

TITLE V: PUBLIC WORKS

Chapter

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## CHAPTER 50: WATER AND SEWERS

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GENERAL PROVISIONS

**50.01 DEFINITIONS.**

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

**AVAILABLE.** Applies to the sewer system if any premises abut upon any street, road, alley, public way, or easement in which there exists a sewer pipe, main, lateral, or other structure or installation of the sewer system capable of receiving flowable wastes, or if there is a city sewer within 100 feet of the premises.

(Ord. passed 11-6-1961)

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

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet (1.5 meters) outside the inner face of the building wall.

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

**COMBINED SEWER.** A sewer intended to receive both wastewater and storm or surface water.

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

**ENGINEER.** The Superintendent of wastewater facilities, or of wastewater treatment works, or of water pollution control of the city, or his or her authorized deputy, agent, or representative.

**FLOATABLE OIL.** Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

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

**INDUSTRIAL WASTES.** The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

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

**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. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .

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

**PUBLIC SEWER.** A common sewer controlled by a governmental agency or public utility.

**SANITARY SEWER.** A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

**SEWAGE.** The spent water of a community. The preferred term is *Wastewater*.

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

**SLUG.** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the collection system or performance of the wastewater treatment works.

**STORM DRAIN or STORM SEWER.** A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

**SUPERINTENDENT.** The Engineer.

**SUSPENDED SOLIDS.** 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 and referred to as nonfilterable residue.

**UNPOLLUTED WATER.** Water of quality equal to or better than the 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 provided.

**WASTEWATER.** The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

**WASTEWATER FACILITIES.** The structures, equipment, and processes required to collect, carry away, and 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.

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

(1987 Code, ' 50.01) (Ord. 2-2-81-B, passed 2-2-1981)

## **' 50.02 POWERS AND AUTHORITY OF INSPECTORS.**

(A) The Engineer and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the wastewater collection system in accordance with the provisions of this chapter.

(B) The Engineer or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(C) While performing the necessary work on private properties referred to in division (A) above, the Engineer or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury, 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 in ' 50.25.

(D) The Engineer and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the 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.

(1987 Code, ' 50.02) (Ord. 2-2-81-B, passed 2-2-1981)

#### **' 50.03 TAMPERING WITH OR DAMAGING WASTEWATER FACILITIES.**

No person shall intentionally or wantonly break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under a charge of criminal mischief.

(Ord. 2-2-81-B, passed 2-2-1981) Penalty, see ' 50.99

Statutory reference:

Criminal mischief, see KRS 512.020 through 512.040

#### **' 50.04 CONNECTION TO WATER LINES.**

All owners of houses, apartments, hotels, motels, trailer camps, manufacturing or commercial establishments, or any other habitable building of any kind situated on lots abutting any street, alley, or easement, in which there is hereafter installed a water line which is part of the combined and consolidated municipal waterworks and sewer system of the city shall, within 90 days from the date the water line is installed and placed in operation, connect to the water line.

(1987 Code, ' 50.04) (Ord. passed 7-7-1986) Penalty, see ' 50.99

#### **' 50.05 UTILITY WORK ON CITY PROPERTY.**

Firms or person who have contracts with the city for the installation, inspection or repair of water mains, sewer mains or other utility services are granted the authority to use city streets and alleys and other public properties as required under the supervision of the Director of Public Works.

(Ord. 1994-09, passed 2-22-1994)

## SEWER USE REGULATIONS

### **' 50.15 UNLAWFUL DEPOSITS.**

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

(1987 Code, ' 50.15) (Ord. 2-2-81-B, passed 2-2-1981) Penalty, see ' 50.99

### **' 50.16 DISCHARGES TO NATURAL OUTLETS.**

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

(1987 Code, ' 50.16) (Ord. 2-2-81-B, passed 2-2-1981) Penalty, see ' 50.99

### **' 50.17 PRIVIES, SEPTIC TANKS, AND CESSPOOLS; CONNECTION WITH PUBLIC SEWER.**

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

(B) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this 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.

(1987 Code, ' 50.17) (Ord. 2-2-81-B, passed 2-2-1981) Penalty, see ' 50.99

### **' 50.18 PRIVATE WASTEWATER DISPOSAL REGULATIONS.**

(A) Where a public sanitary or combined sewer is not available under the provisions of ' 50.17(B), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit signed by the Engineer. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Engineer. A permit and inspection fee of \$50 shall be paid to the city at the time the application is filed.

(C) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Engineer. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Engineer, when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Engineer.

(D) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the Commonwealth of Kentucky. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 9,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in division (D) above, a direct connection shall be made to the public sewer within 90 days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned and filled with suitable material.

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

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(1987 Code, ' 50.18) (Ord. 2-2-81-B, passed 2-2-1981) Penalty, see ' 50.99

Cross-reference:

Water and sewer tap-in charges, see ' 50.44

## **' 50.19 BUILDING SEWER PERMITS AND SPECIFICATIONS.**

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

(B) There shall be 2 classes of building sewer permits: for residential and commercial service; and for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Engineer. A permit and inspection fee of \$50 for a residential or commercial building sewer permit and \$50 for an industrial building sewer permit shall be paid to the city at the time the application is filed.

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

(D) A separate and independent building sewer shall be provided for every building; 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, court, yard, or driveway, the building 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 single connection aforementioned.

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

(F) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

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

(H) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless the connection is approved by the Engineer for purposes of disposal of polluted surface drainage.

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

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

(K) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(1987 Code, ' 50.19) (Ord. 2-2-81-B, passed 2-2-1981) Penalty, see ' 50.99

Cross-reference:

Water and sewer tap-in charges, see ' 50.44

#### **' 50.20 DISCHARGE OF STORM OR SURFACE WATERS.**

(A) No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof run-off, subsurface drainage, or cooling water to any sewer, except storm water run-off from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the Engineer.

(B) Stormwater other than that exempted under division (A) above, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Engineer and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Engineer, to a storm sewer, combined sewer, or natural outlet.

(1987 Code, ' 50.20) (Ord. 2-2-81-B, passed 2-2-1981) Penalty, see ' 50.99

#### **' 50.21 PROHIBITED DISCHARGES.**

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

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant;

(3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works; and

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

(B) The following described substances, materials, waters, or wastes 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 not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Engineer may set limitations lower than the limitations established in the regulations 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, the Engineer will 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, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Engineer are as follows:

- (1) Wastewater having a temperature higher than 150° F. (65° C.);
  - (2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin;
  - (3) Wastewater from industrial plants containing floatable oils, fat, or grease;
  - (4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, 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;
  - (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Engineer for the materials;
  - (6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Engineer;
  - (7) Any radioactive wastes or isotopes of the half-life or concentration as may exceed limits established by the Engineer in compliance with applicable state or federal regulations;
  - (8) Quantities of flow, concentrations, or both which constitute a slug as defined in ' 50.01;
  - (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet requirements of other agencies having jurisdiction over discharge to the receiving waters; and
  - (10) Any waters or wastes which, by interaction with other waters 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.
- (1987 Code, ' 50.21) (Ord. 2-2-81-B, passed 2-2-1981) Penalty, see ' 50.99

**' 50.22 ENGINEER'S AUTHORITY AS TO DANGEROUS DISCHARGES.**

(A) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in ' 50.21(B), and which in the judgment of the Engineer, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or public nuisance, the Engineer may do the following:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of ' 50.28.

(B) When considering the above alternatives, the Engineer shall give consideration to the economic impact of each alternative on the discharger. If the Engineer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Engineer.

(1987 Code, ' 50.22) (Ord. 2-2-81-B, passed 2-2-1981) Penalty, see ' 50.99

**' 50.23 GREASE, OIL, AND SAND INTERCEPTORS.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in ' 50.21(B)(3) or any flammable wastes, sand, or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Engineer and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner 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 which are subject to review by the Engineer. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

(1987 Code, ' 50.23) (Ord. 2-2-81-B, passed 2-2-1981) Penalty, see ' 50.99

**' 50.24 MAINTENANCE OF PRELIMINARY TREATMENT FACILITIES.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they

shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. (1987 Code, ' 50.24) (Ord. 2-2-81-B, passed 2-2-1981) Penalty, see ' 50.99

**' 50.25 OBSERVATION STRUCTURES.**

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

(1987 Code, ' 50.25) (Ord. 2-2-81-B, passed 2-2-1981) Penalty, see ' 50.99

**' 50.26 USER REQUIRED TO PROVIDE INFORMATION.**

The Engineer may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

(A) Wastewaters discharge peak rate and volume over a specified time period;

(B) Chemical analyses of wastewaters;

(C) Information on raw materials, processes, and products affecting wastewater volume and quality;

(D) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;

(E) A plot plan of sewers of the user's property showing sewer and pretreatment facility location;

(F) Details of wastewater pretreatment facilities; and/or

(G) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(1987 Code, ' 50.26) (Ord. 2-2-81-B, passed 2-2-1981)

**50.27 MEASUREMENTS, TESTS, AND ANALYSES.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Engineer.

(1987 Code, ' 50.27) (Ord. 2-2-81-B, passed 2-2-1981)

**50.28 SPECIAL AGREEMENTS.**

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment.

(1987 Code, ' 50.28) (Ord. 2-2-81-B, passed 2-2-1981)

**50.29 HOUSE SEWER CONNECTIONS; SPECIFICATIONS.**

(A) All house sewer connections must be constructed of either cast iron, soil pipe, or wedge lock.

(B) The final connection between the house drain and the house sewer and all joints in the house sewer, other than cast iron pipe with lead joints, wedge lock starting at the main sewer tap and connecting to the house drain shall be hot poured with bell and spigot ends.

(C) All piping with preformed joints shall be wiped clean of foreign matter and coated with an approved material before being joined. All hot poured joints shall be firmly packed with dry jute and poured with GK or JG-60 compound.

(D) Joints made with cement or cold mastic material shall not be accepted.

(E) The house sewer and all branches shall be laid to a uniform grade and alignment and of a grade of not less than 1/8-inch per foot or more than 1/4-inch per foot.

(F) An approved adopter fitting or reducer shall be used when the house sewer is of a different material or size than the main sewer.

(G) The house sewer must be left open in its entirety for inspection including the piping to the trunk sewer. If any house sewer or parts thereof is covered prior to inspection, it will be necessary that it be uncovered before it is accepted and approved.

(H) A plumbing permit must be secured from the Plumbing Inspector located at Hardin County Planning, 14 Public Square, Third Floor, Elizabethtown, Kentucky 42701 on Thursday between the hours of

1:00 p.m. and 2:00 p.m.

(I) Any person who refuses to uncover a house sewer for inspection will be violating the Standard Plumbing Code, PC-II-3 and the regulation of the County Health Department. (1987 Code, ' 50.29) (Ord. 1962.2, passed 3-22-1962)

## RATES AND CHARGES

### ' 50.40 WATER AND SEWER TAP-IN CHARGES.

(A) The tapping fee for residential and small business users where water service is available from a main water line within 50 feet of the premises will be \$500, which will include the installation of a line to the edge of the premises, the installation of a meter box and meter.

(B) Tapping fees for commercial water users shall be as follows: for 3/4-inch service \$500, for 1-inch service \$600, for 1 1/2-inch service, \$700, and for 2-inch water service, \$750.

(C) The tapping fees for the installation of a sewer service on an existing main sewer line within 50 feet of the premises shall be \$1,000.

(D) The charge for water or sewer service for any distance greater than 50 feet from a main will require the payments listed above plus the cost of materials and labor for the distance beyond 50 feet, plus 10% of such additional cost for administration thereof.

(E) The charge for removing and testing a meter will be \$25, to be waived if the meter is found to err in the city's favor by 5% or more. (1987 Code, ' 50.40) (Ord. passed 7-7-1975; Am. Ord. 1998-, passed 5-18-1998) Penalty, see ' 50.99

### ' 50.41 MONTHLY WATER/SEWER/GARBAGE RATES.

The rates for water, sewer and garbage collection services to be furnished by the city, both inside and outside the city, are set forth in the current schedule of rates approved by Council by ordinance. Current rates are on file with the Clerk/Treasurer and are available for public inspection.

### ' 50.42 RATES EFFECTIVE WHEN SEWER LINES AVAILABLE.

All owners and occupants of premises where sewers are made available shall, within 90 days from the date a sewer line is installed and placed in operation, connect thereto all sanitary sewer drain pipes of the premises. The rates and charges for the services rendered by or the availability of the sewer services of the combined municipal water and sewer system shall become effective as to all premises where new sewer lines are made available upon the date of actual connection thereto or 90 days after a representative of the city gives notice to the owner or occupant of the premises that sewer service has been made available, whichever date is the earlier.

(1987 Code, ' 50.42) (Ord. passed 11-6-1961) Penalty, see ' 50.99

**' 50.43 PRORATION OF CHARGES.**

As soon as sewer service is furnished to any user the charges shall be collected, and if the service is for less than a whole month, the sewer service shall be billed on a pro rata basis by considering that the water used by the user was the same proportion of the total water used for the particular month as the number of days he or she had sewer service bore to the total number of days in the month.

(1987 Code, ' 50.43) (Ord. passed 11-6-1961) Penalty, see ' 50.99

**' 50.44 ALL CUSTOMERS METERED; WATER METER DEPOSIT.**

(A) Meters required. No free service shall be allowed or permitted from the facilities of the combined municipal water and sewer system of the city. No connections to the water system shall be permitted or made except on a fully metered basis. Each and every user of water service shall have a separate meter, except that more than one user in the same building may be on the same meter. In the event a lot, parcel of land, building, or premises discharging water or other liquid wastes uses water supplied on other than a metered basis from either a private or a public water supply, then in each case the owner or occupant may be required to cause a water meter or other measuring device to be installed acceptable to the City Council, and the quantity of water used as measured by the meter shall determine the sewer rate, rental, or charge, and pending installation of the meter or measuring device, rates, rentals, and charges shall be based upon an estimated quantity of water used.

(Ord. passed 11-6-1961)

(B) Water meter deposits.

(1) The deposit for property owners shall be \$50.

(2) The deposit for persons renting any property shall be \$125.

(3) The deposit for a person buying property will be returned in 1 year; if renting any property, the deposit shall be kept until that person has moved from that property.

(1987 Code, ' 50.44)

Cross-reference:

Water and sewer tap-in charges, see ' 50.44

**' 50.45 METER READING AND BILLING PROCEDURE.**

The meters for water service shall be read as soon as is reasonably possible after the middle of each month, and all bills for water and sewer service shall be rendered on or about the first of the following month. If any bill for water and sewer service is not paid by the tenth of the following month, a 3% penalty shall be added to the entire amount of the bill. If any bill is not paid by the fifteenth of the following month the water service of the customer in default shall be discontinued in accordance with ' 50.47 and shall not be reinstated until payment has been made in accordance with ' 50.46 of this chapter. Further, the water service shall not be reinstated until a reconnection fee of \$20 is paid for reconnection of the service. (1987 Code, ' 50.45) (Ord. passed 11-6-1961) Penalty, see ' 50.99

**' 50.46 JOINT WATER/SEWER/GARBAGE BILLING.**

Bills for water, sewer and garbage collection service shall be billed, collected, and enforced together, so that when any bill has remained unpaid and becomes delinquent the water service to the delinquent premises will be discontinued in accordance with ' 50.47 and will not be reinstated until the entire bill is paid in full. Payment for water service on any bill will not be acceptable without payment for sewer and garbage collection service, except to the extent that the payment shall be deducted from the sum due and owing for the combined water, sewer and garbage collection services, but in no event shall water service be restored until the entire bill has been paid.

(1987 Code, ' 50.46) (Ord. passed 11-6-1961) Penalty, see ' 50.99

**' 50.47 DISCONNECTION; BILL PROTEST PROCEDURE.**

The city shall disconnect utility service only in accord with the following policies:

(A) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid and any deposit required has been made. It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill;

(2) That if any bill is not paid by or before that date, a delinquent notice will be delivered containing a statement that if the bill is not paid on or before the date set forth in the delinquent notice, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified.

(1987 Code, ' 50.47)

## WATER SHORTAGE RESPONSE

### ' 50.60 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. 2001-01, passed 4-26-2001)

### ' 50.61 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.

**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 in the following definition.

**USE CLASSIFICATIONS.**

(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.

(d) **Public Use.**

1. **Firefighting.**

2. **Health and public protection purposes, as specifically approved by health officials and the municipal governing body.**

(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, churches, 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, watering by commercial nurseries where necessary to maintain stock;

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

4. Watering of woody plants where necessary to preserve them; and

5. Minimal watering of golf course greens.

(f) Recreational. Operation of municipal swimming pools and residential pools that serve more than 25 dwelling units.

(g) Air Conditioning.

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

2. Makeup of water during the cooling season;

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

(3) NON-ESSENTIAL (CLASS 3). Any waste 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;

2. Flushing of sewers and hydrants except as needed to ensure public health and safety as approved by health officials and the municipal governing body.

(b) Commercial and Civic Use.

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

2. Failure to repair a controllable leak,

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 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;
6. 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;
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.

(h) Air Conditioning (see also Class H 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.** Conditions exist which indicate the potential for serious water supply shortages.

(2) **ALERT.** Raw water supplies are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.

(3) **EMERGENCY.** Water supplies are below the level necessary to meet normal needs and serious shortages exist in the area.

(Ord. 2001-01, passed 4-26-2001)

**' 50.62 DECLARATION OF WATER SHORTAGE ADVISORY.**

Whenever the governing body of the city 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 Superintendent shall, on a daily basis, monitor the supply and demands upon that supply. In addition, the Mayor 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 through the general news media or any other appropriate method for making the resolutions public.

(Ord. 2001-01, passed 4-26-2001)

**' 50.63 DECLARATION OF WATER SHORTAGE ALERT.**

Whenever the governing body of the city 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 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 governing body. Declaration of these resolutions shall follow the guidelines in ' 50.62 of this subchapter.

(Ord. 2001-01, passed 4-26-2001)

**' 50.64 DECLARATION OF WATER SHORTAGE EMERGENCY.**

Whenever the governing body of the city 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 governing body. Declaration of these resolutions shall follow the guidelines in ' 50.62 of this subchapter.

(Ord. 2001-01, passed 4-26-2001)

#### **' 50.65 SHORTAGE WATER RATES.**

Upon the declaration of a water shortage as provided in ' ' 50.62 through 50.64, the City Council shall have the power to adopt shortage water rates, by ordinance, designed to conserve water supplies. The rates may provide for, but not be 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. 2001-01, passed 4-26-2001)

#### **' 50.66 REGULATIONS.**

During the effective period of any water supply shortage as provided for in ' 50.62 through 50.64, the Mayor or Water Superintendent is empowered to promulgate such 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 governing body at its next regular or emergency meeting.

(Ord. 2001-01, passed 4-26-2001)

#### **' 50.67 VIOLATIONS.**

Any person who violates the provisions of this subchapter, who fails to carry out the duties and responsibilities imposed by this subchapter, or who impedes or interferes with any action undertaken or ordered pursuant to this subchapter shall be subject to the following penalties:

- (A) If the Mayor, City Manager, Water Superintendent, or other city official or officials charged with implementation and enforcement of this subchapter of a water supply shortage resolution learns of any

violation of any water use restriction imposed pursuant to this subchapter, 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.

(1) 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 governing body or a city official designated as a hearing officer by the governing body;

(2) If 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

(3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(B) 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 \$200 for the second violation and \$300 for each additional violation.

(C) Any customer may also be charged with violation of this subchapter and prosecuted in District Court, and fined in an amount as set forth in ' 50.99.  
(Ord. 2001-01, passed 4-26-2001)

#### **' 50.99 PENALTY.**

(A) Any person, firm, or corporation violating any of the provisions of this chapter or failing or refusing to comply with same, whether or not he or she shall be the owner or the occupant of the premises involved, shall be fined not less than \$10 nor more than \$500 for each offense. Each day such person, firm, or corporation fails or refuses to connect the sanitary sewer drain from any property or building owned or occupied by him or her with the municipal combined water and sewer system, and each day any privy, well, pool, cistern, septic tank, or sink, into which such sewage is cast or permitted to be disposed of, is kept or maintained in violation of this chapter, and each day any stormwater drain remains connected to any sanitary sewer shall constitute a separate offense.

(Ord. passed 11-6-1961)

(B) Any person, firm, or corporation violating any of the provisions of ' 50.04 shall be punished with a fine of not less than \$10 nor more than \$100.

(Ord. passed 7-7-1986)

(C) Any person charged and found guilty in District Court of violating the provisions of ' ' 50.60 through 50.67 shall be guilty of a Class B misdemeanor. Each day's violation shall constitute a separate

offense. In addition, the penalty for an initial violation shall be mandatory fees of \$100, which may not be adjusted by the District Court, made payable to the city.

(Ord. 2001-01, passed 4-26-2001)



## CHAPTER 51: GARBAGE

### Section

- 51.01 Definitions
- 51.02 Uncovered garbage
- 51.03 Deposit on the streets
- 51.04 Disposal of trash
- 51.05 Burning of trash
- 51.06 Disposal containers
- 51.07 Responsibility for containers
- 51.08 Garbage collection fees
  
- 51.99 Penalty

### ' 51.01 DEFINITIONS.

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

**GARBAGE.** Wastes resulting from the handling, preparation, cooking, and consumption of foods, wastes from the handling, storage, and sale of produce.

#### **REFUSE.**

(1) Combustible trash, including, but not limited to: paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, and bedding.

(2) Noncombustible trash, including, but not limited to: metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, and other mineral waste.

(3) Street rubbish, including, but not limited to: street sweepings, dirt, leaves, catch-basin dirt, and contents of litter receptacles.

(4) Refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations, such as boiler-house cinders, lumber, scraps, and shavings.

(1987 Code, ' 51.01) (Ord. passed 4-7-1975)

**' 51.02 UNCOVERED GARBAGE.**

(A) It shall be unlawful for any person to place or permit to remain anywhere in the city any garbage or other material, subject to decay, other than grass or leaves, except in a tightly covered metal or plastic container.

(B) It shall be unlawful for any person to cause or permit to accumulate any refuse that can be blown away by the wind anywhere in the city, except in a covered container.

(1987 Code, ' 51.02) (Ord. passed 4-7-1975) Penalty, see ' 51.99

**' 51.03 DEPOSIT ON THE STREETS.**

It shall be unlawful for any person to deposit or permit to fall from any vehicle any garbage or refuse on any public streets or highways in the city. This section shall not be construed to apply where garbage and refuse has been placed for pickup and disposal in accordance with the provisions of this chapter.

(1987 Code, ' 51.03) (Ord. passed 4-7-1975) Penalty, see ' 51.99

**' 51.04 DISPOSAL OF TRASH.**

(A) Garbage and refuse shall be disposed of by any of the following methods:

- (1) Pickup and collection by sanitation companies authorized by the city.
- (2) Dumping in an approved county sanitation landfill.
- (3) Burning in accordance with the provisions of this chapter.

(B) It shall be unlawful to dispose of garbage or refuse by dumping same on any premises in the city with or without the consent of the owner of the premises. Garbage and refuse collected by authorized sanitation companies shall not be disposed of within the city.

(C) Garbage or refuse shall be disposed of from all premises within the city once per week.

(1987 Code, ' 51.04) (Ord. passed 4-7-1975) Penalty, see ' 51.99

**' 51.05 BURNING OF TRASH.**

(A) It shall be unlawful to burn garbage anywhere in the city. It shall be unlawful to burn refuse anywhere in the city, except in an approved incinerator. An approved incinerator is defined as follows:

(1) Any incinerator with a capacity of more than 2 bushels shall be constructed to comply with the requirements of the Kentucky Air Pollution Commission.

(2) Any incinerator with a capacity of 2 bushels or less shall meet the requirements of the Kentucky Standards of Safety and be approved by the Fire Chief.

(B) Leaves may be burned outside an approved incinerator if properly piled at least 50 feet from any structure and if the fire is attended at all times by an adult.

(1987 Code, ' 51.05) (Ord. passed 4-7-1975) Penalty, see ' 51.99

#### **' 51.06 DISPOSAL CONTAINERS.**

(A) All persons or business entities within the corporate limits of the city, storing garbage on or about their premises awaiting disposal or pickup, shall store the garbage in metal or plastic garbage containers equipped with lids so that the container can be completely closed.

(B) While storing garbage, all containers shall be kept completely closed at all times.

(C) All containers shall be placed near a public road or street or at a place convenient to be picked up for disposal. No person shall permit their garbage cans to set on any public right-of-way, unless placed there for pickup and disposal, and the containers shall be allowed to remain on the public right-of-way only on the day of pickup.

(1987 Code, ' 51.06) (Ord. 1978.5, passed 4-3-1978) Penalty, see ' 51.99

#### **' 51.07 RESPONSIBILITY FOR CONTAINERS.**

All individuals having the use of or placing garbage or refuse in garbage containers shall be responsible for their own garbage containers, regardless of whether the persons are the owners of the premises or the owners of the garbage containers. It shall be the responsibility of each person who rents any premises to comply with the provisions of this chapter and the owner of any premises shall not be responsible for the acts of any renter as far as the accumulation, transmission, and disposal of, garbage and refuse. It shall be the responsibility of the owner of the premises to mark all garbage containers in a manner so as to identify which garbage containers are to be used for each unit of the premises.

(1987 Code, ' 51.07) (Ord. passed 4-7-1975) Penalty, see ' 51.99

#### **' 51.08 GARBAGE COLLECTION FEES.**

(A) Garbage collection fees are on file at the city hall.

(B) The fees charged for garbage collection shall be included on the monthly water and sewer bills (see ' 50.41) and collected in the same manner as the water and sewer bills.

(1987 Code, ' 51.08) (Ord. 1990-2, passed 3-6-1990) Penalty, see ' 51.99

Cross-reference:

Water and sewer billing procedure, see ' 50.45

**' 51.99 PENALTY.**

Any person, firm, or corporation violating any provision of this chapter shall be subject to a fine of not less than \$10 nor more than \$500 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(1987 Code, ' 51.99) (Ord. passed 4-7-1975)