may contact the Water Department prior to the termination date, and if the matter is not resolved, shall file a written protest with the City Clerk which shall be brought before the City Commission for resolution at the next regularly scheduled Commission meeting. (Prior Code, § 17-4) (Ord. 1980-6, passed 3-18-1980; Am. Ord. 2003-2, passed 1-28-2003; Am. Ord. 2011-05, passed 3-3-2011)

§ 51.05 WATER TAP CHARGES AND METER COSTS; SPECIFICATIONS.

(A) The charge for new water taps shall be as shown below.

3/4 inch tap (includes meter)	\$850 multiplied by the number of residential, apartment, or commercial consumer units served through the tap
1 inch tap	\$1,450
1-1/2 inch tap	\$1,700
2 inch tap	\$2,500
6 inch tap	\$3,000
8 inch tap	\$4,500
10 inch and greater	\$5,600 plus time and materials plus 20%

(1) Meters, if required, for taps between 1 inch and 10 inches or greater will be provided at cost plus 20%.

(2) Tap fees are applicable regardless of whether the tap is made by the city or by the developer.

(3) Taps will be made and/or meters set at the edge of public right-of-way or utility easement.

(4) Tap fees will be automatically adjusted annually on July 1 to reflect the change in the consumer price index as calculated by the requirements of KRS 83A.075(1).

(5) In order to facilitate renovation of the water service of water facilities, the city may construct the facilities and recover the total cost of construction for the facilities by increasing fees for tapping into the facilities. Projects undertaken under this provision may be authorized and tap fees may be established or amended by a majority vote of the Commissioners. This provision shall not exclude the use of any other method of funding water projects.

(B) All meters shall be owned by the city. Periodic testing at least annually or replacement of meters 2 inches or more will be made by the city and the customer shall pay cost of testing or necessary repair or replacing upon receipt of bill from the city. The customer shall pay the cost of the meter and installation,

including meter box or vault as required for all meters 2 inches or larger.

(C) Each water meter is to serve only 1 residence, commercial building, or other structure which is not classified as a multi-unit water consumer.

(D) A multi-unit water consumer is defined as any location served where there are 2 or more residential units or apartments, 2 or more businesses in the same building or complex, or where there is any combination of business and residence in the same building or complex.

(E) If more than 1 customer is served through 1 meter, the customer in whose name the meter is registered shall be responsible for payment of the total bill and only 1 bill will be issued.

(F) No water tap shall be made by any person except the city. The city will, upon application to the Treasurer and payment of the fee, tap the water main, run a service line to the property line of applicant and furnish and install the meter. Any and all attachments or connections therewith shall be made under the direction of supervision of the city. Provided that nothing herein shall be construed as requiring the city to furnish service to an applicant where a water main is not available at the time the application is made or to furnish or run more than 50 feet of service pipe measured from the main.

(G) Water tap charges for service to consumers beyond the corporate limits of the city shall be the regular tap fee for city users plus \$100 and the owner will be required to execute an agreement with the city that he or she will not oppose annexation of his or her serviced property so long as the city service continues.

(H) Extension of customer service lines from any point on the customer's side of the meter for delivery of water to any location other than that of the customer in whose name the meter is registered shall not be permitted. (Prior Code, § 17-5) (Ord. 1980-6, passed 3-18-1980; Am. Ord. 1987-7, passed 6-23-1987; Am. Ord. 1988-11, passed 9-27-1988; Am. Ord. 1999-4, passed 4-13-1999; Am. Ord. 2000-6, passed 6-13-2000; Am. Ord. 2003-16, passed 10-9-2003; Am. Ord. 2005-9, passed - -) Penalty, see § 10.99

§ 51.06 ONLY CITY TO DIG OR EXCAVATE IN STREETS.

No person except the city shall dig or excavate in the streets or other public places of the city for the purpose of repairing any water or sewer facilities. (Prior Code, § 17-6) (Ord. 1980-6, passed 3-18-1980) Penalty, see § 10.99

§ 51.07 BUILDING PERMIT FEE TO INCLUDE WATER TAP FEE.

All permits for new buildings shall be accompanied by payment for a water tap. (Prior Code, § 17-7) (Ord. 1980-6, passed 3-18-1980; Am. Ord. 2003-16, passed 10-9-2003; Am. Ord. 2005-9, passed - -)

§ 51.08 CUT-OFF VALVES, SUMP PUMPS, AND THE LIKE.

(A) All houses and other structures having city water service shall have cut-off valves where water connections enter building.

(B) Sump pumps, down spouts, and drain tiles leading into the city's sanitary sewer are prohibited.

(C) All plumbers working within the city limits must use an approved type rod in cleaning sewer connections to city sewers.

(D) Any plumber installing sump pumps, down spouts, and drain tiles leading to city sanitary sewer shall be fined not less than \$25 nor more than \$100 for each offense.

(E) Any householder who permits, suffers, or allows any of the acts prohibited by or fails to do any of the acts required by divisions (A) through (C) above shall be fined not less than \$2 nor more than \$50. Each day constitutes a separate offense. (Prior Code, § 17-8) Penalty, see § 10.99

§ 51.09 USE OF CITY PROPERTY, STREETS, AND ALLEYS FOR INSTALLATION AND REHABILITATION OF SEWER COLLECTION MAINS AND LINES AUTHORIZED.

(A) The City of Harrodsburg hereby authorizes and permits the use of its property, streets, and alleys and rights-of-way adjacent thereto belonging to the city for installation and rehabilitation of the sewer collections mains and lines related to sewer treatment plant and collection systems improvements for any US Department of Agriculture/Rural Development project 2001, as designated on the project area map prepared by GRW Engineers, Inc.

(B) This section shall be effective upon passage, approval, and publication as required by law. (Ord. 2002-4, passed 5-14-2002; Am. Ord. 2010-07, passed 5-24-2010)

§ 51.10 USE OF CITY PROPERTY, STREETS, AND ALLEYS FOR INSTALLATION OF WATER TRANSMISSION AND DISTRIBUTION MAINS AND LINES AUTHORIZED.

(A) The City of Harrodsburg hereby authorizes and permits the use of its property, streets, and alleys, and rights-of-way adjacent thereto belonging to the city for installation and maintenance of the water transmission and distribution systems improvements for any US Department of Agriculture/Rural Development project 2001, as designated on the project map prepared by GRW Engineers, Inc.

(B) This section shall be effective upon its approval, passage, and publication as required by law. (Ord. 2003-5, passed 3-25-2003; Am. Ord. 2010-08, passed 5-24-2010)

CHAPTER 52: SEWER USE

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GENERAL PROVISIONS**§ 52.001 PURPOSE AND POLICY.**

This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 being, 33 U.S.C. §§ 1251 et seq., and the general pretreatment regulations (40 C.F.R. pt. 403). (Prior Code, § 17-26) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

§ 52.002 OBJECTIVES.

The objectives of this chapter are to:

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

(B) Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters so as to cause violations of the city's KPDES permit or the atmosphere or otherwise be incompatible with the system;

(C) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system;

(D) Provide for equitable distribution of the cost of the municipal wastewater system; and

(E) Provide for the safety of the treatment plant employees. (Prior Code, § 17-27) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

§ 52.003 SCOPE.

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

(B) This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the superintendent shall administer, implement, and enforce the provisions of this chapter. (Prior Code, § 17-28) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

§ 52.004 DEFINITIONS.

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

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

AGENCY. Any government or quasi governmental entity.

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

AUTHORIZED REPRESENTATIVE.

(1) An authorized representative of a user may be:

(a) A principal executive officer of at least the level of vice president, if the industrial user is a corporation;

(b) A general partner or proprietor if the user is a partnership or proprietorship, respectively; or

(c) A duly authorized representative of the individual designated above if the representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(2) An authorized representative of the city may be any person designated by the city to act on its behalf.

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

BEST MANAGEMENT PRACTICES or BMPS. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5. BMPs include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical

oxidation of organic matter under standard laboratory procedure, 5 days at 20°C expressed in terms of weight and concentration in milligrams per liter (mg/l).

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, water, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

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

BUILDING SEWER PERMIT. As set forth in §§ 52.020 *et seq.*

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

CATEGORICAL PRETREATMENT STANDARDS. National Categorical Pretreatment Standards or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

CITY. The City of Harrodsburg; its City Commission; the City Engineer; or the superintendent or their designee.

CITY ENGINEER. The City Engineer of the city, or his or her authorized deputy, agent, or representative. In the absence of a City Engineer, the term superintendent shall be used.

CLEAN WATER ACT (CWA). Also known as the Federal Water Pollution Control Act, enacted by Pub. L. No. 92-500, 10-18-1972, 33 U.S.C. §§ 1251 *et seq.*, as amended by Pub. L. No. 95-217, 12-28-1977; Pub. L. No. 97-117, 12-29-1981; Pub. L. No. 97-440, 1-8-1983; and Pub. L. No. 100-04, 2-4-1987.

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

COMBINED WASTESTREAM FORMULA (CWF). The procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other non-regulated wastestreams prior to treatment (40 C.F.R. pt. 403.7).

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

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

CONTROL AUTHORITY. Shall refer to the city when there exists an approved pretreatment program under the provisions of 40 C.F.R. pt. 403.11.

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

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

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

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

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

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

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

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

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

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

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

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

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

GRAB SAMPLE. A sample which is taken from a wastestream on a 1-time basis with no regard to the flow of the wastestream and without consideration of time.

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

INCOMPATIBLE POLLUTANT. All pollutants other than compatible pollutants as defined above.

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

INDUSTRIAL USER (IU). A source of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to § 402 of the Clean Water Act.

INDUSTRIAL USER PERMIT (IUP). A permit issued to industrial users which authorizes direct discharges to the public sewer as set forth in the administration section of this chapter.

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

INTERCEPTOR. A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes which permits normal sewage or liquid wastes to discharge into the sewer or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil, or sand trap.

INTERFERENCE. A discharge which, alone or in conjunction with a discharge or discharges from other sources, 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/KPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): § 405 of the Clean Water Act being 33 U.S.C. § 1345, 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 C.F.R. § 403.3).

MAY. This is permissive. See **SHALL**.

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

MULTI-UNIT SEWER CUSTOMER. A location served where there are 2 or more residential units or apartments, 2 or more businesses in the same building or complex, or where there is any combination of business and residence in the same building or complex.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Clean Water Act being, 33 U.S.C. § 1317, which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to 40 C.F.R. pt. 403.5.

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

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

NEW SOURCE. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a § 307(c) (33 U.S.C. § 1317) categorical pretreatment standard which will be applicable to the source, if the standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgations of the standard.

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

ORDINANCE. This chapter, unless otherwise specified.

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

PERIODIC COMPLIANCE REPORT. A report on compliance status submitted by significant industrial users to the control authority at least semiannually (40 C.F.R. pt. 403.12(e)).

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

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

POLLUTANT. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

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

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

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

PRETREATMENT REQUIREMENTS. Any substantive or procedure requirement related to pretreatment, other than a national categorical pretreatment standard imposed on a significant user.

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

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

PROHIBITIVE DISCHARGE STANDARD. Any regulation developed under the authority of § 307(b) of the Clean Water Act being, 33 U.S.C. § 1317 and 40 C.F.R. pt. 403.5.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any direction.

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

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

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

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

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

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

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

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

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

SHALL. Is mandatory. See **MAY**.

SIGNIFICANT INDUSTRIAL USER (SIU). Defined by EPA regulations as:

(1) All industrial users subject to categorical pretreatment standards under 40 C.F.R. pt. 403.6 and 40 C.F.R. Chapter I, subchapter N; and

(2) Any noncategorical industrial user that

(a) Discharges 25,000 gallons per day or more of process wastewater (“process wastewater” excludes sanitary noncontact cooling, and boiler blowdown wastewaters);

(b) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic (BOD, TSS, and the like) capacity of the treatment plant; or

(c) Has a reasonable potential, in the opinion of the control or approval authority, to adversely

affect the POTW treatment plant (inhibition, pass through of pollutants, sludge contamination or endangerment of POTW workers) or violate any requirements of this chapter. The city may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

1. The Industrial user, prior to the city’s finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

2. The industrial user annually submits the certification statement required in 40 CFR 403.12(g) together with any additional information necessary to support the certification statement; and

3. The industrial user never discharges any untreated concentrated process wastewater.

(d) Upon a finding that a user meeting the criteria in this section has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SLUG DISCHARGE. Any discharge of a non-routine episodic nature, including, but not limited to, an accidental spill or non-customary batch discharge or any discharge of water or wastewater in which the concentration of any given constituent or quantity of flow exceeds, for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration or flow rate during normal operation which adversely affects the POTW.

SLUG LOAD. Any pollutant (including biochemical oxygen demand) released in a discharge at

a flow rate or concentration which will cause interference with the operation of the treatment works or which exceeds limits set forth in the industry's discharge permit and which include accidental spills.

SPILL PREVENTION AND CONTROL PLAN.

A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

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

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

STANDARD METHODS. The examination and analytical procedures set forth in the recent editions of *Standard Methods for the Examination of Water and Wastewater*, published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation and as set forth in the Congressional Record 40 C.F.R. pt. 136.

STATE. Commonwealth of Kentucky.

STORM DRAIN. Sometimes termed ***STORM SEWER***, a drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.

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

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

SURCHARGE. A charge for services in addition to the basic sewer user and debt service charges, for those users whose contributions contain biochemical oxygen demand (BOD5), chemical oxygen demand (COD), total suspended solids (TSS), oil and grease or

ammonia-nitrogen (NH₃-N) in concentrations which exceed limits specified herein for the pollutants. Where authorized by the control authority, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.

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

TIME PROPORTIONAL COMPOSITE SAMPLE. Combination of individual samples with fixed volumes taken at specific time intervals.

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

TOXIC POLLUTANT. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of the § 307(a) of the Clean Water Act being, 33 U.S.C. § 1317 or any amendments thereto.

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

UNREGULATED WASTESTREAM. A wastestream that is not regulated by national categorical pretreatment standards.

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

WASTEWATER. The spent water of a community. Sanitary or domestic wastes shall mean the liquid- and water-carried wastes from residences, commercial

buildings, and institutions as distinct from industrial waste.

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

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

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

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

(Prior Code, § 17-29) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1987-7, passed 6-23-1987; Am. Ord. 1993-10, passed 4-27-1993; Am. Ord. 1994-16, passed 8-23-1994; Am. Ord. 2011-17, passed 9-26-2011; Am. Ord. 2012-03, passed 2-27-2012)

§ 52.005 ABBREVIATIONS.

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

ADMI. American Dye Manufacturers Institute.

ASTM. American Society for Testing and Materials.

BMP. Best management practices.

BOD. Biochemical oxygen demand.

BPJ. Best professional judgment.

C.F.R. Code of Federal Regulations.

CIU. Categorical industrial user.

CWA. Clean Water Act (33 U.S.C. §§ 1251 *et seq.*).

CWF. Combined wastestream formula.

EPA. Environmental Protection Agency.

FWA. Flow weighted average.

FR. Federal Register.

GC. Gas chromatography.

GC/MS. Gas chromatography/mass spectroscopy.

gpd. Gallons per day.

IU. Industrial user.

KPDES. Kentucky pollutant discharge elimination system.

l. Liter.

mg. Milligrams.

mg/l. Milligrams per liter.

NPDES. National pollutant discharge elimination system.

POTW. Publicly owned treatment works.

QA. Quality assurance.

QC. Quality control.

RCRA. Resource Conservation and Recovery Act.

SIC. Standard industrial classification.

SIU. Significant industrial user.

SWDA. Solid Waste Disposal Act, 42 U.S.C. §§ 6901 *et seq.*

TSS. Total suspended solids.

TTO. Total toxic organics.

U.S.C. United States Code.
(Prior Code, § 17-30) (Ord. 1984-3, passed 5-14-1984;
Am. Ord. 1993-10, passed 4-27-1993)

§ 52.006 MANDATORY SEWER CONNECTIONS.

(A) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet (30.5 meters) of the property line.

(B) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in division (A) above, except as provided in § 52.008.

(C) At the time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public system within 60 days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.
(Prior Code, § 17-31) (Ord. 1984-3, passed 5-14-1984;
Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.007 UNLAWFUL DISCHARGE TO STORM SEWERS OR NATURAL OUTLETS.

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

(B) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of this chapter. No provision of this chapter shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable state and federal regulations governing the discharge.

(Prior Code, § 17-32) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.008 PRIVATE WASTEWATER DISPOSAL.

(A) Where a public sanitary sewer is not available under the provisions of § 52.006(A), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the Mercer County Health Department and all applicable local and state regulations.

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

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

(D) Industries with current NPDES/KPDES permits may discharge at permitted discharge points, provided they are in compliance with the issuing authority.

(Prior Code, § 17-33) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.009 REQUIREMENTS FOR INSTALLATION.

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

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

(Prior Code, § 17-34) (Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

BUILDING SEWERS AND CONNECTIONS

§ 52.020 PERMITS.

(A) There shall be 2 classes of building sewer permits required; for residential and for service to commercial and industrial establishments. In either case, the owner(s) or his or her agent shall make application on a special form furnished by the city. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics, and constituents. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. Details regarding commercial and industrial permits include, but are not limited to, those required by this chapter. Permit and inspection fees shall be paid to the city at the time the application is filed.

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

(C) No person(s) shall uncover, plug, or make any connection with or opening into, use, alter, or disturb

any public sewer or appurtenance thereof without first obtaining permission from the superintendent. (Prior Code, § 17-46) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.021 DESIGN AND INSTALLATION; GENERALLY.

A separate and independent building sewer shall be provided for every building; except where 1 building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The sewer from the front building may be extended to the rear building and the whole considered as 1 building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection. (Prior Code, § 17-47) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.022 DESIGN AND INSTALLATION; OLD BUILDING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter. Permit and inspection fees for new buildings using existing building sewers shall be the same as for new building sewers. If additional sewer customers are added to the old building sewers, additional sewer tap fees shall be charged accordingly even though no new sewer tap is actually made into the city system. (Prior Code, § 17-48) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.023 DESIGN AND INSTALLATION; SPECIFICATIONS.

(A) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the

requirements of the local and state building and plumbing codes and other applicable rules and regulations of the city.

(B) The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM D-3034, latest revision, unglazed clay sewer pipe, ASTM C-261, latest revision, vitrified clay sewer pipe, ASTM C-700, latest revision, or ductile iron pipe, AWWA specification C-151 cement lined, and shall meet requirements of the state plumbing code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within 5 feet of a water service pipe shall be constructed with cast-iron soil pipe or ductile iron pipe, unless the building sewer is at least 1 foot deeper in the ground than the water service line. In the latter case, vitrified clay pipe may be used. Cast-iron soil pipe or ductile iron pipe may be required by the city where the building sewer is exposed to damage or stoppage by tree roots. Cast-iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the cover over the building sewer is less than 3 feet, or in areas where the sewer is subject to vehicular or other external loads. (Prior Code, § 17-49) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.024 DESIGN AND INSTALLATION; COSTS.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Fees for connection shall be as established by the city. (Prior Code, § 17-50) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

§ 52.025 EXTENSIONS PROHIBITED.

Extension of customer service lines from any point on the customer's side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted. (Prior Code, § 17-51) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.026 INSPECTION OF SEWER CONNECTIONS.

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

(B) All building sewers shall be smoke tested through the wye branch at the public sewer connection, with public sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to top of pipe and if backfill is completed, within 2 weeks after completion of backfill. At time of test, any openings into the building drain inside the building shall be water trapped or plugged. Any leakage of smoke from building sewer or building drain and plumbing shall be located at test and repaired to stand repetition of smoke test without leakage. When smoke testing is completed, the temporary flow line plug shall be removed and a permanent watertight plug shall be placed in branch of test wye-branch and carefully backfilled by hand and tamped to at least 6 inches above the top of the branch. (Prior Code, § 17-52) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

§ 52.027 SAFETY MEASURES; RESTORATION.

The owners shall ensure that all excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Prior Code, § 17-53) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.028 ELEVATING SEWAGE FOR DISCHARGE.

In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drain shall be lifted by an approved means and discharged to the same building

sewer. Drain pipe and sump for collection of the sanitary drainage shall be above basement floor or in separately watertight or drained sump or channel. (Prior Code, § 17-54) (Ord 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.029 CLEANING RODS.

All persons working on city sewers with a cleaning rod must use an approved type rod in cleaning sewer connections to city sewers. (Prior Code, § 17-55) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.030 CONNECTIONS.

The building sewer shall be connected into the public sewer at the easement or property line. Where no property located service branch is available, an authorized agent of the city shall cut a neat hole into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer at the point of connection with a saddle shall be in the upper quadrant to the main line of the public sewer. A neat workmanlike connection, not extending past the inner surface of the public sewer, shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the public sewer and the building sewer. This fitting shall serve the purpose of a cleanout and for applying the smoke test during inspection of the line. After testing, a cast-iron or ductile iron riser will be inserted in this fitting and brought flush with the ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water. (Prior Code, § 17-56) (Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.031 PROHIBITED CONNECTIONS.

(A) No person shall make connection of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains or other

surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this chapter shall be completely and permanently disconnected within 60 days of the effective date of this chapter. The owner(s) of any building sewers having the connections, leaks, or defects shall bear all costs incidental to removal of the sources. Pipes, sumps, and pumps for the sources of ground and surface water shall be separate from wastewater facilities. Removal of the sources of water without presence of separate facilities shall be evidence of drainage to public sanitary sewer.

(B) Floor, basement or crawl space drains which are lower than ground surfaces surrounding the building shall not be connected to the building sanitary sewer. No sanitary inlet which is lower than 6 inches above the top of the lowest of the 2 adjacent public sanitary sewer manholes shall be connected by direct drainage to the building sanitary sewer.
(Prior Code, § 17-57) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

USE OF PUBLIC SEWERS

§ 52.045 COMPLIANCE WITH LOCAL, STATE, AND FEDERAL LAWS REQUIRED.

The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this chapter, and any more stringent state or federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977 being, 33 U.S.C. § 1317, and subsequent amendments, and 40 C.F.R. pt. 403.
(Prior Code, § 17-71) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.046 DISCHARGE OF UNPOLLUTED WATERS INTO SEWER.

(A) No person(s) shall discharge or cause to be discharged through any leak, defect, or connection any

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

(B) The owners of any building sewers having the connections, leaks, or defects shall bear all costs incidental to removal of the sources.
(Prior Code, § 17-72) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.047 PROHIBITED DISCHARGES.

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

(B) A user shall not contribute the following substances to any POTW:

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

(2) 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, and personnel of the POTW;

(3) Any slug load of pollutants, including oxygen demanding pollutants (BOD, and the like),

released at a flow rate and/or concentration that will cause interference with the normal operation of the POTW;

(4) Solid or viscous substances in quantities or of the size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities;

(5) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at introduction into the POTW that will result in a treatment plant effluent temperature which exceeds 40°C (104°F);

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

(7) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under § 405 of the Clean Water Act being, 33 U.S.C. § 1317; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used;

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

(9) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through at the POTW; and/or

(10) Any trucked or hauled pollutants except at discharge points designated by the POTW. (Prior Code, § 17-73) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993; Am. Ord. 2011-17, passed 9-26-2011; Am. Ord. 2012-03, passed 2-27-2012) Penalty, see § 52.999

§ 52.048 POLLUTANT DISCHARGE LIMITS.

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

(B) Restricted discharges shall be:

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

(2) Wastewater containing floatable oils, fat, or grease, whether emulsified or not, in excess of 100mg/l or containing substances which may solidify or become viscous at temperatures 32-150°F (0-65°C);

(3) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. Ground paper products such as cups, dishes, napkins, and milk containers shall not be discharged to the sewer system;

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

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

(6) Any water or wastes which by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes;

(7) Any wastewater with objectionable color which cannot be removed to an acceptable level within the operation of the wastewater treatment process unless otherwise specifically noted in the industrial user permit (IUP);

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

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

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

<i>Parameter</i>	<i>Maximum Concentration</i>
BOD	250 mg/l
TSS	300 mg/l
NH3-N	30 mg/l
Oil and Grease (total)	100 mg/l

(b) Any person discharging wastewater exceeding the maximum allowable concentration as noted

above, will be subject to a surcharge fee for each pound loading over and above the set limit. Any other amenable constituents requiring the addition of specific chemicals for proper treatment will also be subject to surcharge as noted on the industrial user permit. Exceedance of the effluent limits specified above shall not be deemed to constitute a violation of a permit condition or this chapter if the appropriated surcharge fee is paid and the discharge does not cause interference or pass through of the POTW;

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

<i>Parameter</i>	<i>Maximum Daily Concentration (mg/l)</i>
Arsenic	0.16
Cadmium	0.07
Chloride	600
Chromium, Hex.	0.22
Chromium, Total	2.77
Copper	0.5
Cyanide, Amenable	0.09
Cyanide, Total	0.25
Lead	0.22
Mercury	0.0002
Molybdenum	0.80
Nickel	2.03
Phenols	3
PCB	0
Selenium	0.1
Silver	0.43
Zinc	1.51

(12) The city has received authority through the U.S. EPA and state statutes to enforce the requirements of 40 C.F.R. Chapter I, subchapter N,

Parts 405-471 and 40 C.F.R. pt. 403, and 40 CFR Part 35. All users shall comply with the requirements of those regulations.

(13) The Superintendent and/or his designee is authorized to establish local limits pursuant to 40 CFR 403.5(c). In addition, the Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of this section. Such BMPs shall be considered Local limits and pretreatment standards.

(14) Significant industrial users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a slug discharge. (Prior Code, § 17-74) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993; Am. Ord. 1994-16, passed 8-23-1994; Am. Ord. 2000-12, passed 11-28-2000; Am. Ord. 2008-11, passed 8-11-2008; Am. Ord. 2011-17, passed 9-26-2011; Am. Ord. 2012-03, passed 2-27-2012) Penalty, see § 52.999

§ 52.049 DILUTION OF WASTEWATER DISCHARGE.

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

(Prior Code, § 17-75) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.050 GREASE, OIL, AND SAND INTERCEPTORS.

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

(B) All interceptors shall be of a type and capacity approved by the superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection.

(C) In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal. The city may require reporting of the information for their review. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms. Interceptors shall also comply with applicable regulations of the County Health Department. (Prior Code, § 17-76) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.051 SPECIAL INDUSTRIAL PRETREATMENT REQUIREMENTS.

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

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

(C) Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge the waste to the public sewer system shall first have a valid trucker's discharge permit. All applicants for a trucker's discharge permit shall complete the application form, pay

the appropriate fee, and receive a copy of the city's regulations governing discharge to sewers of liquid wastes from trucks. All persons receiving the permits shall agree, in writing, to abide by all applicable provisions of this chapter, and any other special provisions that may be established by the city as necessary for the proper operation and maintenance of the sewerage system. In addition, any person holding a valid permit and wishing to discharge to the wastewater treatment plant must submit to the chief operator a sample of each load prior to discharge. A fee and

payment schedule shall be established in the permit to cover cost of the required analysis.

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

(2) 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 §§ 52.120 *et seq.*, including fines and imprisonment.

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

(4) Nothing in this chapter shall relieve waste haulers of the responsibility for compliance with the County Health Department, state, or federal regulations. (Prior Code, § 17-77) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.052 PROTECTION FROM ACCIDENTAL AND SLUG DISCHARGES.

(A) Each significant user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this chapter which adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every 2 years, the superintendent will determine whether each industrial user needs to develop or update a plan to control slug discharges. If the superintendent determines that a slug control plan or revision is necessary, the plan shall contain the following:

- (1) Description of discharge practices;
- (2) Description of stored chemicals;

(3) Procedures for notifying POTW; and

(4) Prevention procedures for spills.

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

(Prior Code, § 17-78) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.053 WRITTEN NOTICE.

Within 5 days following an accidental discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property, nor shall the notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter, the enforcement response plan or other applicable law.

(Prior Code, § 17-79) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.054 NOTICE TO EMPLOYEES.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer a dangerous discharge to occur are advised of the emergency notification procedure.

(Prior Code, § 17-80) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.055 STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent

than federal requirements and limitations or those in this chapter.

(Prior Code, § 17-81) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

§ 52.056 CITY'S RIGHT OF REVISION.

The city reserves the right at the recommendation of the superintendent to establish by majority vote of its Commissioners more stringent limitations, or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this chapter.

(Prior Code, § 17-82) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

§ 52.057 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter.

(Prior Code, § 17-83) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

PRETREATMENT PROGRAM ADMINISTRATION

§ 52.070 POWERS AND AUTHORITY OF INSPECTORS.

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

(B) *Right to obtain information regarding discharge.* Duly authorized employees of the city and representatives of the state and EPA are authorized to obtain information including, but not limited to, copying of records concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(C) *Access to easements.* Duly authorized employees and representatives of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, construction, inspection, observation, measurement, sampling, repair, and maintenance of any portions of the wastewater facilities lying within 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.

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

(Prior Code, § 17-106) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

§ 52.071 WASTEWATER DISCHARGES.

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

(B) Any agency, nondomestic user, and/or industry outside the jurisdiction of the city that desires to contribute wastewater to the POTW must execute

(through an authorized representative) an interjurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this chapter and state and federal regulations. An industrial user permit may then be issued by the superintendent in accordance with § 52.072.

(Prior Code, § 17-107) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.072 INDUSTRIAL USER PERMITS; GENERALLY.

All significant industrial users proposing to connect to or to contribute to the POTW shall obtain an industrial user permit before connecting to or contributing to the POTW. The Superintendent may require users to obtain an industrial user permit as necessary to carry out the purposes of this chapter. Any violation of the terms and conditions of an industrial user permit shall be deemed a violation of this chapter and subjects the permittee to the sanctions set out in this chapter.

(Prior Code, § 17-108) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993; Am. Ord. 2012-03, passed 2-27-2012) Penalty, see § 52.999

§ 52.073 PERMIT APPLICATION.

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

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

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

(3) Wastewater constituents and characteristics as determined by an analytical laboratory

acceptable to the city; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Clean Water Act being, 33 U.S.C. § 1315 and contained in 40 C.F.R. pt. 136, as amended;

(4) Time and duration of contribution;

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

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

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

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by the city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards;

(9) If additional pretreatment will be required to meet the pretreatment standards; the shortest schedule by which the user will provide the 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.

(a) The schedule must be acceptable to the city.

(b) 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.

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

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

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

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

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

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

(B) The city shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the superintendent or his or her designee may issue an industrial user permit subject to terms and conditions provided herein. The Superintendent shall provide notice to each significant industrial user of the issuance of the user's industrial user permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a permit within 15 days of the notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the permit.

(3) The effectiveness of the permit shall not be stayed during the appeal.

(4) The Superintendent may forward the appeal to the Mayor. If the Mayor fails to act within 30 days of receipt of the appeal, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a permit, not to issue a permit, or not to modify a permit shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative action and/or the permit must do so by filing a complaint with the Mercer County Circuit Court in accordance with the appropriate procedures of that court and any statute of limitations. (Prior Code, § 17-109) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993; Am. Ord. 2012-03, passed 2-27-2012)

§ 52.074 PERMIT MODIFICATIONS.

The Superintendent may modify an industrial user permit for good cause, including, but not limited to, the following reasons:

(A) To incorporate any new or revised federal, state or local pretreatment standards or requirements;

(B) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(D) Information indicating that the permitted discharge poses a threat to the Harrodsburg POTW, personnel, biosolids disposal and/or the receiving stream;

(E) Violation of any terms or conditions of the industrial user permit;

(F) Misrepresentations of failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13; or

(H) To correct typographical or other errors in the discharge permit.

(Prior Code, § 17-110) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993; Am. Ord. 2012-03, passed 2-27-2012)

§ 52.075 PERMIT CONDITIONS.

(A) Industrial user 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:

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

(2) Effluent limits, including best management practices, on the average and/or maximum wastewater constituents and characteristics;

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

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

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

(6) Compliance schedules;

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

(8) Requirements maintaining and retaining, for a minimum of 3 years, all plant records relating to pretreatment and/or wastewater discharge as specified by the city, and affording city access thereto as required by 40 C.F.R. pt. 403.12(o)(2);

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

(10) Requirements for notification of slug discharges;

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

(12) Other conditions as deemed appropriate by the city to ensure compliance with this chapter;

(13) A statement that indicates the Industrial User Permit issuance date, expiration date and effective date;

(14) A statement that the Industrial User Permit is nontransferable;

(15) Requirements to control Slug Discharge, if determined by the Superintendent, to be necessary.

(16) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

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

(Prior Code, § 17-111) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993; Am. Ord. 2011-17, passed 9-26-2011; Am. Ord. 2012-03, passed 2-27-12)

§ 52.076 ALTERNATIVE DISCHARGE LIMITS.

(A) Where an effluent from a categorical industrial process(es) is mixed prior to treatment with wastewater other than that generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the superintendent. These alternative limits shall be applied to the mixed effluent and shall be calculated using the combined wastestream formula and/or flow-weighted average formula as defined in § 52.004.

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

(C) All categorical users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical user must notify the superintendent 30 days in advance of any major change in production levels that will affect the limits of the discharge permit.
(Prior Code, § 17-112) (Ord. 1993-10, passed 4-27-1993)

§ 52.077 PERMIT DURATION.

Permits shall be issued for a specified time period, not to exceed 5 years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 60 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in § 52.073 are modified or other just cause exists. The user shall be informed of any proposed changes in their permit at least 30 days prior to the effective date of change. Any changes or new conditions

in the permit shall include a reasonable time schedule for compliance.

(Prior Code, § 17-113) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

§ 52.078 PERMIT TRANSFER.

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

(Prior Code, § 17-114) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)
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§ 52.079 COMPLIANCE DATA REPORTING.

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

(B) Where compliance schedules are required, the following conditions shall apply:

(1) The schedule shall contain progress increments 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 (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation’);

(2) No increment referred to above shall exceed 9 months;

(3) The user shall submit a progress report to the Superintendent no later than 14 days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.

(Prior Code, § 17-115) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993; Am. Ord. 2011-17, passed 9-26-2011; Am. Ord. 2012-03, passed 2-27-2012)

§ 52.080 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users shall submit, to the superintendent, every 6 months (on dates specified in the industrial user permit) unless required more frequently by the permit, a report indicating, at a minimum, the nature and concentration of pollutants in the effluent which are limited by the pretreatment standards or the discharge permit. The report shall also include the chain-of-custody (COC) forms, field data and any other information required by the Superintendent. In addition, this report shall include a record of the average daily flow during the reporting period. At the discretion of the superintendent and in consideration of the factors as local high or low flow rates, holidays, budget cycles, and the like, the superintendent may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports must be signed and certified in accordance with 40 CFR 403.12 and § 52.086.

(1) In cases where the pretreatment standard requires compliance with a best management practice

(BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user.

(2) The city may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the EPA and/or state, where the industrial user’s total categorical wastewater flow does not exceed any of the following:

(a) 0.01 percent of the WWTFs design dry-weather hydraulic or organic capacity, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches; or

(b) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed in accordance with this chapter.

(B) (1) All wastewater samples must be representative of the user’s discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(2) All analyses shall be performed by a laboratory acceptable to the city. Analytical procedures shall be in accordance with procedures established by the U.S. EPA administrator pursuant to § 304(g) of the Clean Water Act being, 33 U.S.C. § 1315 and contained in 40 C.F.R. pt. 136 and amendments thereto, and 40 C.F.R. pt. 261 or with any other test procedures approved by the U.S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA Administrator.

(3) Except as indicated in Section (a) and (b) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab

sampling is authorized by the Superintendent, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the composting procedures as documented in approved EPA methodologies may be authorized by the Superintendent, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits,

(a) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques;

(b) For sampling required in support of baseline monitoring and 90-day compliance reports required in 40 CFR 403.12(b) and (d), a minimum of 4 grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum.

(4) For the reports required by 40 CFR 403.12(e) and (h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

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

(D) A baseline monitoring report (BMR) must be submitted to the superintendent by all categorical

industrial users at least 90 days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:

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

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

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

(4) Nature/concentration of pollutants. Analytical results for all pollutants regulated by this chapter and/or any applicable federal pretreatment standard and sample type and location. All analyses must conform with 40 C.F.R. pt. 136 and amendments thereto; and

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

(6) Compliance certification. A statement, reviewed by the User's authorized representative as defined in § 152.004 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 52.070.

(E) New sources shall give estimates of the information requested in divisions (D)(3) and (D)(4) above, but at not time shall a new source commence discharge(s) to the public sewer of substances that do not meet provisions of this article. All new sources must be in compliance with all provisions of this chapter, state and federal pretreatment regulations prior to commencement of discharge to the public sewer.

(F) Compliance schedule progress reports. The following conditions shall apply to all compliance schedules required by this chapter:

(1) The schedule shall contain progress increments 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.

(2) No increment referred to above shall exceed 9 months;

(3) The user shall submit a progress report to the Superintendent no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and in no event shall more than 9 months elapse between such progress reports to the Superintendent.

(G) Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements and documentation associated with best management practices as may be required. Records shall include the date, exact place, method and time of sampling and the name of the persons) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used and the results of such analyses. These records shall remain available for a period of at least 3 years. This period shall

automatically be extended for the duration of any litigation concerning the user or the city or where the User has been specifically notified of a longer retention by the Superintendent.

(Prior Code, § 17-116) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993; Am. Ord. 2011-17, passed 9-26-2011; Am. Ord. 2012-03, passed 2-27-2012)

§ 52.081 PERMIT VIOLATIONS.

(A) All significant industrial users must notify the superintendent within 24 hours of first becoming aware of a permit violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance.

(B) The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the superintendent within 30 days after becoming aware of the violation. Exception to this regulation is only if the city performs the sampling within the same time period for the same parameter(s) in question.

(C) Compliance with the terms of an industrial user permit shall be deemed in compliance with the terms of this chapter.

(Prior Code, § 17-117) (Ord. 1993-10, passed 4-27-1993)

§ 52.082 MONITORING FACILITIES.

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

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

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

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

(E) The industrial user must receive the approval of the superintendent before changing the sampling point and/or monitoring facilities to be used in all required sampling.

(Prior Code, § 17-118) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.083 INSPECTION AND SAMPLING.

(A) The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, copying records, records examination, or in the performance of any of their duties.

(B) The city, approval authority, and EPA shall have the right to set up on the user's property the 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 EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Prior Code, § 17-119) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

§ 52.084 PRETREATMENT.

(A) All significant industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all applicable federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. The city may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any industrial user that cannot meet discharge limits required by this chapter. Any facilities required to pretreat wastewater to a level required by this chapter shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be acceptable to the city before construction of the facility. The review of the plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent that complies with the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

(B) The city shall annually publish in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of significant users which were in significant noncompliance with any pretreatment requirements or standards. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(C) All records relating to the city's pretreatment program shall be made available to officials of the EPA

or approval authority upon request. All records shall be maintained for a minimum of 3 years in accordance with 40 C.F.R. pt. 403.12(O)(2).

(Prior Code, § 17-120) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993; Am. Ord. 2011-17, passed 9-26-2011; Am. Ord. 2012-03, passed 2-27-2012) Penalty, see § 52.999

§ 52.085 SIGNIFICANT NONCOMPLIANCE.

(A) *Generally.* A user is defined as being in significant noncompliance when it commits 1 or more of the following conditions.

(B) *Specifically.*

(1) Causes imminent endangerment to human health or the environment or results in the exercise of emergency authority under 40 CFR 403 to halt or prevent such a discharge;

(2) Involves failure to report noncompliance accurately;

(3) Results in a chronic violation defined here as 66% or more of all measurements taken during a 6-month period that exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(4) Results in a technical review criteria (TRC) violation as defined here as 33% or more of all measurements for each pollutant parameter taken during a 6-month period that equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, and O&G and 1.2 for all other pollutants except pH);

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

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

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

(8) Failure to provide required reports within 30 days of the due date; and/or

(9) Any violation or group of violations, which may include a violation of best management practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

(Prior Code, § 17-121) (Ord. 1993-10, passed 4-27-1993; Am. Ord. 2011-17, passed 9-26-2011; Am. Ord. 2012-03, passed 2-27-2012)

§ 52.086 CONFIDENTIAL INFORMATION.

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

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to all governmental agencies for uses related to this chapter, the NPDES/KPDES permit, sludge disposal system permit and/or the pretreatment programs upon request. The portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction. (Prior Code, § 17-122) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

§ 52.087 SIGNATORY REQUIREMENTS.

All applications, reports, or information submitted to the city shall be signed and certified in accordance with the following requirements. Written designation of the signatory official must be received by the city prior to acceptance of any application or other required document.

(A) All permit applications shall be signed:

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

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

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

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

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

(C) Certification.

(1) Any person signing a document under this section shall make the following written certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(2) A facility determined to be a non-significant categorical industrial user by the Superintendent pursuant to this chapter must annually submit the following certification statement signed in accordance with the signatory requirements in this section. This certification must accompany any alternative report required by the Superintendent:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR [Part], I certify that, to the best of my knowledge and belief that during the period from [month/day], [year] to [month/day], [year]:

(a) The facility described as [Facility Name] met the definition of a non-significant categorical industrial user as described in § 152.004.

(b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. (Prior Code, § 17-123) (Ord. 1993-10, passed 4-27-1993; Am. Ord. 2011-17, passed 9-26-2011; Am. Ord. 2012-03, passed 2-27-2012)

ENFORCEMENT**§ 52.100 GENERALLY.**

The city, through the superintendent or his or her designee, to ensure compliance with this chapter, and as permitted through 40 C.F.R. Chapter I, subchapter N, and 401 KAR 5:055, may take the following enforcement steps against users in noncompliance with this chapter. The remedies available to the POTW include injunctive relief, civil, and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the superintendent or their designee. (Prior Code, § 17-136) (Ord. 1993-10, passed 4-27-1993)

§ 52.101 HARMFUL CONTRIBUTIONS.

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

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

(Prior Code, § 17-137) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

§ 52.102 NOTICE OF VIOLATION.

(A) Any user found to be violating any provisions of this chapter, wastewater permit, or any order issued hereunder, shall be served by the city with written notice stating the nature of the violation(s). Within 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 superintendent. Submission of this plan in no way relieves the user of potential liability for any violation occurring before or after receipt of the notice of violation.

(B) If the violations persist or the explanation and/or plan are not adequate, the city's response shall be more formal and commitments (or schedules as

appropriate) for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant noncompliance, as defined in § 52.085, will require a formal enforcement action.

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

(Prior Code, § 17-138) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

§ 52.103 ADMINISTRATIVE ORDERS.

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

(B) The administrative order may take any of the following 3 forms.

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

(2) *Compliance orders.* When the superintendent or their designee finds that an industrial user has violated or continues to violate this chapter, or

a permit or order issued thereunder, he or she may issue an order to the industrial 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 the other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

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

(a) Comply forthwith; or

(b) Take the appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
(Prior Code, § 17-139) (Ord. 1993-10, passed 4-27-1993)

§ 52.104 SHOW CAUSE HEARING.

(A) The superintendent or their designee may issue to any user who causes or contributes to violations of this chapter, wastewater permit, or order issued hereunder, an order to appear and show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the superintendent regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause, before the superintendent, why the proposed enforcement action should not be taken. The notice of hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of the industrial user. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

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

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

(2) Take the evidence; and

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

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

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

(Prior Code, § 17-140) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

§ 52.105 ADDITIONAL ENFORCEMENT REMEDIES.

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

(B) *Liability insurance.* The superintendent may decline to reissue a permit to any industrial user which

has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(Prior Code, § 17-141) (Ord. 1993-10, passed 4-27-1993)

§ 52.106 REMEDIES NONEXCLUSIVE.

The remedies provided for in this chapter are not exclusive. The Superintendent may take any, all, or combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the Superintendent may take other action against any user when the circumstances warrant. Further the Superintendent is empowered to take more than one enforcement action against any noncompliant user.

(Ord. 2011-17, passed 9-26-2011; Am. Ord. 2012-03, passed 2-27-2012)

VIOLATIONS

§ 52.120 WRITTEN NOTICE.

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

(B) As contained in § 52.102, the notice may be of several forms. Also, as contained in § 52.103, penalties of various forms may be levied against users for violations of this chapter. The penalties, if levied, shall range from publication of violators in the local newspaper to administrative fines of up to \$1,000 per day, per violation.

(Prior Code, § 17-146) (Ord. 1993-10, passed 4-27-1993)

§ 52.121 REVOCATION OF PERMIT.

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

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

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

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

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

(4) Violations of conditions of the permit.
(Prior Code, § 17-147) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993)

§ 52.122 DESTRUCTION OF POTW.

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

Clean Water Act being, 33 U.S.C. § 1251 et seq., does not require proof of specific intent to obtain conviction. (Prior Code, § 17-148) (Ord. 1984-3, passed 5-14-1984; Am. Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

§ 52.123 LEGAL ACTION.

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

(Prior Code, § 17-149) (Ord. 1993-10, passed 4-27-1993)

§ 52.124 INJUNCTIVE RELIEF.

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

(Prior Code, § 17-150) (Ord. 1993-10, passed 4-27-1993)

§ 52.125 CIVIL PENALTIES.

(A) Any industrial user who has significantly violated or continues to violate this chapter or any order or permit issued hereunder, may be liable to the superintendent for a civil penalty of not more than \$5,000 per day, plus actual damages incurred by the POTW per violation per day for as long as the violation continues. Each day in which the violation shall continue shall be deemed a separate offense. In addition to the above described penalty and damages, the superintendent may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(B) The superintendent may petition the court to impose, assess, and recover the sums. In determining

amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(Prior Code, § 17-151) (Ord. 1993-10, passed 4-27-1993) Penalty, see § 52.999

CHARGES

§ 52.140 PURPOSE.

This chapter provides for the recovery of costs associated with operation, maintenance, and replacement, and debt service associated with the municipal sanitary sewage and collection system from users of the system. (Prior Code, § 17-156) (Ord. 1993-10, passed 4-27-1993; Am. Ord. 1993-11, passed 4-27-1993; Am. Ord. 1994-19, passed 8-23-1994)

§ 52.141 INDUSTRIAL USER PERMIT FEE.

(A) All persons proposing to discharge wastewater shall be required to complete an "application for industrial user permit" on forms provided by the city, and shall provide additional information as may be required by the superintendent.

(B) Application for industrial user permits shall be submitted to the superintendent and shall be accompanied by the appropriate fee listed in § 52.150. (Prior Code, § 17-157) (Ord. 1993-10, passed 4-27-1993; Am. Ord. 1994-19, passed 8-23-1994)

§ 52.142 PERMIT FOR AUTHORIZATION TO PERFORM WORK ON SEWERS FEE.

All persons desiring to uncover, plug, clean, or in any way alter or disturb city sewers shall obtain a permit from the superintendent and shall pay the permit fee listed in § 52.150.

(Prior Code, § 17-158) (Ord. 1984-4, passed 8-14-1984; Am. Ord. 1993-11, passed 4-27-1993, Am. Ord. 1994-19, passed 8-23-1994)

§ 52.143 SEWER TAP FEES.

(A) Although 1 tap fee may be adequate to provide the required service, a “multi-unit sewer consumer” shall pay the city a separate tap fee for each residence or apartment unit, commercial unit, industrial unit, or structure for which tap provides service, except as provided in § 52.150.

(B) Tap fees are to accompany building permit applications. Permits for new buildings shall be issued only after acknowledged receipt of payment for sewer tap fees by the city.

(C) In order to facilitate renovation of the sewer service area or to upgrade the service of sewer facilities, the city may construct the facilities and recover the total cost of construction for the facilities by increasing fees for tapping into the facilities. Projects undertaken under this division (C) may be authorized and tap fees may be established or amended by a majority vote of the Commissioners. This division (C) shall not exclude the use of any other method of funding sewer projects.

(D) Sewer tap charges for service to consumers beyond the corporate limits of the city shall be the regular tap fee for city users plus \$100 and the owner will be required to execute an agreement with the city that he or she will not oppose annexation of his or her serviced property so long as city service continues.

(E) If more than 1 customer is served through sewer tap and the customers have individual water bills or meters, each customer so served shall receive a separate monthly sewer bill. However, if the customers are provided water through 1 water meter or receive 1 bill, the customer in whose name the single tap is registered shall be responsible for payment of the total bill and only 1 bill will be issued.

(Prior Code, § 17-159) (Ord. 1984-4, passed 8-14-1984; Am. Ord. 1993-11, passed 4-27-1993; Am. Ord. 1994-19, passed 8-23-1994; Am. Ord. 2003-15, passed 10-7-2003; Am. Ord. 2005-10, passed - -)

§ 52.144 SEWER CHARGES TO BE BASED ON WATER USAGE.

(A) *Water obtained from the city.* The sewer charges made for sewerage service rendered to each lot,

parcel of real estate, or building having any connection with the city’s sewerage system or otherwise discharging sewage into that system, either directly or indirectly, shall be based upon the quantity of water presumed by the city to enter the public sewers after being used in or on the property as the quantity is measured by the water meter or meters therein used by the city, except as otherwise provided in this section.

(B) *Exempt water.* Where a significant portion of the metered waste does not and cannot enter the sewerage system either directly or indirectly and where the quantity of water entering the premises averages more than 20,000 gallons per month, the person having charge of the property may request permission from the city to install at his or her own expense either an approved meter to determine the quantity of water that cannot enter the sewerage system or an approved sewage-measuring device to determine the volume of sewage that actually entered the sewerage system. In any case the user charge shall be applied to the quantity of water that can or actually does enter the public sewers.

(C) *Metering the sewerage.* The city may require a user to install and maintain at his or her expense an approved device to measure directly the volume of wastes discharged to the sewerage system if these volumes cannot otherwise be determined from the metered-water consumption records. Any nonresidential user whose monthly water consumption is 2,000 gallons or more may be required to install a meter. The city shall inspect and approve the installations and no such device, once installed, shall be removed without the city’s approval. (Prior Code, § 17-160) (Ord. 1984-4, passed 8-14-1984; Am. Ord. 1993-11, passed 4-27-1993; Am. Ord. 1994-19, passed 8-23-1994)

§ 52.145 SEWER SERVICE CHARGES.

(A) *Generally.* For the use of and the service rendered by the sewage works, sewer charges shall be collected from the consumers or owners of each and every lot, parcel, real estate, or building that is or could be connected to the city sewage system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sewage system of the city, which sewer charges shall be

payable as provided in this chapter and shall be in an amount determined from § 52.150. Applicable sales taxes, if any, shall be added to each monthly bill as a separate charge.

(B) *User charges.* User charges will be assessed to all users of the system based on the amount of water used and billed. The user charge rate established in § 52.150 shall be based on the cost for operation and maintenance, and replacement for the system. Operation and maintenance includes 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 and for which the works were designed and constructed. Replacement includes expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the system to maintain the capacity and performance for which the system was designed and constructed. The city shall annually notify each user of the rate and that portion of the user charges which are attributed to wastewater treatment services. The user charge shall be based on the following method outlined below.

(1) The proposed wastewater user charge system uses a monthly charge of all customers. Sewer bills are based on 100% of the customer’s monthly water consumption.
(Am. Ord. 2003-14, passed 9-23-2003)

(2) The proposed wastewater user charge system strives to ensure an equal distribution of collection and treatment costs to the wastewater users. All customers with normal strength sewage, whether residential or commercial, will receive the same minimum bill and will be charged the same cost per equal volume of flow treated.

(3) The proposed wastewater user charge system will consist of 3 individual charges. Each customer’s bill will be calculated as follows: Monthly Bill - Fixed Cost (Debt Service) + OM&R Cost (includes administrative charges) + Surcharge

(a) The fixed cost charge is based on the perpetual costs of providing wastewater service to the city, regardless of the actual wastewater contribution. Debt service is considered a fixed cost, independent of the amount of wastewater treated.

(b) The OM&R charge is based on the actual cost of operating the wastewater transportation and treatment system plus a specific amount for replacement of equipment. This would include any administrative charges.

(c) The surcharge is applicable only to customers who contribute wastewater containing levels of pollutants above the maximum established limits.

(4) The wastewater user rate for the city will be based on operation and maintenance charges plus an additional \$68,000 for replacement. The projected expenses for fiscal year 2001-2002 are \$569,515 which includes replacements.

(5) The projected wastewater use billed in fiscal year 2001-2002 is 44,713,000 cubic feet with the proposed customer base. The wastewater OM&R rate would be the total operating cost divided by the wastewater use as shown below:

<i>User Charge OM&R Rate Calculations</i>				
<i>OM&R Estimated Annual Cost</i>		<i>Average Annual Water Usage (cu. ft.)</i>		<i>OM&R Rate per cu. ft.</i>
\$569,515	+	44,713,000	=	\$0.0127/cu. ft.

(6) Therefore, the average charge to produce the requested annual revenue for operation, maintenance and replacement is \$1.27/100 cu. ft. of wastewater use.

(C) *Debt service charges.* Debt service charges shall be assessed to all users of the system. The debt service charge rate established in § 52.150 shall be based on the cost to support the annual debt service obligations of the system. The debt service charges shall be assigned as described below.

(1) The proposed wastewater system improvements will be funded (in whole or in part) by a loan from the Federally Assisted Wastewater Revolving Loan Fund at an anticipated 1.8% interest rate and a 20-year payback period. An administrative fee of 0.2% of the unpaid loan balance is required.

Proposed loan	\$6,458,228
Annual debt service and administration fee (20 years at 2%)	\$395,002
Existing annual bond debt	\$241,094
Required total annual revenue for debt service	\$636,096

(2) The debt service is considered a fixed cost, independent of the amount of wastewater treated. The debt service for the 2001 infrastructure loan may need to be adjusted when a final amortization schedule has been prepared.

(3) Minimum sewer rate. The minimum sewer bill shall be \$10.56 per month, and each sewer customer shall be entitled to 250 cubic feet of sewer service consumption per month to customers of all size connections, except for any contractual arrangements with specific customers for additional surcharges.

<i>Number of Cubic Feet of sewer per month</i>	<i>Minimum Monthly Charge</i>
First 250	\$10.56 minimum charge
Next 750	\$4.32 per 100 cubic feet
Next 3,000	\$4.08 per 100 cubic feet
Next 6,000	\$4.08 per 100 cubic feet
Next 25,000	\$4.08 per 100 cubic feet
Next 25,000	\$3.84 per 100 cubic feet
All over 60,000	\$3.60 per 100 cubic feet

(D) *Minimum monthly charge.* The minimum monthly charge for any user shall be the sum of the user charge rate plus the debt service rate based on an assumed minimum volume of sewage of 250 cubic feet.

(E) *Charges for multi-unit consumers.* If more than 1 customer is served through 1 sewer tap, and the customers have individual water bills or meters, each customer so served shall receive a separate monthly sewer bill. However, if the customers are provided water through 1 water meter or receive 1 bill, the monthly sewer charge shall be computed by dividing the meter reading by the number of customers being served and the sewer bill computed as if each user had a

separate tap subject to the separate minimum monthly charge. The customer in whose name the single tap is registered shall be responsible for payment of the total bill and only 1 bill will be issued.

(F) *Fire protection adjustment.* Where a metered water supply is used for fire protection as well as for other uses, the city may, in its discretion, make adjustments in the minimum charge and in the use charge as may be equitable.

(G) *Service rendered to city.* For the service rendered to the city, the city shall be subject to the same sewer charges herein above provided.

(H) *Modification of charges.* The user charges and debt service charges set forth in § 52.150 shall be changed, by a majority vote of the Commissioners as necessary, annually or individually by the Commissioners.

(I) *Commercial user.* Commercial user shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

(J) *Industrial user (IU).* Industrial user shall mean a source of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to § 402 of the Clean Water Act.

(K) *Residential user.* Residential user shall mean any contributor to the city’s treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

(Prior Code, § 17-161) (Ord. 1984-4, passed 8-14-1984; Am. Ord. 1993-11, passed 4-27-1993; Am. Ord. 1994-19, passed 8-23-1994; Am. Ord. 2001-1, passed 6-26-2001; Am. Ord. 2001-5, passed 9-25-2001; Am. Ord. 2001-10, passed 10-23-2001; Am. Ord. 2011-20, passed 10-10-2011)

§ 52.146 STRENGTH OF WASTES SURCHARGE.

(A) *Liability for surcharge.* Each industrial or non-industrial user who discharges wastes into the sewerage system shall be subject to a surcharge, in addition to the regular sewer charges, based on the biochemical oxygen demand, the suspended solids, the

ammonia nitrogen, and the oil and grease content of the wastes, if these wastes have a concentration greater than those listed in § 52.150.

(B) *Computation of surcharge.* The surcharge shall be determined as follows.

(1) The excess pounds of pollutant, (respectively) will be computed by first multiplying the customer's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between the concentration measures in milligrams per liter of the respective pollutant in the customer's sewage, and the allowed concentrations set out in § 52.048.

(2) The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in § 52.150.

(C) *Revision of rates of surcharge.* Prior to June 1 of each year, the city shall make a comparison of the calculated unit costs for removing BOD, suspended solids, and oil and grease from the wastewater treatment plant influent during the previous calendar year with the unit charge currently in effect in order that the city may determine whether the current rates of surcharge are adequate or should be changed. The City Commissioners may, at the recommendation of the superintendent and by a majority vote, establish or modify concentration limits and surcharge rates for any pollutant. Users shall not be permitted to exceed pollutant discharge limits for incompatible waste.

(Prior Code, § 17-162) (Ord. 1984-4, passed 8-14-1984; Am. Ord. 1993-11, passed 4-27-1993; Am. Ord. 1994-19, passed 8-23-1994)

§ 52.147 BILLING OF SERVICE CHARGES.

(A) *Billing period, discontinuing service.* Sewer charges for sewerage service shall be prepared and billed by the city and shall be due and payable on a monthly basis the first day of the succeeding month, provided that there shall be added to any bill remaining unpaid on the tenth of the month, a penalty of 5%; and upon failure to pay any bill by the 20th of the month, the Treasurer shall discontinue the water service. If the water service is so

discontinued, the Treasurer shall deduct the amount due the city from the water deposit, if any, made by the customer and shall refund any balance to the customer. No service so discontinued shall be reinstated until and unless the customer posts the water deposit and pays the reinstated service fee. Customer desiring to discontinue the service shall notify the city and remain liable therefor until the notice is given.

(B) *Liability for payment.* The sewer charges for sewerage service shall be billed to the person being billed for water service unless, by contract with the utility, another person assumes the responsibility. If a tenant is billed, the owner shall in no way be relieved of liability in the event payment is not made by the tenant as required in this chapter. The owner shall have the right to examine the city's collection records to ascertain whether the charges have been paid.

(C) *First billings.* The sewer charges and surcharges fixed in this chapter shall be extended to cover any additional premises hereafter served without the need for any hearing or notice. If the first billing to a new customer covers a period other than a full billing month, then the sewer charges for the billing shall be made in keeping with standard practice. Subsequent sewerage service billings shall be for periods coinciding with the billing periods established by the city. If the sewer charges or surcharges are changed, the first billing after such change may also be for a period other than a full billing month.

(Prior Code, § 17-163) (Ord. 1984-4, passed 8-14-1984; Am. Ord. 1993-11, passed 4-27-1993; Am. Ord. 1994-19, passed 8-23-1994)

§ 52.148 DISPOSAL OF BATCH LIQUIDS.

(A) *Charges for domestic septic tank pumpings.* Charges for disposal of batch liquid consisting of septic tank pumpings from domestic sources will be computed on a per load basis using the rate table in § 52.150. The superintendent may require special testing and/or deny permission to unload if there is any reason to suspect that the waste is from a non-domestic source or if there may be incompatible pollutants in the waste. All other requirements for pumping shall be stated in the domestic waste hauler's permit.

(B) *Charges for non-domestic batch waste.* Charges for non-domestic batch waste shall be included in the special waste hauler’s permit fee. A special waste hauler’s permit will be required for any discharge to the system either by truck or through a pre-authorized point within the sewer system as specified in the permit. A special waste hauler’s permit will be issued for each pumping event. All requirements and restrictions for the authorization to pump shall be stated in the special waste hauler’s permit and agreed to by the city prior to discharge, pursuant to § 52.051.

(Prior Code, § 17-164) (Ord. 1984-4, passed 8-14-1984; Am. Ord. 1993-11, passed 4-27-1993; Am. Ord. 1994-19, passed 8-23-1994)

§ 52.149 CHARGES FOR SIGNIFICANT USERS.

(A) *Pretreatment program administration charge.* All users classified by the superintendent as significant industrial users shall be subject to an additional charge computed as a percentage of their total monthly sewer service bill based on other applicable provisions of this chapter. That percentage shall be as indicated in § 52.150. Money collected shall be used to administer the pretreatment program and for labor, materials, equipment, sampling, and testing necessary to monitor for sources of discharges which are not in compliance with this chapter.

(B) *Excess cost provision.* If costs for the pretreatment program exceed the resources provided by § 52.150, the excess costs shall be the responsibility of all users classified as significant industrial users. The portion of the excess cost for which an individual user shall be billed shall be computed as follows: Individual user’s excess cost responsibility = (Total of individual’s sewer user charge for year/Total sewer user charges paid by all significant users) x Excess cost for pretreatment program.

(Prior Code, § 17-165) (Ord. 1984-4, passed 8-14-1984; Am. Ord. 1993-11, passed 4-27-1993; Am. Ord. 1994-19, passed 8-23-1994)

§ 52.150 SCHEDULE OF FEES, CHARGES, SURCHARGES, AND OTHER CHARGES RELATED TO SEWER USE.

(A) *Sewer tap fees.*

(1) There shall be a separate sewer tap charge for each residential and/or business user unit served by sewer tap, whether or not there is an actual tap made. For taps servicing multi-unit user, this charge shall be at the residential rate shown below multiplied by the number of residential, apartment, or commercial consumer units serviced through the tap:

4-inch tap	\$850
6-inch tap	\$1,200
8-inch tap	\$1,500
> 8-inch tap	\$2,000 plus time and materials plus 20%

(2) Meters, if required, will be provided at cost plus 20%.

(3) Taps fees are applicable regardless of whether the tap is made by the city or by the developer.

(4) Taps will be made and/or meters set at the edge of public-right-of-way or utility easement.

(5) Tap fees will be automatically adjusted annually on July 1 to reflect the change in the consumer price index as calculated by the requirements of KRS 83A.075(1).

(B) *Miscellaneous fees.* Fees for the following permits, and the like, shall be as follows:

(1) Wastewater contribution permit for residential and commercial service - \$0;

(2) Industrial user permit for industrial establishments - \$100;

(3) Permit for authorization to perform work on city sewers - \$0;

(4) Domestic waste hauler’s permit - \$0;

(5) Special waste hauler’s permit - \$100; and

(6) Reinstated service fee (shall also require proof of posting water deposit) - \$35.

(C) *User charge, debt service, and sewer rates applicable to the volume of sewage discharge.*

-	<i>OM&R Charge Rate</i>	<i>Debt Service Rate</i>	<i>Total User Charge Rate</i>
First 250 cu. ft.	\$3.18	\$5.62 (Min. monthly chrg.) per 100 cu. ft.	\$8.80 (Min. monthly chrg.) per 100 cu. ft.
Next 750 cu. ft.	\$1.27	\$2.33 (per 100 cu. ft.)	\$3.60 (per 100 cu. ft.)
Next 3,000 cu. ft.	\$1.27	\$2.13 (per 100 cu. ft.)	\$3.40 (per 100 cu. ft.)
Next 6,000 cu. ft.	\$1.27	\$2.13 (per 100 cu. ft.)	\$3.40 (per 100 cu. ft.)
Next 25,000 cu. ft.	\$1.27	\$2.13 (per 100 cu. ft.)	\$3.40 (per 100 cu. ft.)
Next 25,000 cu. ft.	\$1.27	\$1.93 (per 100 cu. ft.)	\$3.20 (per 100 cu. ft.)
All over 60,000 cu. ft.	\$1.27	\$1.73 (per 100 cu. ft.)	\$3.00 (per 100 cu. ft.)

(D) *Surcharge rates.* Surcharge rates shall be as follows:

<i>Pollutant</i>	<i>Surcharge Rate per Pound</i>
BOD in excess of 250 mg/l or COD in excess of 1,000 mg/l	\$0.21
Suspended solids in excess of 300 mg/l	\$0.18
Ammonia nitrogen in excess of 30 mg/l	\$0.52
Oil and grease in excess of 100 mg/l	\$0.26

(E) *Batch liquid septic tank pumpings rate.* The rate for batch liquid septic tank pumping from domestic sources only shall be as follows:

<i>Size of Load</i>	<i>Cost per Load</i>
All loads up to 2,500 gallons/load	\$25
All loads over 2,500 gallons, per 1,000 gallons	\$10
All liquid waste from non-domestic sources	Price included in permit

(F) *Pretreatment program rate.*

(1) The pretreatment program administration charge shall be based on the number of cubic feet of sewage waste water discharged.

(2) Rate shall be based on the total monthly number of cubic feet of effluent discharged, which shall be added to the sewer bill, to be determined as follows:

If the discharge is less than one million cubic feet per month, the rate per cubic foot for the entire discharge shall be	15%
If the discharge is less than two million cubic feet per month but greater than one million cubic feet per month, the rate per cubic foot for the entire discharge up to two million shall be	10%
If the discharge is more than two million cubic feet per month, the rate per cubic foot for the entire discharge shall be	5%

(Prior Code, § 17-166) (Ord. 1984-4, passed 8-14-1984; Am. Ord. 1988-12, passed 9-27-1988; Am. Ord. 1990-3, passed 5-22-1990; Am. Ord. 1992-2, passed 2-11-1992; Am. Ord. 1993-11, passed 4-27-1993; Am. Ord. 1994-19, passed 8-23-1994; Am. Ord. 1995-3, passed 2-14-1995; Am. Ord. 1999-4, passed 4-13-1999; Am. Ord. 2000-6, passed 6-13-2000; Am. Ord. 2003-15, passed 10-7-2003; Am. Ord. 2005-10, passed - -; Am. Ord. 2012-02, passed 2-27-2012)

§ 52.151 FINANCIAL MANAGEMENT SYSTEM.

(A) The city shall review, not less often than annually, the sewage contributions of the users and user classes, the total cost of operation and maintenance, replacement, debt service obligations, and the sewer service charges. Based on the review, the city shall set a budget and revise, when necessary, the schedule of sewer service charges contained in § 52.150 to accomplish the following:

(1) Maintain an equitable distribution of operations and maintenance costs among the users of the treatment system; and

(2) Generate sufficient revenues to offset the costs associated with the proper operation, maintenance, and replacement of the system, and to meet debt service requirements.

(B) The city shall set a budget annually and maintain financial records to accurately account for revenues generated by the treatment system and expenditures for operation and maintenance, including normal replacement costs.

(C) The excessive strength surcharge rates shall be reviewed at the time of, and in conjunction with, the review of the sewer service charges. Surcharge rates shall be revised, where necessary, to reflect the current treatment and monitoring costs of the system.

(D) Each user shall be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the total charge, which is attributed to OM&R of the wastewater system.
(Prior Code, § 17-167) (Ord. 1994-19, passed 8-23-1994; Am. Ord. 2001-1, passed 6-26-2001)

(C) In the event of a second conviction, the user shall be punishable by a fine not to exceed \$10,000 per violation, per day, or imprisonment for not more than 3 years, or both.

(Prior Code, § 17-152) (Ord. 1993-10, passed 4-27-1993)

§ 52.999 PENALTY.

(A) Any industrial user who willfully or negligently violates any provision of this chapter or any order or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$5,000 per violation, per day, or imprisonment for not more than 1 year, or both.

(B) Any industrial user who knowingly and/or negligently makes any false statements, representation or certification of any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or industrial user permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$5,000 or by imprisonment for not more than 12 months, or by both.

CHAPTER 53: WATER SHORTAGES AND RATIONING

Section

WATER SHORTAGE RESPONSE

Water Shortage Response

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- 53.02 Definitions
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- 53.08 Effective period

§ 53.01 PURPOSE.

The purpose of this subchapter is to provide for the declaration of official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout the city in the event a shortage is declared. Nothing in this subchapter shall be construed to interfere with common law riparian or statutory water rights.
(Ord. 2007-13, passed - -2007)

Water Rationing

- 53.20 Purpose
- 53.21 Definitions
- 53.22 Declaration of rationing
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- 53.26 Water use rationing for hospitals and health care facilities
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- 53.28 Shortage water rates
- 53.29 Regulations
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- 53.99 Penalty

§ 53.02 DEFINITIONS.

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

CUSTOMER. Any person using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of bulk sales, a cash charge is made at the site of delivery.

OTHER SOURCES OF WATER. Water that has not been introduced by the city into its water distribution system.

RAW WATER SUPPLIES. All water potentially available to persons in the City of Harrodsburg.

Statutory reference:

Water shortage emergency, see 420 KAR Ch. 1

TREATED WATER. Water that has been introduced by the city into its water distribution system, including water offered for sale. Uses of treated water are classified as follows.

(1) *Essential water uses (Class 1).* The following uses of water, listed by site or user-type, are essential:

(a) Domestic - water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation;

(b) Health care facilities - patient care and rehabilitation;

(c) Water hauling - sales for domestic use where not reasonably available elsewhere; and

(d) Public use:

1. Firefighting; and

2. Health and public protection purposes, as specifically approved by health officials and the City Commission.

(2) *Socially or economically important uses of water (Class 2).* The following uses of water, listed by site or user type, are socially or economically important:

(a) Domestic - personal, in-house water use, including kitchen, bathroom, and laundry;

(b) Water hauling - non-domestic, when other sources are not reasonably available elsewhere;

(c) Commercial and civic use:

1. Commercial car and truck washes;

2. Laundromats;

3. Restaurants, clubs, and eating places; and

4. Schools, motels/hotels, and similar commercial establishments.

(d) Outdoor non-commercial watering:

1. Minimal watering of vegetable gardens; and

2. Minimal watering of trees where necessary for their survival.

(e) Outdoor commercial or public watering (using conservation methods and when other sources of water are not available or feasible to use):

1. Agricultural irrigation for the production of food and fiber or the maintenance of livestock;

2. Watering by arboretums and public gardens of national, state, regional, or community significance where necessary to preserve specimens;

3. Watering by commercial nurseries where necessary to maintain stock;

4. Watering where necessary to establish or maintain revegetation or landscape plantings required pursuant to law or regulation; and

5. Watering of woody plants where necessary to preserve them, minimal watering of golf course greens.

(f) Recreational - operation of municipal swimming pools and residential pools that serve more than 25 dwelling units; and

(g) Air conditioning:

1. Refilling for startup at the beginning of the cooling season;

2. Makeup of water during the cooling season; and

3. Refilling specifically approved by health officials and the City Commission, where the system has been drained for health protection or repair services.

(3) *Non-essential (Class 3).* Any waste of water, as defined herein, is non-essential. The following

uses of water, listed by site or user type, are also non-essential:

(a) Public use:

1. Use of fire hydrants (excluding Class I and Class II uses) including use of sprinkler caps, testing fire apparatus and Fire Department drills; and

2. Flushing of sewers and hydrants, except as needed to ensure public health and safety as approved by health officials and the City Commission.

(b) Commercial civic use:

1. Serving water in restaurants, clubs, or eating places, except by customer request;

2. Failure to repair a controllable leak; and

3. Increasing water levels in scenic and recreational ponds and lakes, except as necessary to support fish and wildlife.

(c) Ornamental purposes - fountains, reflecting pools, and artificial waterfalls;

(d) Outdoor non-commercial watering:

1. Use of water for dirt control or compaction;

2. Watering of annual or non-woody plants other than vegetable gardens;

3. Watering of lawns, parks, golf course fairways, playing fields and other recreational areas;

4. Washing down buildings or structures for purposes other than immediate fire protection; and

5. Flushing gutters or permitting water to run or accumulate in any gutter or street.

(e) Outdoor commercial or public watering:

1. Expanding nursery facilities, placing new irrigated agricultural land in production, or planting of landscaping except when required by a site design review process;

2. Use of water for dirt control or compaction;

3. Watering of lawns, parks golf course fairways, playing fields and other recreational areas;

4. Washing sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surface areas;

5. Washing down buildings or structures for purposes other than immediate fire protection; and

6. Flushing gutters or permitting water to run or accumulate in any gutter or street.

(f) Recreational uses other than those specified as Class II;

(g) Non-commercial washing of motor and other vehicles; and

(h) Air conditioning (see also Class II purposes) - refilling cooling towers after draining.

WASTE OF WATER. Includes, but is not limited to:

(1) Permitting water to escape down a gutter, ditch, or other surface drain; or

(2) Failure to repair a controllable leak of water due to defective plumbing.

WATER SHORTAGE RESPONSE PHASES.

(1) **ADVISORY.** That conditions exist which indicate the potential for serious water supply shortages.

(2) **ALERT.** That raw water supplies are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.

(3) **EMERGENCY.** That water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.
(Ord. 2007-13, passed - -2007)

§ 53.03 DECLARATION OF A WATER SHORTAGE ADVISORY.

Whenever the City Commission finds that a potential shortage of raw water supplies is indicated, it shall be empowered to declare by resolution that a Water Shortage Advisory exists, and that the water manager or superintendent shall, on a daily basis, monitor the supply and demands upon that supply. In addition, the Mayor (or his or her agent) is authorized to call upon all water customers to employ voluntary water conservation measures to limit non-essential (Class 3) water use and eliminate the waste of water. This resolution shall be published in the official city newspaper and may be publicized and through the general news media or any other appropriate method for making the resolution public.
(Ord. 2007-13, passed - -2007)

§ 53.04 DECLARATION OF A WATER SHORTAGE ALERT.

Whenever the City Commission of finds raw water supplies to be consistently below seasonal averages, and if they continue to decline and may not be adequate to meet normal needs, it shall be empowered to declare by resolution that a Water Shortage Alert exists. The city shall continue to encourage voluntary water conservation measures defined under the advisory declaration, and further shall impose a ban on all non-essential (Class 3) water uses for the duration of the shortage until it is declared to have ended by resolution of the City Commission. Declaration of these resolutions shall follow the guidelines in § 53.03.
(Ord. 2007-13, passed - -2007)

§ 53.05 DECLARATION OF A WATER SHORTAGE EMERGENCY.

Whenever the City Commission finds that raw water supplies are below the level necessary to meet

normal needs and that serious shortages exist, it shall be empowered to declare by resolution that a Water Shortage Emergency exists. Essential uses (Class 1) shall be identified, in specific, as targets for voluntary conservation initiatives. Also, all socially or economically important uses (Class 2) shall be restricted, and non-essential uses (Class 3) shall be banned. These restrictions shall be considered ongoing until the emergency is ended by resolution of the City Commission. Declaration of these resolutions shall follow the guidelines in § 53.03.
(Ord. 2007-13, passed - -2007)

§ 53.06 SHORTAGE WATER RATES.

(A) Upon the declaration of a water shortage as provided in § 53.05, the City Commission shall have the power to adopt shortage water rates, by ordinance, designed to conserve water supplies.

(B) The rates may provide for, but not be limited to:

(1) Higher charges per unit for increasing usage (increasing block rates);

(2) Uniform charges for water usage per unit of use (uniform unit rate);

(3) Extra charges for use in excess of a specified level (excess demand surcharge); or

(4) Discounts for conserving water beyond specified levels.

(Ord. 2007-13, passed - -2007)

§ 53.07 REGULATIONS.

During the effective period of any water supply shortage as provided for in § 53.05, the City Commission is empowered to promulgate the regulations as may be necessary to carry out the provisions of this subchapter, any water supply shortage resolution, or water shortage rate ordinance. The regulations shall be subject to the approval of the City Commission at its next regular or emergency meeting.
(Ord. 2007-13, passed - -2007)

§ 53.08 EFFECTIVE PERIOD.

This subchapter will remain in effect until terminated by action of the City Commission. (Ord. 2007-13, passed - -2007)

WATER RATIONING

§ 53.20 PURPOSE.

The purpose of this subchapter is to provide for the declaration of rationing for equitable distribution of critically short water supplies. Nothing in this subchapter shall be construed to interfere with common law riparian or statutory water rights. (Ord. 2007-14, passed - -2007)

§ 53.21 DEFINITIONS.

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

ALLOTMENT. The maximum quantity of water allowed for each customer over any applicable period as established in the provisions of this subchapter.

CUSTOMER. Any person using water for any purpose from the city’s water distribution system and for which either a regular charge is made or, in the case of bulk sales, a cash charge is made at the site of delivery.

EXCESS USE. The usage of water by a water customer in excess of the water allotment provided under the provisions of this subchapter for that customer, over any applicable period.

NON-RESIDENTIAL CUSTOMER. Commercial, industrial, institutional, public, and all other such users, with the exception of hospitals and health care facilities.

RATIONING. Procedures established to provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.

RESIDENTIAL CUSTOMER. Any customer who receives water service for a single or multi-family dwelling unit. The term residential customer does not include educational or other institutions, hotels, motels, or similar commercial establishments.

SERVICE INTERRUPTION. The temporary suspension of water supply, or reduction of pressure below that required for adequate supply, to any customer, portion of a water supply, or entire system.

WATER SUPPLIES. Water available to the City of Harrodsburg for treatment by virtue of its water rights or withdrawal permit or any treated water introduced by the city into its water distribution system, including water offered for sale. (Ord. 2007-14, passed - -2007)

§ 53.22 DECLARATION OF RATIONING.

Whenever the City Commission finds a need to provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety, it shall be empowered to declare by resolution the adoption of mandatory rationing. (Ord. 2007-14, passed - -2007)

§ 53.23 OBJECTIVES OF RATIONING.

(A) It is imperative that water customers achieve an immediate further reduction in water use in order to extend existing water supplies and, at the same time, assure that sufficient water is available to preserve the public health and sanitation and to provide fire protection service.

(B) Should shortages continue, further reductions in usage may be required. The additional usage reduction in the rationed area must be a valid and attainable goal reflective of the conditions which currently exist.

(C) The plan provides for equitable reductions in water usage and for equal sacrifice on the part of each water customer. The success of this subchapter depends

on the cooperation of all water customers in the emergency area.

(Ord. 2007-14, passed - -2007)

§ 53.24 WATER USE RATIONING FOR RESIDENTIAL CUSTOMERS.

(A) *Metered residential water customers and allotments.*

(1) The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.

(2) Each dwelling unit (household) shall be allotted 5-1/2 cubic feet (41 gallons) for each resident of the household. Households with only 1 permanent resident will have a daily allotment of 7-1/2 cubic feet (55 gallons).

(3) Residential water customers are required to provide city and utility personnel with reasonable access to read meters as necessary to this rationing declaration. Where access is not readily available, all reasonable efforts to contact customers in order to arrange for access to read meters shall be made. In the event a water customer does not allow entry to read the meter after reasonable efforts to arrange for the access, the dwelling unit (household) allotment will be reduced to 7-1/2 cubic feet (55 gallons) per day, notwithstanding the number of permanent residents; 5-1/2 cubic feet (41 gallons) for households with only 1 permanent resident.

(4) (a) Where the residential water allotment provided under this section would create an extraordinary hardship, as in the case of special health-related requirements, the water customer may apply to the city for an exemption or variance from these requirements. If it is found that the allotment provided in this section would impose an extraordinary hardship, a revised allotment for the particular customer may be established.

(b) Any person aggrieved by a decision relating to such an exemption or variance rendered by a public utility rendering water service beyond its corporate limits, may file a complaint with the City Commission in accordance with the city's normal administrative procedures. (In the case of rural water

districts, appeals should be filed with the state's Public Service Commission.)

(B) *Non-metered residential water customers and allotments.*

(1) In order to effectively implement and monitor the residential water conservation effort, a water allotment shall be established for the entire water system based on 5-1/2 cubic feet (41 gallons) per day per capita served.

(2) The city and the utility will establish a communication system with the customers through public media to inform them of the requirements of the water rationing provisions of this subchapter, possible conservation measures that customers may employ, the system allotment, and a regularly scheduled report of whether the usage was within the allotment.

(C) *Metered and non-metered residential customers of the same water supply system.* Where a water supply system serves both metered and non-metered residential customers, the allotments and procedures provided under both divisions (A) and (B) above shall be applied, as appropriate.

(Ord. 2007-14, passed - -2007)

§ 53.25 WATER USE RATIONING FOR NONRESIDENTIAL WATER CUSTOMERS.

(A) Nonresidential water customers shall further reduce their water usage to 50% of the average use levels during the same time period of the previous 3 years.

(B) It is the primary responsibility of each nonresidential water customer to meet its mandated water use reduction goal in whatever manner possible.

(C) The city will establish a water allotment for each nonresidential water customer, based upon a required further reduction of water usage from the average rate of water used by the customer during the same time period of the previous 3 years.

(D) Each nonresidential water customer shall provide access to city personnel for purposes of meter reading and monitoring of compliance with this

subchapter. All reasonable efforts will be made to contact customers to arrange for access.

(E) If the mandated further reduction in water usage cannot be obtained without imposing an extraordinary hardship which threatens health and safety, the nonresidential customer may apply to the city for a variance. For these purposes, "extraordinary hardship" means a permanent damage to property or economic loss which is substantially more severe than the sacrifices borne by other water user subject to subchapter. If the further reduction would cause an extraordinary hardship or threaten health or safety, a variance may be granted and a revised water use reduction requirement for the particular customer may be established.

(F) Any person aggrieved by a decision relating to such a variance rendered by a public utility rendering water service beyond its corporate limits may file a complaint with the state's Public Service Commission in accordance with established procedures. (In the case of rural water districts, appeals should be filed with the state's Public Service Commission).

(G) The city will provide each nonresidential customer with suggested means to reduce usage levels. (Ord. 2007-14, passed - -2007)

§ 53.26 WATER USE RATIONING FOR HOSPITALS AND HEALTH CARE FACILITIES.

(A) Hospitals and health care facilities shall comply with all restrictions imposed on residential and nonresidential water customers as may be applicable to each individual institution, to the extent compliance will not endanger the health of the patients or residents of the institution.

(B) Each hospital or health care facility shall survey its water usage patterns and requirements and implement the additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage.

(C) The city will provide each hospital and health care facility with suggested means to reduce usage levels. (Ord. 2007-14, passed - -2007)

§ 53.27 ENFORCEMENT OF WATER RATIONING.

(A) The city, or its water utility, will have primary responsibility for monitoring of compliance with the water rationing ordinance.

(B) The following provisions shall govern the implementation of service interruptions.

(1) In order to effectuate compliance with this subchapter, the city is hereby authorized and required to plan and implement service interruptions to all or part of its water supply system, as may be deemed appropriate, when any and/or all of the following conditions are determined to exist:

(a) The mandated reduction in system-wide usage has not been achieved;

(b) The mandated reduction in system-wide water usage has been achieved, but has failed to have a significant impact in extending limited water supplies; and/or

(c) Service interruptions are necessary in order to further extend limited and/or dwindling water supplies.

(2) In the event it is determined that service interruptions are necessary, the city shall notify its customers that a planned service interruption is to be imposed. This shall be done through the public media (newspaper, radio, and television) and at least 1 day prior to the service interruptions. The notice shall:

(a) State the day or days when the planned service interruptions will occur;

(b) State the time(s) when the planned service interruptions will commence, and the time(s) the interruptions will cease;

(c) State whether the planned service interruptions are to be imposed on the entire system, or part thereof, and, if only part(s) of the system will experience planned service interruptions, identify geographic boundaries within which the interruptions will occur; and

(d) Advise all customers within the areas affected by planned service interruptions how to treat any water received from the system, for human consumption, during the period(s) of the interruptions and for the additional time as may be necessary until full pressure is restored to the system.

(3) If a planned service interruption is imposed as authorized and required by this subchapter, it must provide for the continued delivery of water to health care facilities within the area(s) affected by the interruptions, by means of any adequate, alternative delivery measures that may be necessary.

(4) If a planned service interruption is implemented, it must make provision, by any means possible, for the continued delivery of the water as may be necessary for the proper operation of sewage collection, treatment, and disposal systems and facilities.

(C) Any residential or nonresidential water customer who exceeds the allotments established pursuant to this water rationing will be subject to the following flat rate penalties.

(1) Flat rate penalties will be imposed based on the customer's exceedance of the water allotments established pursuant to the local water rationing declaration, computed in accordance with the following schedule:

First violation	\$100
Second violation	\$200
Third violation	\$300

(2) Any monies collected through flat rate penalty charges shall not be accounted for as income, but shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.

(D) In addition to the flat rate penalty charge, noncompliance with the water rationing provisions of this subchapter will result in the following:

(1) For the first violation, a warning of possible discontinuation shall be issued to the customer; and

(2) For the second or subsequent violation, service to the customer may be interrupted or shut off for a period not to exceed 48 hours, or, if the customer provides access, a flow restrictor may be installed in the customer's service line for the duration of the emergency. The cost incurred to interrupt or shut off and reinstate service, or to install and remove a flow restrictor, shall be assessed to the water customer.

(E) Meter reading schedules are authorized to be altered to assure adequate monitoring of compliance with this subchapter.

(F) Any customer or other person aggrieved by a decision or action imposing a flat rate penalty charge or other remedy for noncompliance with the requirements of this subchapter may proceed in accordance with the following provisions.

(1) The city shall adopt procedures which provide an opportunity for the customer or aggrieved party to rebut the finding of a violation, or provide evidence of circumstances beyond the customer's control which resulted in the violation. A record of evidence regarding disputed violations shall be kept, and a written notice of the city's final decision and action in the cases shall be provided to the customer or aggrieved party.

(2) Any person aggrieved by the final decision or action of a public utility may file a complaint with the Public Service Commission in accordance with established procedures.

(Ord. 2007-14, passed - -2007)

§ 53.28 SHORTAGE WATER RATES.

Upon the declaration of water rationing as provided in § 53.03, the City Commission shall have the power to adopt shortage water rates, including, but not limited to:

(A) Higher charges per unit for increasing usage (increasing block rates);

(B) Uniform charges for water usage per unit of use (uniform unit rate);

(C) Extra charges for use in excess of a specified level (excess demand surcharge); or

(D) Discounts for conserving water beyond specified levels.
(Ord. 2007-14, passed - -2007)

§ 53.29 REGULATIONS.

During the effective period of water rationing as provided for in § 53.03, the Mayor is empowered to promulgate the regulations as may be necessary to carry out the provisions of this subchapter, any water supply shortage resolution, or water shortage rate ordinance. The regulations shall be subject to the approval of the City Commission at its next regular or emergency meeting.
(Ord. 2007-14, passed - -2007)

§ 53.30 EFFECTIVE PERIOD.

This subchapter will remain in effect until terminated by action of the City Commission.
(Ord. 2007-14, passed - -2007)

§ 53.99 PENALTY.

(A) Any person who violates the provisions of §§ 53.01 *et seq.*, who fails to carry out the duties and responsibilities imposed by §§ 53.01 *et seq.*, or who impedes or interferes with any action undertaken or ordered pursuant to §§ 53.01 *et seq.*, shall be subject to the following penalties.

(1) If the Mayor, City Manager, Water Superintendent, or other city official or officials charged with implementation and enforcement of §§ 53.01 *et seq.* or a water supply shortage resolution learns of any violation of any water use restriction imposed pursuant to §§ 53.01 *et seq.*, a written notice of the violation shall be affixed to the property where the violation occurred and mailed to the customer of record and to any other person known to the city who is responsible for the violation or its correction. The notice shall describe the violation and order that it be corrected, cured, or abated immediately or within the specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:

(a) The city shall give the customer notice by mail that, due to the violation, water services will be discontinued within a specified time and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City Commission or a city official designated as a hearing officer by the City Commission;

(b) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

(c) The City Commission or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(2) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to division (A) above. In the event of subsequent violations, the reconnection fee shall be \$100 for the second violation and \$200 for each additional violation.

(3) Any customer may also be charged with violation of §§ 53.01 *et seq.* and prosecuted District Court. Any person so charged and found guilty in District Court of violating the provisions of §§ 53.01 *et seq.* shall be guilty of a Class B misdemeanor. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be mandatory fees of \$100, which may not be adjusted by the District Court. In addition, the customer may be required by the Court to serve a definite term of confinement in the county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second violation shall be a mandatory fine of \$200, which may not be adjusted by the District Court. In addition, the customer shall serve a definite term of confinement in the county jail which shall be fixed by the Court and which shall not exceed 30 days. Penalties for additional violations shall be the same as the second violation.
(Ord. 2007-13, passed - -2007)

(B) Any person who violates the provisions of §§ 53.20 *et seq.*, who fails to carry out the duties and responsibilities imposed by §§ 53.20 *et seq.*, or who impedes or interferes with any action undertaken or ordered pursuant to §§ 53.20 *et seq.*, shall be subject to the following penalties.

(1) If the Mayor, City Manager, Water Superintendent, or other city official or officials charged with implementation and enforcement of §§ 53.20 *et seq.* or a water supply shortage resolution learns of any violation of any water use restriction imposed pursuant to §§ 53.20 *et seq.*, a written notice of the violation shall be affixed to the property where the violation occurred and mailed to the customer of record and to any other person known to the city who is responsible for the violation or its correction. The notice shall describe the violation and order that it be corrected, cured, or abated immediately or within the specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:

(a) The city shall give the customer notice by mail that, due to the violation, water services will be discontinued within a specified time and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City Commission or a city official designated as a hearing officer by the City Commission;

(b) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

(c) The City Commission or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(2) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to division (A) above. In the event of subsequent violations, the reconnection fee shall be \$100 for the second violation and \$200 for each additional violation.

(3) Any customer may also be charged with violation of §§ 53.20 *et seq.* and prosecuted District Court. Any person so charged and found guilty in District Court of violating the provisions of §§ 53.20 *et seq.* shall be guilty of a Class B misdemeanor. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be mandatory fees of \$100, which may not be adjusted by the District Court. In addition, the customer may be required by the Court to serve a definite term of confinement in the county jail which shall be fixed by the Court and which shall not

exceed 30 days. The penalty for a second violation shall be a mandatory fine of \$200, which may not be adjusted by the District Court. In addition, the customer shall serve a definite term of confinement in the county jail which shall be fixed by the Court and which shall not exceed 30 days. Penalties for additional violations shall be the same as the second violation.

(Ord. 2007-14, passed - -2007)