

**ORDINANCE AMENDING AND RE-ENACTED TITLE 7 CHAPTER 3 –
SEWER SYSTEM, ARTICLE A SECTIONS 7-3-1 THROUGH 7-3-20;
ARTICLE B SECTION 7-3-21 AND 7-3-22 ARTICLE C SECTIONS 7-3-
41 THROUGH 7-3-60; ARTICLE D SECTIONS 7-3-61 THROUGH 7-3-61
THROUGH 7-3-80, OF THE HARRISONBURG CITY CODE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA:**

ARTICLE A. - GENERAL PROVISIONS

Sec. 7-3-1. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alternative Onsite Sewage System(AOSS): A non-conventional onsite sewage system that does not result in a point source discharge; or a modified COSS system with a secondary method of treatment that enhances effluent quality.

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.

Authorized Representative of Industrial User: The duly Authorized Representative of an Industrial User who is responsible for the overall operation of the facilities from which the Indirect Discharge originates.

Authority: The Harrisonburg-Rockingham Regional Sewer Authority, a public body politic and corporate, created pursuant to the Virginia Water and Sewer Authorities Act or its duly authorized representative.

BOD (denoting biochemical oxygen demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade, expressed in milligrams per liter.

Base Rate Charge: Charge applied to sewer bill which is independent of consumption and applies upon meeting stated conditions.

Building drain: The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall. Building drain is owned in its entirety by the building owner.

Building Sewer: A sewer conveying Wastewater from the building drain premises of a User to the Sanitary Sewer System. The building sewer is owned in its entirety by the building owner.

Categorical Pretreatment Standards or Categorical Standards: National Categorical Pretreatment Standards applicable to a specific category of Industrial Users.

Combined sewer: A sewer receiving both surface runoff and sewage.

Conventional Onsite Sewage System (COSS): A facility consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drain field.

Cooling Water: The water discharged from any use such as air conditioning, cooling or refrigeration, and to which the only Pollutant added is heat.

Direct Discharge: The Discharge of treated or untreated Wastewater directly to the Waters of the State.

Director: The director of sewage works of the city or his authorized deputy, agent or representative.

Failing Septic System: A system, determined by a required inspection or otherwise, that has structural damage to the septic tank that must be repaired or a drain field extended or relocated for the system to be considered properly functioning according to Virginia Department of Health Regulations.

End of Pipe: The location at which any private or Industrial User connects to the public sewer (collection) System.

Executive Director: The person designated by the Authority to supervise the operation of the System and who is charged with certain duties and responsibilities by these Regulations, or his duly Authorized Representative.

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

Grab Sample: A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of duration.

Holding Tank Waste: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Human Waste: Water borne human excrement as may be present from residences, buildings, Industrial Users or other places.

Indirect Discharge or Discharge: The Discharge or the introduction of Pollutants into the System from any non-domestic source.

Industrial User: A source of Indirect Discharge.

Industrial wastes: The liquid wastes from industrial manufacturing processes, trade or business, except for water-carried human waste.

Interference: The inhibition or disruption of the Authority's Wastewater conveyances, Treatment processes or operations. The term includes prevention of or Interference with sewage sludge use or disposal by the Authority.

Local Limits: Concentration based or other limits for designated parameters. Local Limits apply at End of Pipe and are expressed as maximum per day limits, or as otherwise specifically provided.

Member Jurisdictions: The City of Harrisonburg, the County of Rockingham, and the Towns of Bridgewater, Dayton, and Mt. Crawford which individually collect Wastewater within their respective jurisdictions for Treatment by the Authority.

National Pretreatment Standard: Any regulation containing Pollutant Discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to Industrial Users.

Natural outlet: Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

New Source:

- a) Any building, structure, facility or installation from which there is or may be a Discharge of Pollutants, the construction of which commenced after the publication of proposed National Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that: (i) the building, structure, facility or installation is constructed at a site at which no other source is located; or (ii) the building, structure, facility or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an existing source; or (iii) the production or Wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.
- b) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of (a)(ii) or (a)(iii) of this section but otherwise alters, replaces or adds to existing process or production equipment.
- c) Construction of a New Source as defined under this section has commenced if the owner or operator has (i) begun, or caused to begin as part of a continuous onsite construction program (A) any placement, assembly, or installation of facilities or equipment, or (B) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or (ii) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or

contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

Pass through: A Discharge which exits the System into State Waters in quantities or concentrations which, alone or in conjunction with a Discharge from other sources, are a cause of a violation of any requirement of the Authority's VPDES Permit (including an increase in the magnitude or duration of a violation). An Industrial User significantly contributes to such permit violation where it:

- (1) Discharges a daily Pollutant loading or concentration in excess of that allowed by the Authority or by federal, state or local law;
- (2) Discharges Wastewater which substantially differs in nature and constituents from the User's average Discharge;
- (3) Knows or has reason to know that its Discharge, alone or in conjunction with Discharges from other sources, would result in a permit violation; or
- (4) Knows or has reason to know that the Authority is, for any reason, violating its final effluent limitations in its permit and that such Industrial User's Discharge, either alone or in conjunction with Discharges from other sources, increases the magnitude or duration of the Authority's violations.

Person: Any individual, partnership, firm, company, corporation, cooperative, association, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

pH: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions.

Pollution: The man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

Pollutant: Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pretreatment or Treatment: The reduction of the amount of Pollutants, the elimination of Pollutants or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into the System.

Pretreatment Requirements: Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

Properly shredded garbage: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public sewer: A sewer in which all owners of abutting properties have equal right and is controlled by public authority.

Sanitary sewer: A sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

Sewage: A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

Sewage works: All facilities for collecting, pumping, treating and disposing of sewage.

Sewer: A pipe or conduit for carrying sewage.

Significant Industrial User: (i) All Industrial Users subject to Categorical Pretreatment Standards; (ii) any Industrial User that discharges an average of 25,000 gallons per day or more of process Wastewater to the Authority (excluding Human Waste, noncontact cooling and boiler blowdown Wastewater); (iii) any Industrial User that contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the Authority Treatment Plant; or (iv) any Industrial User that is designated as such by the Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the Authority's operation or for violating any Pretreatment Standard or Requirement.

Slug or Slug Loading: Any Discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch Discharge.

Soluble BOD (sBOD): The BOD result on a sample that is filtered through a 0.45 μm pore size filter.

State: Commonwealth of Virginia.

Standard Industrial Classification (SIC): A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

Storm drain (sometimes termed storm sewer): A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Storm Water: Any flow occurring during or following any form of natural precipitation and resulting therefrom.

System: The Treatment Plant, works and facilities owned by the Authority, including all sewer lines that convey Wastewater to the Treatment Plant, and in addition, such term shall include the sewer lines owned by the Member Jurisdictions.

Total Kjeldahl Nitrogen (TKN): Organic nitrogen plus ammonia, as defined by the named analytical procedure.

Total Suspended Solids (TSS): The total suspended matter which floats on the surface of, or is suspended in, water, Wastewater or other liquids, and which is removable by laboratory filtering.

Toxic Pollutant: Any Pollutant or combination of Pollutants listed as toxic in regulations promulgated by the Administrator of EPA under the provision of section 307(a) of the Act.

Treatment Plant: That portion of the System designed to provide Treatment to Wastewater.

User: Any Person who causes or permits the contribution of Wastewater into the System.

Wastewater: The liquid or water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with all other wastes which may be present, whether treated or untreated, which are contributed into or permitted to enter the System.

Wastewater Discharge Permit. As set forth in section 7-3-xx of these Regulations.

Watercourse: A channel in which a flow of water occurs either continuously or intermittently.

• **Sec. 7-3-2. - Purpose and use of sanitary sewers.**

The system of sanitary sewers is for collecting, carrying and disposing of sewage. It shall be unlawful to use the sanitary sewer for any purpose other than the collecting, carrying and disposing of sewage.

• **Sec. 7-3-3. - Where and when connection required to public city sewer main.**

(a) Any new construction on unimproved property or any redeveloped property requiring sewage disposal shall connect to the city public sewer system where available as defined in this section. The owner must make connection to the system by application and payment of applicable fees. It shall be unlawful for any owner or tenant to use a COSS or AOSS system for new construction or redevelopment when city sewer lines are available for connection. Sewer service is available to a property when the sewer is located:

- (1) Anywhere on the property,
- (2) In a segment of public right-of-way that is immediately adjacent to the property,

- (3) In a public right-of-way and within 500 feet of a property and can be installed without crossing the private property of another owner, or
- (4) In a public easement which abuts the property on an adjoining parcel.

Sewer service availability shall not be influenced by the ground topography either on a property or in relationship to adjacent right-of-way or adjacent parcels. Sewer service is available whether the service is by gravity flow or pumping.

Any COSS or AOSS system permitted by this section shall comply with all Virginia Department of Health Regulations.

(b) The owner of any improved property that utilizes a private septic system (either COSS or AOSS or other) for sewage disposal and has city sewer available as defined in subsection 7-3-3(a) shall connect to such sewer when that septic system has failed and cannot be repaired according to Virginia Department of Health Regulations. The owner must make connection to the city sewer system by application and payment of applicable fees. The property owner will be responsible for providing the appropriate building drain and building sewer to connect to a city approved connection point in accordance with the city's Design and Construction Standards Manual and for the abandonment, cleaning and filling of the existing septic tank in a proper and lawful manner. The property owner must obtain appropriate permits from the Director and the city building official to install new sewer piping and appurtenances.

(c) Mandated connections under subsection (b) above shall be made within ninety (90) days of notification by the Virginia Department of Health or the Director, except where the notification requires prompt response due to a risk to public health, safety or welfare. In such circumstances, the Director shall allow payment of the connection fee by 12 equal monthly installments.

(d) A residential property owner utilizing a septic system may voluntarily elect to connect private laterals to a city sewer main upon application and payment of applicable fees.

(e) Assistance for the connections described in subsections (b), (c), and (d) above and associated costs of septic tank abandonment, plumbing connections, and other costs may be available through incentive programs. These programs are also available to those property owners with a failing septic system. As funding allows, the following programs may be available:

- (a) Waived fee (\$4500 maximum waiver) for the cost to connect the building sewer to the city's sewer line.
- (b) Financial assistance for plumbing and abandonment expenditures through the stormwater utility fee credit program and the associated application process.

All service contracts that are relying on financial assistance as identified above must be reviewed and approved by the Director prior to the work being performed. Connections which receive assistance under this subsection shall be made within ninety (90) days of signing an agreement through available incentive programs.

Sec. 7-3-4. - Sewer service available only to premises using city water; exception.

Applications for sewer service shall be granted only if city water is furnished to the property, pursuant to section 7-2-14 of this Code; provided, however, that the Director may allow a sewer connection if city water is not available to the property in question due to the absence of a water line in the area.

Sec. 7-3-5. - Deposit prerequisite to service.

(a) Every person applying for sewer service furnished by the city shall be required to deposit with the city before such service is begun, and to keep on deposit with the city until the same is refunded, a sum equal to one hundred (100) percent of the required water service deposit. Such deposits shall be refundable in the same manner and under the same conditions as are water service deposits.

(b) When receiving a deposit for sewer service under the provisions of this section, the city Department of Public Utilities, on behalf of the city treasurer, shall receipt to the depositor therefor on forms to be approved by the city treasurer. Such receipt form shall contain an express provision whereby the depositor consents to the application by the city treasurer of the deposit, or so much thereof as may be necessary, to the payment of any past due bill for water or sewer service.

(c) All deposits so received for sewer service shall be deposited in such bank as the council may direct and withdrawn in the manner provided.

Sec. 7-3-6. - Subdivisions within the city.

(a) In the case of a subdivision developed inside the corporate limits of the city, the owner shall install, at the owner's own expense, all sewer mains in such subdivision in compliance with all requirements of the Harrisonburg City Code, including Title 10, Chapter 2, Article E, and in compliance with the City's Development and Construction Manual.

(b) The individual homeowner in the subdivision shall pay the regular sewer connection charges for his property pursuant to the provisions of section 7-4-22.

(c) Upon the installation of a sewer main or mains in a subdivision within the city to the satisfaction of the Director, such main or mains shall become the property of the city and be maintained by the city.

Sec. 7-3-7. - Subdivisions outside the city.

See Section 7-2-4 of this Code.

Sec. 7-3-8. - Charges to be paid before water is turned on.

Except as provided in Section 7-3-3, all sewer fees must be paid in full before sewer or water service is initiated.

Sec. 7-3-9. - Use of house sewer prior to completion and connection.

No discharge shall be made into any building sewer before it is completed and connected to the sewer.

• **Sec. 7-3-10. - Damaging structure, equipment, etc., of sewage works.**

(a) In accordance with Virginia Code Section 18.2-162, any person who shall intentionally destroy or damage any sewer pipe, meter, or other sewer work shall be guilty of a Class 4 felony, provided that if the damage can be remedied or repaired for \$200 or less such act shall constitute a Class 3 misdemeanor.

(b) Any person who willfully and maliciously diverts any public sewer line shall be guilty of a Class 2 misdemeanor.

• **Sec. 7-3-11. - Director and other authorized city employees; right of entry for purpose of inspection, observation, etc.; extent of authority.**

In order to assure compliance with the provisions of this chapter, and all applicable city ordinances, state and federal laws, orders or regulations, the Director and other duly authorized employees of the city and the Authority, bearing proper credentials and identification, shall have the right to enter at any reasonable time any property for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Director and the authority and their representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. The city and authority may examine and copy the records of any user pertaining to any monitoring activities.

• In the event the Director is denied access to the property, the Director may present sworn testimony to a magistrate or court of competent jurisdiction and if such sworn testimony establishes that probable cause that a violation of this ordinance has occurred, request that the magistrate or court grant the Director an inspection warrant to enable the Director to enter the property for the purpose of determining whether a violation of the Harrisonburg City Code or any applicable state or federal law or regulation exists. The Director shall make reasonable effort to obtain consent from the owner or occupant of the property prior to seeking the issuance of an inspection warrant under this section. It shall be a violation of this section for the owner or occupant of the property to deny the Director access to the property after the Director has obtained an inspection warrant from the magistrate or a court for the inspection of such property. Nothing herein shall be construed to authorize the Director to enter or inspect the interior portions of any dwelling or structure situated on such property unless the inspection be reasonable necessary and directly related to verifying the alleged violation.

• **Sec. 7-3-12. - Reserved.**

• **Sec. 7-3-13. - Right of entry, etc. of Director on property through which city holds duly negotiated easement.**

The Director and other duly authorized employees of the city and the Authority, bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement

shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

• **Sec. 7-3-14. - Discharge of polluted waters into natural outlet.**

In accordance with this section and Harrisonburg City Code title 7, Chapter 6, Illicit Discharges and Connections, it shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(Ord. of 4-23-91)

• **Secs. 7-3-15—7-3-20. - Reserved.**

ARTICLE B. - SEWER EXTENTIONS

• **Sec. 7-3-21. Sewer extensions requested by residents.**

Extensions of public sewer mains may be requested by residents in accordance with:

1. Section 7-3-6,
2. Section 7-2-4, or
3. The City of Harrisonburg policy for water and sewer line extensions.

• **Secs. 7-3-22—7-3-40. - Reserved.**

ARTICLE C. - PRIVATE SEWAGE DISPOSAL

• **Sec. 7-3-41. - Generally.**

It shall be unlawful for any person, except with a building permit issued by the Building Official and a Right of Way permit issued by the Department of Public Works, to lay upon or under the public streets or alleys of the city any private sewer line. No permit to lay such private sewer line upon any public street or alley of the city shall be granted to any person except upon the condition that the work be done under the supervision of the Director. No connection shall be made by any other persons with any private sewer line.

• **Sec. 7-3-42. - Inspection and pumpout requirements where public sanitary not available.**

Any homeowner who operates a septic system and is not required to connect to public sanitary sewer under the provisions of section 7-3-3 and does not elect to voluntarily connect

to the sanitary sewer system shall submit inspection and pumpout documentation to the Director in accordance with Section 7-3-43 to ensure the system is functioning properly.

Sec. 7-3-43. – Construction, inspection and maintenance of COSS AND AOSS.

(a) Except as provided in this article, it shall be unlawful to construct or replace any COSS or AOSS.

(b) Inspection Requirement.

1) Every AOSS in the city shall be inspected and maintained in accordance with Virginia Department of Health Regulations. The owner of an AOSS in the city shall submit to the Director a copy of any inspection or maintenance report submitted to the Department of Health.

2) Within six (6) months notification by the Department of Public Utilities but no later than December 31, 2019, every owner of a COSS in the city shall submit to the Director documentation that the COSS was inspected and pumped within the previous five years. Thereafter, every such COSS shall be inspected and pumped at least once every five years. Inspections shall be performed in a manner approved by the Director of Public Utilities and shall be performed by an Accredited Septic System Inspector or by an individual licensed or certified for such by the Virginia Department of Professional and Occupational Regulation or other state agency. A copy of the inspection report shall be furnished to the Director. Upon having the AOSS pumped or serviced the owner of the septic system shall submit documentation to the Director demonstrating that such pumping or service was performed. The pumping, service, and documentation required by this section shall only be performed by an individual or entity approved by the Director.

3) In the case of a COSS or AOSS that requires repair or maintenance (as determined through this inspection requirement or otherwise), the Virginia Department of Health must be notified within thirty (30) days and proper steps must be taken to correct the problem within thirty (30) days of observation. The city has a right to report inspection information to the Virginia Department of Health on behalf of the property owner.

(c) Repairs.

1) This Article does not prohibit the repair of COSS or AOSS systems already in place, but if any such repair should include structural damage to the septic tank which warrants a replacement or a drainfield that must be extended or relocated for the system to be considered properly functioning, the system shall be deemed a failing system and subject to the provisions of Section 7-3-3.

(d) Notification Requirement.

Unless an emergency exists, no person shall repair a COSS without providing advance written notice to the Director of Public Utilities. Any repair to an AOSS shall be in accordance with Virginia Department of Health regulations.

Sec. 7-3-44. - System to comply with Virginia Department of Health recommendations; discharge of septic tank or cesspool to natural outlet.

The type, capacities, location and layout, and construction of a private sewage disposal system shall comply with all recommendations and requirements of the Virginia Department of Health under Code of Virginia, Chapter 6, Section 32.1-164. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 7-3-45. - Abandonment of private facilities.

At such time a direct connection has been made to a public sewer main, any COSS or AOSS system shall be abandoned. The private system shall be cleaned of sludge and filled with gravel or soil within sixty (60) days following the connection to the public main. See section 7-3-3 for available incentive program information to assist property owners with the cost of this abandonment.

Sec. 7-3-46. - Owner to operate and maintain facilities.

(a) The owner shall operate and maintain every AOSS or COSS in a sanitary manner and in accordance with this Article and applicable Virginia Department of Health regulations at all times, at no expense to the city.

(b) The owner of a COSS or ACOSS may be charged a monthly base rate charge to offset the environmental impact of pollutant load for nitrogen and phosphorous. The base rate charge shall be the typical cost incurred by HRRSA to remove the annual loadings generated by comparable COSS or ACOSS systems. The base rate charge shall be included in the sewer rate schedule set forth in Section 7-4-1.

Secs. 7-3-47—7-3-60. - Reserved.

ARTICLE D. - BUILDING SEWERS AND CONNECTIONS

Sec. 7-3-61. - Permit required for connections, etc.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit. All permits except for those issued to significant industrial users shall be issued by the authority.

Sec. 7-3-62. - Classes of building sewer permits; permit and inspection fees.

(a) There shall be two (2) classes of building sewer permits: For residential and commercial service, and for service to establishments producing industrial wastes. The owner or his agent shall make application on a special form furnished by the authority in the case of significant industrial users and by the city for other persons. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the director or the authority.

(b) Permits for significant industrial users shall be issued for a period not to exceed five (5) years as determined by the authority. The user shall apply for permit reissuance at least one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the new permit may be subject to modification. The user shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Sec. 7-3-63. - Owner to bear all costs and expenses for installation and connection of building sewer.

(a) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner, with exception of the city's financial assistance programs set for the in Section 7-3-3(e) and the city's renewal program. The renewal program, which is the replacement of an existing building sewer between the city main and the right-of-way or easement boundary, shall be authorized and performed by the city with the cost being shared equally by the city and building sewer owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(b) In case of any stoppage in a public sewer, the city shall remove the obstruction. If the stoppage occurs in the sewer between a building and the city sewer main, the property owner whose property connects with the public sewer shall remove the obstruction. If the owner fails to remove the obstruction within forty-eight (48) hours after notice from city, the obstruction may be removed by the city and the cost thereof, together with twenty (20) percent thereof, shall be paid by the owner or customer in whose name the water and sewer account for the property is held.

Sec. 7-3-64. - Separate building sewer required for each building; and exceptions.

There shall be a separate sewer lateral pipe for each building structure. Exceptions shall be granted as follows:

- (1) For commercial, industrial, or agricultural operations where multiple buildings are integral parts of the business or operation under one (1) ownership. For the purposes of this section, apartment buildings and condominiums are not considered commercial.
- (2) By discretion of the director, buildings that are unoccupied ancillary units under one (1) ownership.
- (3) By discretion of the director, under circumstances where a public main is not of reasonable access:
 - a. Because the required extension of a public main cannot be constructed to meet city design standards and operating/maintenance practices.
 - b. Because a land tract is blocked access by another land tract.
 - c. Because the public main exceeds five hundred (500) feet in distance from the structure.

The director may deny combined laterals due to concerns for reliability, effectiveness, efficiency or other concerns to the purpose of the public sewer service. In all cases under item

(3) a formal maintenance agreement among all users may be acceptable to the director and shall be placed on file as a codicil to the land deed at the county courthouse.

(4) By contract arrangements as a second contiguous sanitary sewer system approved by city council.

• **Sec. 7-3-65. - Use of old building sewers in connection with new buildings.**

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

• **Sec. 7-3-66. - Building sewer construction; excavation methods, etc., to comply with certain requirements and specifications.**

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building code and plumbing code or other applicable rules and regulations of the city or the procedures and appropriate specifications set forth in the city design and construction standards manual. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

• **Sec. 7-3-67. - Elevation of building sewer; lifting of sanitary sewage where building drain is too low.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer or the building drain is low such to provide a natural relief for surcharge public sewers, sanitary sewage carried by such building drain shall be lifted by a means approved by the Director and discharged to the building sewer.

• **Sec. 7-3-68. - Connection of roof downspouts, etc., to building sewer or building drain.**

No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains, sump pumps, exterior floor drains or other sources of uncontaminated 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 violation of this section shall be corrected within ninety (90) days of written notification from the Director and failure to correct the violation shall result in a monthly surcharge not to exceed \$50.00/month for that building sewer.

Upon the certified mailing by the Director of a request to schedule an inspection of property to ensure compliance with this section, the City may impose a \$50.00/month sewer surcharge to any account holder who fails to allow the inspection within 30 days of date of receipt of such mailing.

The Director may implement and discontinue an incentive program for the voluntary removal of said disallowed connections. Under the incentive program the Director shall inform city council of commencement and termination dates of the incentive program. Subject to approval of the Director, city customers who remove such connections shall be discounted \$10.00/month to the sewer/Authority charge for six months following the disconnection. No discount shall be available after the city has notified the customer to comply with this section.

Sec. 7-3-69. - Connection of building sewer to public sewer to comply with certain requirements and specifications.

The connection of the building sewer into the public sewer shall conform to the requirements of the building code and plumbing code or other applicable rules and regulations of the city. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

Sec. 7-3-70. - Director to inspect building sewer and supervise connection to public sewer.

The applicant for the building sewer permit shall comply with City Code Title 11, Chapter 4.

Sec. 7-3-71. - Excavations to be adequately guarded; restoration of disturbed streets, sidewalks, etc.

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 work shall be restored in a manner satisfactory to the city.

Secs. 7-3-72—7-3-80. - Reserved.

This ordinance shall be effective on the 14th day of August 2018

ADOPTED AND APPROVED this 14th day of August, 2018.

Deanne R. Reed
MAYOR

ATTEST:

Samela Ulmer

Deputy City Clerk