

## **TITLE VII. PUBLIC UTILITIES**

### **CHAPTER 700: MUNICIPAL UTILITIES**

*Cross References—As to draining impure water into wells, see §220.130.*

#### **ARTICLE I. GENERAL PROVISIONS**

##### **SECTION 700.010: CITY ADMINISTRATOR TO SUPERVISE MUNICIPAL UTILITIES**

The City Administrator shall supervise all Municipal utilities, and shall be empowered by himself or by a designated employee to conduct any meetings or hearings with users of Municipal services pursuant to this Chapter. (Ord. No. 1992-9 §1, 5-19-92)

##### **SECTION 700.020: CITY UTILITIES—DEFINED**

City utilities shall consist of the City Water and Sewer Utilities. (Ord. No. 1992-9 §2, 5-19-92)

##### **SECTION 700.030: LIMITATION OF LIABILITY**

The City shall furnish utility service from any of its utilities to customers only upon the expressed conditions precedent that the City will not be liable to the consumer or other person for an inconvenience, delay, injury, loss or damage whatsoever, occurring by reason of derangements, stoppage, leak, fault or negligent construction or operation of any of the utility equipment apparatus, distribution means, pipes or lines, or by reason of the temporary shutting off of any of the utility services to clear or repair the same or for any other purpose, or by reason of the scarcity or insufficiency of the particular utility service supply, or the character or condition of the water or electricity supply, or by reason of the clogging or freezing of the mains or service pipes, or the disruptions of distribution due to weather or other acts of God; nor shall the City be liable for the disruptions of repair of any service, pipes, mains or lines not owned by the City. The City reserves the right at any time to restrict the use of any utility service for any and all purposes. The City Administrator may, if he determines it necessary, impose a system of rationing or otherwise restrict the delivery of any or all utility services to a customer. (Ord. No. 1992-9 §3, 5-19-92)

##### **SECTION 700.040: DUTIES OF UTILITY CLERK**

The Utility Clerk shall register all applications for the supply of any utility service, and keep a full and accurate account of all utility services provided. (Ord. No. 1992-9 §4, 5-19-92)

##### **SECTION 700.050: DUTIES OF CITY COLLECTOR**

The City Collector shall collect all utility charges and pay the same to the Treasurer and report to the Board of Aldermen monthly all monies received. (Ord. No. 1992-9 §5, 5-19-92)

##### **SECTION 700.060: APPLICATION FOR SERVICE CONNECTIONS**

All applications for utility services, or any utility service, shall be made in writing at the City Hall to the Utility Clerk or a designated employee, upon an appropriate blank form furnished by the City. The application, in writing, shall plainly show the charges to be made for the installation of the utility

service by the City, and such charges shall be paid by the applicant at the time. The application shall also show the deposits required, the conditions under which deposits may be returned, and such deposits shall be paid by the applicant at that time. It shall be expressly understood, and shall be made a part of the application, that as a consideration for the division of the particular utility service and of all utility services within the City, incorporated within said contract, shall be the requirements of this Section, and every person by applying for said utility service, and by accepting such service has thereby expressed his assent to be bound thereby. The applicant shall be furnished a copy of his application, which shall serve as receipt for this money paid. (Ord. No. 1992-9 §6, 5-19-92)

#### **SECTION 700.070: APPLICATION FOR SERVICE OUTSIDE OF THE CITY LIMITS**

All applicants for residential service must be contiguous to the City limits. All applicants for water or utility service shall be made in writing at the City Hall and shall show the proposed use for services, estimated annual use for residential or commercial. Said lines for service, meter and installation will be purchased by the applicant. The City will review the proposed connection request for the sufficient main capacity, installation and materials according to the City Codes. Applicant will be responsible for service connection from City main to residence. Rate for service shall be two (2) times the rate of City residents. (Ord. No. 1992-9 §7, 5-19-92)

#### **SECTION 700.080: CONNECTION FEES**

All fees for connection to the water or sewer systems of the City shall be prescribed by ordinance. (Ord. No. 1992-9 §8, 5-19-92)

#### **SECTION 700.090: CONNECTION FEES**

- A. All persons making applications for water service from the City shall receive such service upon compliance with the following requirements:
1. Pay all sums required by Section 700.080 to be paid relative to connection to the City water system.
  2. Pay to the City Collector the sum of fifty dollars (\$50.00) for connection of said utility service to all owners of residential and commercial property in the City.
  3. Pay to the City Collector the sum of one hundred and fifty dollars (\$150.00) for connection of said utility service to all renters of residential and commercial property in the City.
- B. *Temporary Services.* In the event the Realtor of the property is requesting temporary service less than forty-eight (48) hours, then said owner shall pay a thirty dollar (\$30.00) service charge in advance in lieu of the fifty dollar (\$50.00) connection fee previously mentioned. (Ord. No. 1992-9 §9, 5-19-92; Ord. No. 1992-9, Amendment I, 8-11-92; Ord. No. 1992-9, Amendment III, §1, 12-8-92) Ord. No. 2012-12 §7-10-2012

#### **SECTION 700.100: AFTER HOUR EMERGENCY WATER FEES:**

A fee of thirty (\$30.00) dollars shall be charged for emergency water shut off/on after non city working hours (8am-5pm). An additional thirty (\$30.00) dollar fee shall be charged per incident. (Ord. No. 2013-23 § 9-10-2013)

### **SECTION 700.130: DEPOSITS-FAILURE OF DEPOSITOR TO CLAIM REFUND**

The failure of the depositor to make claim for the refund within a period of ten (10) years after such refund shall be due shall constitute a waiver of the depositor's claim and a relinquishment to the City of such fund. The provisions of this Section shall be noted on the receipt of the depositor (Ord. No. 1992-9 § 13, 5-19-92)

### **SECTION 700.140: METERS REQUIRED**

- A. All charges for water supplied by any City utility service shall be made in accordance with the registration of such meters and the rates established under this Section and all bills will be collected therefore in full, provided that when any such meter by actual test as provided for in Section 700.150 is found to be imperfect and fast in measurement of the service by more than two percent (2%) the cost of the excess amount of services as represented by the imperfection of such meter shall be deducted from the total amount of the bill for the meter reading period for which such bill is rendered.
- B. Employees of any Municipal utility may at any time and with or without the knowledge or consent of any consumer, measure with an additional meter at any location where such meter may be connected into the service to any building, dwelling house or premises of any kind to which the City is furnishing utility service and when such meter shall for any period register more utilities than are registered by the meter on the premises of the consumer, it shall be taken as evidence that the service being furnished to such consumer is not being properly metered by the first (1st) meter on the consumer's premises and the consumer shall pay for all utilities registered over any period by the second (2nd) or additional meter so installed, instead of the amount that has been improperly registered by his regular meter.
- C. Whenever service has been discontinued on account of the consumer having failed to pay his account, it will not be restored to the consumer at the same or any other location in the City until the account has been paid in full and a Sixty-Five Dollars (\$65.00) service charge has also been paid in full.
- D. Each person using the City water shall be required to purchase from the City and install a water meter, paying the City a sum.
- E. The water consumer shall have a separate meter. Each meter shall be connected by an independent water tap from the water mains so that not more than one (1) meter shall be serviced through one (1) tap from the main.
- F. Property owners shall install water meters at the property line located nearest to water, only outside of the accessible water main.
- G. All outside water meters shall be located in a convenient place for City inspection and reading. They shall be provided with a permanent meter box of standard type such as a Dickey Meter Box, with cover well secured thereon and removable for the City inspection and reading. Such meter box shall be at least eighteen (18) inches in diameter. The meter dial shall be installed or raised so as to be within sixteen (16) inches of the ground surface. (Ord. No. 1992-9 §14, 5-19-92)

### **SECTION 700.150: METER TESTS**

- A. No consumer shall require a test of any meter more often than once in six (6) months. At the request of the consumer a written report showing the result of such test shall be given the consumer requesting the same. (Ord. No. 1992-9 §15, 5-19-92; 2013-18 § 6-11-13)

## **SECTION 700.160: BILLING PROCEDURE**

The Utility Clerk shall render to each utility customer a bill for his utility service monthly. The City Administrator may, at his discretion, organize the billing cycle so that certain customers are billed at one (1) part of the month and other customers at a different time, and thereby equalize the work required of the City Utility Clerk.

1. Each customer shall monthly be billed for all utility services, in writing. Such a written billing shall be presented to the customer at least ten (10) days before the payment date. Such written billing shall include the following information:
  - a. A clear statement that the utility services will be terminated for non-payment of the bill if not made by a certain date.
  - b. A clear statement of a procedure where a customer may complain about his utility bill and resolve any disputes that might exist as to whether or not the charges have been figured accurately or the customer did in fact use the indicated amount of utility service. Such a statement may be in the following form:

If you have any questions or complaints about this bill, you may, at any time before the due date, contact by phone or in person the City Hall, and arrange for an appointment to meet with the City Administrator to discuss your question or complaint.
  - c. The City Administrator shall be empowered to address such complaints, and to make such adjustments as are warranted by the evidence presented, as to whether or not the utility billing is accurate, but may not make any adjustments for any other reason.
2. Any person who does not pay their utility service charge or charges by the due date or within ten (10) days thereafter shall be subject to termination of all utilities and services. (Ord. No. 1992-9 §16, 5-19-92)

## **SECTION 700.170: TERMINATION OF UTILITY SERVICE**

Any or all utility services may be discontinued without notice to the customer, for the following reasons:

1. For failure to pay utility service charges, provided that notice of the utility service charge and the right to protest or complain about the calculation of the charges has been given as provided in Section 700.150.
2. Upon the discovery of any unauthorized connections. (Ord. No. 1992-9 §17, 5-19-92; Ord. No. 2012-16 § 8-14-12)

## **SECTION 700.180: ESTIMATED BILLS**

All bills for service charges furnished by the City may be estimated, when by reason of defect in or failure to read the appropriate meter or for any other reason, the monthly bill of the user or customer cannot accurately be determined. The Billing Clerk shall make such estimate, considering the average consumption of the user over the previous twelve (12) month period, considering the relative use of such utility service within the City as a whole for the period of time in question, and considering

such other factors as the Billing Clerk may deem appropriate. Such estimated bills shall be due and payable as are all other bills rendered under this Section.  
(Ord. No. 1992-9 §18, 5-19-92)

#### **SECTION 700.190: HARDSHIP CASES**

Any person who, by reason of financial or other hardship, is unable to pay any utility bill prior to the termination date, may be granted by the City Administrator such additional period as the City Administrator may deem appropriate in which to pay his delinquent account, provided that the City Administrator may not grant to any customer the right to pay his utility bill past the date when the next month's utility bill would be presented to said customer. (Ord. No. 1992-9 §19, 5-19-92)

#### **SECTION 700.200: VIOLATION**

Upon determination by a use of any of the rules and regulations adopted and imposed by this Section, the user shall be informed in writing of the particular violations and that service shall be terminated if the circumstances constituting the violation are not rectified to the satisfaction of the City Administrator within fifteen (15) days; and that the user, within the fifteen (15) day period, may meet with the City Administrator, or an employee so designated by the City Administrator during regular business hours of the City if the user believes the charges are erroneous or incorrect. The City Administrator or his designated employee shall be empowered to require compliance by the user with all the rules and regulations adopted and imposed by this Section, and may require the user to reasonably demonstrate such compliance to stay the order of disconnection at the end of the fifteen (15) day period. If the user does not comply with the rules and regulations of this Section within the fifteen (15) day period, the service shall be disconnected and the user informed in writing that service will be reconnected upon demonstration to the City Administrator or his designated employee that the user has complied with the rules and regulations of this Section, and upon payment by the user of the Sixty-Five dollars (\$65.00) reconnection fee. Where dishonest or unauthorized water piping shall be found, the City may terminate the appropriate utility service immediately and the City shall notify such person that the service will be reconnected upon ratification of the circumstances causing the disconnection to the satisfaction of the City Administrator, or his designated employee, and the payment of the Sixty-Five dollars (\$65.00) reconnection fee. When any person after proper notice and a prior opportunity for hearing consistent with the provisions of the Section, has been denied service and is still owing the City, moves into a building or dwelling connected with water service, the service shall be reconnected upon the payment of the amount due and a Sixty-Five dollar (\$65.00) reconnection charge for owners and a One Hundred Sixty-Five dollar (\$165.00) reconnection charge for renters. (Ord. No. 1992-9 §20, 5-19-92, Ord. No. 15-12 §18, 10-8-15)

#### **SECTION 700.210: DISCONNECTION**

Upon disconnection of a user's water or sewer service, any and all amounts owed by the user to the City for the provision of such service shall become due and payable. The City, in the notice which sets forth the terms of reconnection of such service, shall indicate to the user that the user must bring account current. The City shall upon a final settlement of the user's account, demand a reasonable amount for expenses incurred in the collection of the user's account. (Ord. No. 1992-9 §21, 5-19-92)  
Ord. No. 2012-12 §7-10-2012

#### **SECTION 700.230: DISCONNECTION CHARGE**

The City Collector is authorized and empowered to levy and collect a charge of Sixty-five dollars (\$65.00) from each user of water furnished by the City, whose water has been cut off for failure on the

part of the user to pay promptly the monthly charge levied for the use of such water when not in conjunction with reconnection fee.

(Ord. No. 1992-9 §23, 5-19-92, Ord. No. 2015-12 §20, 10-8-15)

#### **SECTION 700.240: ACCESS TO PRIVATE PREMISES**

The City Administrator and the various persons employed by him in the line of duty shall at all reasonable hours have free access to all parts of building, dwelling house or premises of any kind to which service is furnished, for the purpose of installing, examining or repairing or removing any meter or other material or appliances belonging to the City, or to read meters, turn on or cut-off service, or for any other purpose that may be deemed essential for the preservation of such property, prevention of waste or collection of revenue. Dogs which are controlled by chain or fence must be situated to an area of ten (10) feet around meter and an area ten (10) feet either side of the normal access route to the meter is maintained as a safe route for the meter reader. (Ord. No. 1992-9 §24, 5-19-92; 2013-19 § 6-11-13)

#### **SECTION 700.250: SERVICE INSTALLATIONS TO BE MADE BY WATER DEPARTMENT ONLY— RESPONSIBILITY FOR MAINTENANCE**

No water shall be furnished except through a service installed by the Water Department of the City. Such service installation shall include excavation, tapping the main, service line to the meter installation, but not beyond the property line, meter tile, meter tile cover, five-eighths ( $\frac{5}{8}$ ) inch through three-fourths ( $\frac{3}{4}$ ) inch meter and meter connecting fittings and back-filling the installation. The cost of this installation shall be in lieu of any other main connecting fees and shall be such a fee and not a transaction in which the materials are purchased. The ownership of such service line and other appurtenances installed by the Water Department of the City shall remain with the water system of the City. The responsibility for maintenance and repairs to service lines installed as above will be that of the Water Department. The maintenance for any meter which is over five-eighths ( $\frac{5}{8}$ ) inch through three-fourths ( $\frac{3}{4}$ ) inch in size shall remain the responsibility of the property owner. If the service line is replaced by the Water Department and if the owner executes an assignment of such service line to the Water Department, then such service line shall be the property of the Water Department and shall be maintained by such Department. (Ord. No. 1992-9 §25, 5-19-92)

#### **SECTION 700.260: COSTS OF TAPPING THE MAIN**

A flat fee of two hundred fifty dollars (\$250.00) shall be charged by the City for each water tap or connection to the property line of the water user, which shall include the curb box, cut off and all material and labor required to bring water to the property line. (Ord. No. 1992-9 §26, 5-19-92)

#### **SECTION 700.270: CITY TO FURNISH MATERIALS**

The duly appointed Sewer and Water Committee of the Board of Aldermen, through their duly authorized agent to be known as the Water and Sewer Superintendent, shall provide all material and all labor for all water services from the street water main to and including the curb cock, curb box, curb water meter box and water meter, and shall also furnish a corporation cock and service line to the property line of installation. Pipe will be of an approved type per the City's standard for materials and specifications. (Ord. No. 1992-9 §27, 5-19-92)

#### **SECTION 700.280: CONTROL OF FLOW**

A suitable brass stopcock with round waterway must be placed in the service pipe, so that the "T" head will stand parallel with the curb when the water is off, to allow the City to control the flow of water

through any such pipe, located inside the curbstone and as near thereto as practicable, with iron stop box of such pattern as may be approved by the Mayor. Should it become necessary to dig the box out for the purpose of turning water on or off, it shall be at the expense of the water taker. No person other than the Mayor or one duly authorized by him shall turn on the water at any stopcock or meter or in any other manner take water from the water mains.  
(Ord. No. 1992-9 §29, 5-19-92)

**SECTION 700.290: USE OF SERVICE PIPES AND TAPS**

No more than one (1) house shall be supplied from one (1) tap except by special permit of the Mayor.  
(Ord. No. 1992-9 §30, 5-19-92)

**SECTION 700.300: USE OF CORPORATION COCKS**

No corporation cock shall be inserted for any premises where one has been previously inserted for water conveyed, for the purpose of giving an increased supply, except in pursuance of a new application and permit. Nor shall any attachment be made to any premises previously supplied with water, until the corporation cock previously used shall be drawn and the opening securely stopped with a brass plug, at the expense of the owners of the premises. Nor shall any two (2) corporation cocks be inserted into any street main within less than ten (10) inches of one another.  
(Ord. No. 1992-9 §31, 5-19-92)

**SECTION 700.310: POSITIONING OF SOURCE AND USE**

No cross-connection or connection between any pipe carrying water from the waterworks of the City and water from and any other source of supply shall be made. No pipe or orifice or opening of any kind shall be installed or permitted in any pipe or conductor of water from such waterworks in any tank, vessel, reservoir or any container of any kind, below the water level or possible water level.  
(Ord. No. 1992-9 §32, 5-19-92)

**SECTION 700.320: CERTAIN CONSUMERS TO KEEP RESERVE SUPPLY**

All persons using City water for steam engines or heating or consumer plants shall provide suitable tanks of capacity sufficient to afford a supply for at least ten (10) hours in case the water should be shut off. (Ord. No. 1992-9 §33, 5-19-92)

**SECTION 700.330: METERS REQUIRED**

All water supplied by the waterworks shall be charged and paid for by meter measurement and no water will be supplied without such meter. Nothing in this Section shall be so construed as to mean that more than one (1) meter will be furnished for any one (1) building or premises, but where two (2) or more dwellings are located on one (1) lot, each of its dwellings or the occupant or owner thereof shall pay at the regular rates for the water used in each house or dwelling.  
(Ord. No. 1992-9 §34, 5-19-92)

**SECTION 700.340: METERS—INSTALLATION IN APPROVED METER BOX—  
MAINTENANCE**

All water meters measuring water furnished by the waterworks of the City shall be installed in an approved meter box, provided with inside lugs or bolts by which is secured an approved cast iron meter box cover with lid that can be locked or sealed and the dial of the meter shall be not less than

eight (8) inches nor more than fourteen (14) inches from the lid of the box, and the lid shall not be lower than the surface of the ground nor more than one (1) inch above the level of the ground, shall be provided with an approved fastening that can be securely locked or sealed, and all such water meter boxes shall be installed at the expense of the owner of the building or premises in a location provided by such owner or approved by the Mayor, and to be at all times easily accessible to City employees duly authorized by the Mayor to read, inspect or repair the meter, and shall insofar as shall be found possible or practicable be located as near as possible to the line dividing the street or alley from the lot or in the space between the street pavement and the sidewalk, and where such meter box is not installed in such accessible location, such meter box may be installed under the direction and supervision of the Mayor and the owner of the building, premises or lot shall be charged for the labor and material required; provided, that where water meters are now installed in buildings or basements in locations safe from frost and accessible at all times to City employees, and where at the same time no other more suitable location can be found for such meter, there may be installed around such meter by the direction and supervision of the Mayor, and approved metal box or enclosure that can be securely locked or sealed. No person other than one duly authorized by the Mayor shall open any meter box or lock or break any seal. The owner or water user shall keep safe from molestation meter boxes, locks and seals and where boxes or locks are found open or seals broken it shall be considered prima locations evidence that it has been done by the water user. Whenever water meters are furnished by the City, approved connections or yokes shall be furnished by the owner or water user. (Ord. No. 1992-9 §35, 5-19-92)

#### **SECTION 700.350: CONNECTION FOR BUILDING PURPOSES**

When a connection is made to supply water for building purposes the service pipe shall be carried at the expense of the party building to the inside of the curbstone line where a proper curb stop shall be placed with pipe leading to the surface, the faucet of which shall be kept secured and locked when not in use. When the building is completed the faucet and pipe shall be taken up and the water shut off at the curb stop. (Ord. No. 1992-9 §36, 5-19-92)

#### **SECTION 700.355: PUBLIC WATER**

SECTION 1 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public water or appurtenance thereof without first obtaining a written permit from the Inspector.

SECTION 2 The owner or his agent shall make application on a special form furnished by the municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of ten dollars (\$10.00) for a residential or commercial building water permit and fifteen dollars (\$15.00) for an industrial building water permit shall be paid to the municipality at the time the application is filed.

SECTION 3 All costs and expenses incident to the installation and connection of the building water shall be borne by the owner. The owner shall indemnify the municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the water line.

SECTION 4 A separate and independent water line shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private water is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building water line from the front building may be extended to the rear of a building and the whole considered as one (1) water line.



SECTION 5 Old water lines may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this ordinance.

SECTION 6 The size, slope, alignment, materials of construction of a water line, 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 municipality. In the absence of code provisions, utilization of industry appropriate materials in a good and workmanship like manner.

SECTION 7 The connection of the water line into the public water main shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the municipality, or in the absence of code provisions, utilize industry appropriate materials in a good and workmanship like manner. All such connections shall be made water tight. Any deviation from the prescribed procedures and materials must be approved by the Inspector before installation.

SECTION 8 The applicant for the water line permit shall notify the Inspector when the water line is ready for inspection and connection to the public water main. The connection shall be made under the supervision of the Inspector or his representative.

SECTION 9 All excavations for water line 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 municipality. (Ord. No. 2013-31 § 11-12-13)

**SECTION 700.360: DUTY OF PLUMBERS CONCERNING CONNECTION PERMITS**

Whenever extensions are desired or new connections are to be made in place of old ones to the City water supply, permits must be obtained in the usual manner. It shall be the duty of all plumbers to make and return in writing to the office of the Mayor before the water will be turned on, a list of all connections made by them, giving description of the premises, location of the corporation cock, length of service pipe, number of feet from the northerly or easterly line of the lot or premises to the place where the tap in the main is located, together with the names of the occupants and the owner of the premises, and it shall be the duty of all plumbers to produce a special curbstone before making any change in connections that have been made with the water mains.  
(Ord. No. 1992-9 §37, 5-19-92)

**SECTION 700.370: TURN ON REQUIREMENTS**

No consumer or other person whose water service shall have been turned off for any reason shall turn on the water or reopen the service, or permit the same to be done by any person, except by order of the Mayor or City Administrator. (Ord. No. 1992-9 §38, 5-19-92)

**SECTION 700.380: SPECIAL PERMIT REQUIRED FOR THE USE OF PUBLIC HYDRANTS, HOSES, PIPES, ETC.**

No person shall take water for private use from any public hydrant, plug, draw cock, hose, pipe or fountain furnished for fire purposes or other public use, without the consent of the Mayor, and a special permit therefore having been paid for and received therefore. The Mayor shall determine the charge for said permit, which shall be his estimate as to the cost of any water used and extraordinary expenses incurred by the City in providing supervisory personnel or other extra-ordinary expense. (Ord. No. 1992-9 §39, 5-19-92)

**SECTION 700.390: INTERFERENCE WITH APPARATUS OF WATERWORKS PROHIBITED**

No person shall hitch any horse or mule to any fire hydrant, or open fire hydrant, or remove or obstruct the stopcock of any fire hydrant, or paint, mark or deface any fire hydrant or any public or private stopcock, or place or deposit any dirt or other material in any such stopcock boxes or in any meter box, or turn any public or private stopcock, or commit any act tending to obstruct the use thereof, or in any manner tamper with or injure any building, meter box, valve box, valve, engine, motor, pump or other machinery, pipe, hose, tools, fixtures or apparatus of the waterworks.  
(Ord. No. 1992-9 §40, 5-19-92)

**SECTION 700.400: CONTAMINATION OF CITY WATERWORKS PROHIBITED**

No person shall bathe or fish in any reservoir belonging to the waterworks of the City or place anything whatever in any reservoir, well, aerator, filter or any opening of any kind in any pipe or hydrant belonging to the waterworks of the City or perform any other act which might contaminate the water.  
(Ord. No. 1992-9 §41, 5-19-92)

**SECTION 700.410: WATER USER FEE**

The rates to be charged to the consumer for water used from the City Waterworks shall be as follows

1. The minimum charge per month shall be Eighteen dollars and no cents (\$18.00). In addition each user shall pay a user charge rate for operation and maintenance including replacement and debt service of Three dollars and fifty-six cents (\$3.56) per increment of one thousand (1,000) gallons and each additional increment of one thousand (1000) gallons of water used as determined in the preceding sections.
2. These rates shall apply to residential and commercial users, except those consumers outside of the corporate City limits which shall pay double the rate to the residents of the City. (Ord. No. 1992-9 §42, 5-19-92; Ord. No. 1992-9, Amendment II, 10-13-92; Ord. No. 1998-5 §1, 3-10-98; Ord. No. 2005-07 §1, 10-11-05; Ord. No. 2007-011 §1, 4-10-07, Ord. No. 2011-00 Ord. No. 2014-11 6-10-2014).

**SECTION 700.420: ANNUAL REVIEW OF USER CHARGE SYSTEM**

The City will review the User Charge System annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users. (Ord. No. 1992-9 §43, 5-19-92)

**ARTICLE II. WATER SHORTAGE**

**SECTION 700.430: MAYOR AUTHORIZED TO PROCLAIM USES PROHIBITED**

Whenever, in the judgment of the Mayor or the Board of Aldermen, there is a shortage of water, the Mayor is authorized and directed to give notice thereof at once to the general public by proclamation,

issued by distributing printed handbills through the City and by posting three (3) such handbills in three (3) public places in the City, giving notice to the public that there exists a shortage of water and prohibiting the use of any open hose or the use of any hose in any manner by any consumer of water for the purpose of sprinkling streets, lawns, gardens, ground, sidewalks or the use of water from any connection with the City's Water System by any means whatever for any of such purposes during the time prohibited by such proclamation issued by the Mayor. (CC 1968 §18-16; Ord. No. 350 §1, 8-7-16)

#### **SECTION 700.440: CUTTING OFF WATER OF VIOLATORS OF PROCLAMATION**

The Mayor is hereby authorized and empowered to order at once the water connection or service of any consumer shut off upon receiving information or proof that such proclamation is being violated by such consumer, and in addition thereto any such person shall be punished as provided in Section 100.080 of this Code. (CC 1968 §18-17; Ord. No. 350 §2, 8-7-16)

### **ARTICLE III. LEAD BAN IN PUBLIC AND PRIVATE DRINKING WATER**

#### **SECTION 700.450: LEAD BAN—GENERAL POLICY**

- A. *Purpose.* The purpose of this Article is:
1. To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and
  2. To protect City residents from lead contamination in the City's public drinking water system and their own private plumbing systems.
- B. *Application.* This Article shall apply to all premises served by the public drinking water system of the City of Windsor.
- C. *Policy.* This Article will be reasonably interpreted by the water purveyor. It is the purveyor's intent to ban the use of lead based material in the construction or modification of the City's drinking water system or private plumbing connected to the City system. The cooperation of all consumers is required to implement the lead ban.
- D. If, in the judgment of the water purveyor or his authorized representative, lead base materials have been used in new construction or modifications after March 9, 1999, due notice shall be given to the consumer. The consumer shall immediately comply by having the lead base materials removed from the plumbing system and replaced with lead free materials. If the lead base materials are not removed from the plumbing system, the water purveyor shall have the right to discontinue water service to the premises. (Ord. No. 1999-1 §1, 3-9-99)

#### **SECTION 700.460: DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

- A. Consumer” means the owner or person in control of any premises supplied by or in any manner connected to a public water system;

- B. “Lead base materials” means any material containing lead in excess of the quantities specified in C.  
“Lead free”
- C. “Lead free” means:
1. In General.
    - a. When used with respect to solder and flux, refers to solders and flux containing not more than 0.2 percent (0.2%) lead; and
    - b. When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than 0.25 percent (0.25%) lead.
  2. Calculation  
The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with paragraph (A)(2). For lead content of materials that are provided as a range, the maximum content of the range shall be used.
- D. “Public drinking water system” means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources; and
- E. “Water purveyor” means the owner, operator, or individual in responsible charge of a public water system.
- F. “Exemptions”
1. pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for non-potable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or
  2. toilets, bidets, urinals, fill valves, flush-o-meter valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger. (Ord. No. 2018-11 §1, 12-13-18)

## **CHAPTER 702: CROSS-CONNECTION CONTROL**

### **SECTION 702.010: CROSS-CONNECTION CONTROL—GENERAL POLICY**

- A. *Purpose.* The purpose of this Chapter is:
1. To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.

2. To promote the elimination, containment, isolation or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures, and industrial-process systems.
  3. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.
- B. *Application.* This Chapter shall apply to all premises served by the public potable water system of the City of Windsor
- C. *Policy.*
1. This Chapter will be reasonably interpreted by the water purveyor. It is the water purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.
  2. The water purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross-connections. The water purveyor and consumer are jointly responsible for preventing contamination of the water system.
  3. If, in the judgment of the water purveyor or his authorized representative, cross-connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his own expense; and failure, refusal or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided. (Ord. No. 1999-2 §I, 3-9-99)

## **SECTION 702.020: DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

*AIR-GAP SEPARATION:* The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one (1) inch.

*AUXILIARY WATER SUPPLY:* Any water source or system, other than the public water supply, that may be available in the building or premises.

*BACKFLOW:* The flow other than the intended direction of flow of any foreign liquids, gases or substances into the distribution system of a public water supply.

*BACKFLOW PREVENTION ASSEMBLY:* Any double-check valve or reduced pressure principle backflow preventer having resilient-seated shut-off valves on both the upstream and downstream end and the necessary test cocks as integral parts of the assembly.

*CONSUMER:* The owner or person in control of any premises supplied by or in any manner connected to a public water system.

*CONTAINMENT:* Protection of the public water supply by installing a backflow prevention assembly or air-gap separation on the main service line to a facility.

*CONTAMINATION:* An impairment of the quality of the water by sewage, process fluids or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

*CROSS-CONNECTION:* Any physical link between a potable water supply and any other substance, fluid or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

*HAZARD, DEGREE OF:* An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

- a. *Hazard, health:* Any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.
- b. *Hazard, plumbing:* A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention assembly.
- c. *Hazard, pollutional:* An actual or potential threat to, the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
- d. *Hazard, system:* An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

*INDUSTRIAL PROCESS SYSTEM:* Any system containing a fluid or solution, which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into a potable water supply.

*ISOLATION:* Protection of a facility's internal plumbing system by installing a backflow prevention assembly, air-gap separation or other backflow prevention device on an individual fixture, appurtenance or system.

*POLLUTION:* The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

*PUBLIC POTABLE WATER SYSTEM:* Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and

meets the requirements of the Missouri Department of Natural Resources.

*SERVICE CONNECTION:* The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

*WATER PURVEYOR:* The owner, operator or individual in responsible charge of a public water system. (Ord. No. 1999-2 §II, App. A, 3-9-99)

#### **SECTION 702.030: CROSS-CONNECTIONS PROHIBITED**

- A. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public potable or consumer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the water purveyor, and as required by the laws and regulations of the Missouri Department of Natural Resources.
- B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the water purveyor and the Missouri Department of Natural Resources.
- C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the water purveyor as necessary for the protection of health and safety. (Ord. No. 1999-2 §III, 3-9-99)

#### **SECTION 702.040: SURVEY AND INVESTIGATIONS**

- A. The consumer's premises shall be open at all reasonable times to the water purveyor, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
- B. On request by the water purveyor or his authorized representative, the consumer shall furnish information on water use practices within his premises.
- C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system. (Ord. No. 1999-2 §IV, 3-9-99)

#### **SECTION 702.050: TYPE OF PROTECTION REQUIRED**

The type of protection required by this Chapter shall depend on the degree of hazard which exists, as follows:

1. An approved air-gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.

2. An approved air-gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
3. An approved air-gap separation or an approved reduced pressure principle backflow prevention assembly or an approved double-check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health. (Ord. No. 1999-2 §V, 3-9-99)

#### **SECTION 702.060: WHERE PROTECTION IS REQUIRED**

- A. An approved backflow prevention assembly shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
- B. An approved air-gap separation or reduced pressure principle backflow prevention assembly shall be installed at the service connection or within any premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:
  1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the water purveyor and the Missouri Department of Natural Resources.
  2. Premises having internal cross-connections that are not correctable or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist.
  3. Premises where entry is restricted so that inspection for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross-connections do not exist.
  4. Premises having a repeated history of cross-connections being established or re-established.
  5. Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
  6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
  7. Premises where materials of a toxic or hazardous nature are handled such that if back-siphonage or backpressure should occur, a serious health hazard may result.
- C. The types of facilities listed in Appendix A to this Chapter fall into one (1) or more of the categories of premises where an approved air-gap separation or reduced pressure principle backflow prevention assembly is required by the water purveyor and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water purveyor and the Missouri Department of Natural Resources. (Ord. No.



1999-2 §VI, 3-9-99)

#### **SECTION 702.070: BACKFLOW PREVENTION ASSEMBLIES**

- A. Any backflow prevention assembly required to protect the facilities listed in Appendix A to this Chapter shall be of a model or construction approved by the water purveyor and the Missouri Department of Natural Resources.
  - 1. Air-gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one (1) inch.
  - 2. A double-check valve assembly or a reduced pressure principle backflow prevention assembly shall be approved by the water purveyor, and shall appear on the current "list of approved backflow prevention assemblies" established by the Missouri Department of Natural Resources.
- B. Existing backflow prevention assemblies approved by the water purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this Chapter so long as the water purveyor is assured that they will satisfactorily protect the water system. Whenever the existing assembly is moved from its present location, or requires more than minimum maintenance, or when the water purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention assembly meeting the requirements of this Chapter. (Ord. No. 1999-2 §VII, 3-9-99)

#### **SECTION 702.080: INSTALLATION**

- A. Backflow prevention assemblies required by this Chapter shall be installed at a location and in a manner approved by the water purveyor and shall be installed at the expense of the water consumer.
- B. Backflow prevention assemblies installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
- C. Backflow prevention assemblies shall be located so as to be readily accessible for maintenance and testing, protected from freezing. No reduced pressure principle backflow prevention assembly shall be located where it will be submerged or subject to flooding by any fluid. (Ord. No. 1999-2 §VIII, 3-9-99)

#### **SECTION 702.090: INSPECTION AND MAINTENANCE**

- A. It shall be the duty of the consumer at any premises on which backflow prevention assemblies required by this Chapter are installed to have inspection, tests and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
  - 1. Air-gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.
  - 2. Double-check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter.
  - 3. Reduced pressure principle backflow prevention assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter.

- B. Inspections, tests, and overhauls of backflow prevention assemblies shall be made at the expense of the water consumer and shall be performed by a State of Missouri certified backflow prevention assembly tester.
- C. Whenever backflow prevention assemblies required by this Chapter are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
- D. The water consumer must maintain a complete record of each backflow prevention assembly from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections and repairs. Records of inspections, tests, repairs and overhauls shall be made available to the water purveyor upon request.
- E. Backflow prevention assemblies shall not be bypassed, made inoperative, removed or otherwise made ineffective. (Ord. No. 1999-2 §IX, 3-9-99)

#### **SECTION 702.100: VIOLATIONS**

- A. The water purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention assembly required by this Chapter is not installed, tested and maintained in a manner acceptable to the water purveyor, or if it is found that the backflow prevention assembly has been removed or bypassed, or if an unprotected cross-connection exists on the premises.
- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Chapter to the satisfaction of the water purveyor. (Ord. No. 1999-2 §X, 3-9-99)

#### **APPENDIX A**

##### **TYPES OF FACILITIES REPRESENTING CROSS-CONNECTION HAZARDS**

1. Aircraft and missile manufacturing plants;
2. Automotive plants including those plants which manufacture motorcycles, automobiles, trucks, recreational vehicles and construction and agricultural equipment;
3. Potable water dispensing stations which are served by a public water system;
4. Beverage bottling plants including dairies and breweries;
5. Canneries, packing houses and reduction plants;
6. Car washes;
7. Chemical, biological and radiological laboratories including those in high schools, trade schools, colleges, universities and research institutions;
8. Hospitals, clinics, medical buildings, autopsy facilities, morgues, mortuaries and other medical facilities;

9. Metal or plastic manufacturing, fabrication, cleaning, plating or processing facilities;
10. Plants manufacturing paper and paper products;
11. Plants manufacturing, refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum or petroleum products, pharmaceuticals, radiological materials or any chemical which would be a contaminant to the public water system;
12. Commercial facilities that use herbicides, pesticides, fertilizers or any chemical which would be a contaminant to the public water system;
13. Plants processing, blending or refining animal, vegetable or mineral oils;
14. Commercial laundries and dye works;
15. Sewage, storm water and industrial waste treatment plants and pumping stations;
16. Waterfront facilities including piers, docks, marinas and shipyards;
17. Industrial facilities which recycle water;
18. Restricted or classified facilities or other facilities closed to the supplier of water or the department;
19. Fire sprinkler systems using any chemical additives;
20. Auxiliary water systems;
21. Irrigation systems with facilities for injection of pesticides, herbicides or other chemicals or with provisions for creating back pressure;
22. Portable tanks for transporting water taken from a public water system; and
23. Facilities which have pumped or re-pressurized cooling or heating systems that are served by a public water system, including all boiler systems. (Ord. No. 1999-2, App. B, 3-9-99)

## **CHAPTER 705: PUBLIC AND PRIVATE SEWERS**

### **ARTICLE I**

**SECTION 1** The following Rules and Regulations are hereby adopted to govern the sewer services furnished by the municipality in a uniform manner for the benefit of the municipality and its sewer users. They are subject to change from time to time. All such changes must be approved by the State Director of the Rural Development, United States Department of Agriculture, or its successor, so long as the municipality has unpaid obligations which are held by or insured by the United States of America. If any portion of these Rules shall be declared invalid by competent authority, such voidance shall not affect the validity of the remaining portions.

### **ARTICLE II**

#### **SECTION 705.010: DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

SECTION 1 “*BOD*” (*denoting Biochemical Oxygen Demand*) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

SECTION 2 “*Building Drain*” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

SECTION 3 “*Building Sewer*” shall mean the extension from the building drain to the public sewer or other place of disposal.

SECTION 4 “*Combined Sewer*” shall mean a sewer receiving both surface runoff and sewage.

SECTION 5 “*Garbage*” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from handling, storage and sale of produce.

SECTION 6 “*Industrial Wastes*” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

SECTION 7 “*Natural Outlet*” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

SECTION 8 “*Person*” shall mean any individual, firm, company, association, society, corporation, or group.

SECTION 9 “*pH*” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

SECTION 10 “*Properly Shredded Garbage*” shall mean 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 (½) inch (1.27 centimeters) in any dimension.

SECTION 11 “*Public Sewer*” shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

SECTION 12 “*Sanitary Sewer*” shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SECTION 13 “*Sewage*” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

SECTION 14 “*Sewage Treatment Plant*” shall mean any arrangement of devices and structures used for treating sewage.

SECTION 15 “*Sewage Works*” shall mean all facilities for collecting, pumping, treating and disposing of sewage.

SECTION 16 “*Sewer*” shall mean a pipe or conduit for carrying sewage.

SECTION 17 “*Shall*” is mandatory; “*May*” is permissive.

SECTION 18 “*Slug*” shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

SECTION 19 “*Storm Drain*” (*sometimes termed Storm Sewer*): shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SECTION 20 “*Superintendent*” shall mean the Superintendent of the Municipal Sewage Works of the City of Windsor, Missouri, or his authorized deputy, agent or representative.

SECTION 21 “*Suspended Solids*” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

SECTION 22 “*Watercourse*” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 23 “*Municipality*” shall mean the City of Windsor, Missouri.

SECTION 24 “*State Director*” shall mean the State Director of Rural Development for Missouri, United States Department of Agriculture, or his successor.

SECTION 25 “*Applicant*” shall mean any individual, firm, partnership, corporation or other agency owning land within the municipality applying for a sewer service.

SECTION 26 “*Board*” shall mean the Board of Aldermen of the City of Windsor, Missouri.

SECTION 27 “*Inspector*” shall mean the person or persons duly authorized by the City of Windsor to inspect and approve the installation of building sewers and their connection to the public sewer system.

### ARTICLE III

#### **SECTION 705.020: UNLAWFUL TO PLACE GARBAGE ON PUBLIC OR PRIVATE PROPERTY**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Windsor, or in any area under the jurisdiction of said municipality, any human or animal excrement, garbage, or other objectionable waste. (Ord. No. 1991-4 Art II §1, 4-9-91)9/14/10

#### **SECTION 705.030: UNLAWFUL TO DISCHARGE SEWAGE TO ANY NATURAL OUTLET**

It shall be unlawful to discharge to any natural outlet within the City of Windsor, or in any area under the jurisdiction of said municipality, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. (Ord. No. 1991-4 Art II §2, 4-9-91)9/14/10

**SECTION 705.040: PRIVY, SEPTIC TANK, ETC., PROHIBITED**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.  
(Ord. No. 1991-4 Art II §3, 4-9-91)

**SECTION 705.050: BUILDINGS MUST HAVE TOILET FACILITIES**

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the municipality 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 municipality, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.  
(Ord. No. 1991-4 Art II §4, 4-9-91)9/14/10

**ARTICLE IV**

**SECTION 705.060: PRIVATE SEWAGE DISPOSAL**

SECTION 1 Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

SECTION 2 Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Inspector. The application for such permit shall be made on a form furnished by the municipality, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Inspector. A permit and inspection fee of ten dollars (\$10.00) shall be paid to the municipality at the time the application is filed.

SECTION 3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Inspector. He shall be allowed to inspect the work at any stage of the construction and, in any event, the applicant for the permit shall notify the Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within four (4) hours of the receipt of notice by the Inspector if received in the forenoon and within eighteen (18) hours of receipt of notice if received in the afternoon.

SECTION 4 The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Missouri. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

SECTION 5 At such times a public sewer becomes available to a property served by a private sewage

disposal system, as provided in Article IV, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

SECTION 6 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the municipality.

SECTION 7 No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer of the State or County.

SECTION 8 When a public sewer becomes available, the building sewer shall be connected to said sewer within SIXTY (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. No. 1991-4 Art III §§1-8, 4-9-91)9/14/10

## ARTICLE V

### **SECTION 705.070: PUBLIC SEWERS**

SECTION 1 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 Inspector.

SECTION 2 There shall be two (2) classes of building sewer permits:

- (a). For residential and commercial service, and
- (b). For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of ten dollars (\$10.00) for a residential or commercial building sewer permit and fifteen dollars (\$15.00) for an industrial building sewer permit shall be paid to the municipality at the time the application is filed.

SECTION 3 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 municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SECTION 4 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear of a building and the whole considered as one (1) building sewer.

SECTION 5 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this ordinance.

SECTION 6 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 municipality. In the absence of code provisions, utilization of industry appropriate materials in a good and workmanship like manner and/or in a manner consistent with MDNR Regional Office guidance will apply.

SECTION 7 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

SECTION 8 No person shall make connection of roof downspouts, interior and 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.

SECTION 9 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 municipality, or in the absence of code provisions, utilize industry appropriate materials in a good and workmanship like manner and/or in a manner consistent with MDNR Regional Office guidance. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Inspector before installation.

SECTION 10 The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.

SECTION 11 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 municipality.

(Ord. No. 1991-4 Art IV §§1–11, 4-9-91)9/14/10

## ARTICLE VI

### **SECTION 705.080: DISCHARGE OF STORM WATER, DRAIN WATER, ETC., TO ANY SANITARY SEWER**

SECTION 1 No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.

(Ord. No. 1991-4 Art V §1, 4-9-91)9/14/10

### **SECTION 705.090: UNPOLLUTED DRAINAGE DISCHARGED TO STORM SEWER**

SECTION 2 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Inspector. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Inspector, to a storm sewer, combined sewer, or natural outlet.

(Ord. No. 1991-4 Art V §2, 4-9-91)9/14/10

### **SECTION 705.100: TOXIC WASTES SHALL NOT BE DISCHARGED TO PUBLIC SEWERS**



SECTION 3 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) 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 sewage treatment plant, including, but not limited to, cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
- (c) Any waters or wastes having (1) a 5-day biochemical oxygen demand greater than 300 parts per million by weight or (2) containing more than 350 parts per million by weight of suspended solids or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary, in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight or (2) reduce the suspended solids to 350 parts per million by weight or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until approvals are obtained in writing.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and flashings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

**SECTION 705.110: SUBSTANCES THAT MAY DAMAGE SEWAGE SYSTEM**

SECTION 4 No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the Inspector, that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Inspector will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150°F) (65°C).
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and one hundred fifty degrees (150°) (0° and 65°C)).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (¾) horsepower (0.76 ph metric) or greater shall be subject to the review and approval of the Inspector.

- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Inspector of such materials.
- (f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Inspector as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Inspector in compliance with applicable State or Federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
  - 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
  - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. No. 1991-4 Art V §4, 4-9-91)9/14/10

## **SECTION 705.120: SUPERINTENDENT'S AUTHORITIES**

SECTION 5 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 Section 4 of this Article and, which in the judgment of the Inspector, may have a deleterious effect upon the sewage works, process, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Inspector may:

- (a) Reject the wastes
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers
- (c) Require control over the quantities and rates of discharge, and/or

- (d) 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 Section 10 of this Article.

If the Inspector 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 Inspector and subject to the requirements of all applicable codes, ordinances and laws.

(Ord. No. 1991-4 Art V §5, 4-9-91)9/14/10

**SECTION 705.130: GREASE, OIL AND SAND INTERCEPTORS—WHEN**

SECTION 6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Inspector and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. No. 1991-4 Art V §6, 4-9-91)9/14/10

**SECTION 705.140: PRELIMINARY TREATMENT AT OWNER'S EXPENSE**

SECTION 7 Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. No. 1991-4 Art V §7, 4-9-91)9/14/10

**SECTION 705.150: MANHOLE—WHEN REQUIRED**

SECTION 8 When required by the Inspector, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be construed in accordance with plans approved by the Inspector. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. (Ord. No. 1991-4 Art V §8, 4-9-91)9/14/10

**SECTION 705.160: TESTS TO COMPLY WITH "STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER"**

SECTION 9 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect or constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken). Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples. (Ord. No. 1991-4 Art V §9, 4-9-91)9/14/10

**SECTION 705.170: SPECIAL ARRANGEMENT WITH CITY**

SECTION 10 No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the municipality for treatment, subject to payment therefore, by the industrial concern. (Ord. No. 1991-4 Art V §10, 4-9-91)9/14/10

**ARTICLE VII**

**SECTION 705.180: DAMAGING SEWAGE WORKS**

SECTION 1 No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. No. 1991-4 Art VI §1, 4-9-91)9/14/10

**ARTICLE VIII**

**SECTION 705.190: AUTHORITY TO ENTER PROPERTY TO INSPECT**

SECTION 1 The Inspector and other duly authorized employees of the municipality bearing upon proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Inspector or his 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.

SECTION 2 While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Inspector or duly authorized employees of the municipality 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 of Windsor employees, and the City of Windsor shall indemnify the company against loss or damage to its property by the City of Windsor 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 to the company to maintain safe conditions as required in Article VI, Section 8.

SECTION 3 The Inspector and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the municipality 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 said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. No. 1991-4 Art VII §§1–3, 4-9-91)9/14/10

**ARTICLE IX**

**SECTION 705.200: VIOLATION AND PENALTY**

SECTION 1 Any person found to be violating any provision of this ordinance except Article VII shall be served by the municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SECTION 2 Any person who shall continue any violation beyond the time limit provided for in Article IX, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

SECTION 3 Any person violating any of the provisions of this ordinance shall become liable to the municipality for any expense, loss, or damage occasioned the municipality- by reason of such violation.

(Ord. No. 1991-4 Art VIII §§1-3, 4-9-91)9/14/10

**SECTION 705.210: REQUIREMENTS CONCERNING INSTALLATION OF A PRESSURIZED SEPTIC SYSTEM**

- A. All pressurized septic systems shall be installed and maintained in accordance with all State, County and municipal regulations.
- B. The City of Windsor will not assume any responsibility nor liability in connection with the installation, operation, maintenance or repair of any pressurized septic system nor any lines leading to and from such system to a City manhole.
- C. There will be a regular sewer hook-up fee and monthly sewer fee assessed to each house hooking up to the City sewer. (Ord. No. 1998-6 §§1-3, 3-10-98)

**CHAPTER 710: USER CHARGE SYSTEM**

**SECTION 710.010: STATEMENT OF NECESSITY AND PURPOSE**

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works. (Ord. No. 1992-8 Art. I, 5-19-92)

**SECTION 710.020: DEFINITIONS**

Unless the context specifically indicates otherwise, the meanings of terms used in this Chapter shall be as follows:

*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 degrees Celsius (20°C), expressed in milligrams per liter (mg/l).

*NORMAL DOMESTIC WASTEWATER:* Wastewater that has a BOD concentration of not more than 200 mg/l and a suspended solids concentration of not more than 240 mg/l.

*OPERATION AND MAINTENANCE:* All expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

*REPLACEMENT:* Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "*operation and maintenance*" includes replacement.

*RESIDENTIAL CONTRIBUTOR:* Any contributor to the City's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

*SHALL:* Is mandatory; *MAY:* Is permissive.

*SS (denoting Suspended Solids):* Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

*TREATMENT WORKS:* Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

*USEFUL LIFE:* The estimated period during which a treatment works will be operated.

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

*WATER METER:* A water volume measuring and recording device, furnished and/or installed by the City of Windsor or furnished and/or installed by a user and approved by the City of Windsor. (Ord. No. 1992-8 Art. II, 5-19-92)

## **SECTION 710.030: OPERATION, MAINTENANCE, REPLACEMENT**

- A. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this Chapter.

- B. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Section 710.040, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two (2) primary accounts as follows:
1. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account).
  2. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the Replacement Account shall be made at least annually, from the operation, maintenance and replacement revenue in the amount of five thousand eight hundred dollars (\$5,800.00) annually.
- C. Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purpose than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Account shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed. (Ord. No. 1992-8 Art. III, 5-19-92)

**SECTION 710.040: BASIS FOR APPLICABILITY OF CHARGES**

- A. Each user shall pay for the services provided by the City based on his use of the treatment works as determined by water meter(s) acceptable to the City.
- B. For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense and in a manner acceptable to the City.
- C. The minimum charge per month shall be Twenty-one Dollars and Sixty-one cents (\$21.61). In addition, each user shall pay a user charge rate for operation and maintenance including replacement and debt service of Three Dollars (\$3.00) per one thousand (1,000) gallons of sewer used as determined in the preceding sections. (Reference is made to Appendix A of this Chapter which is on file in the office of the City Clerk). (Ord. No. 2012-08 § 5-8-2012)
- D. For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is:

\$0.29 per pound BOD

.024 Per pound TSS

(Reference is made to Appendix A of this Chapter which is on file in the office of the City Clerk).

- E. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the

effluent or the sludge from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the Board of Aldermen.

- F. The user charge rates established in this Section apply to all users, regardless of their location, of the City's treatment works. (Ord. No. 1992-8 Art. IV, 5-19-92; Ord. No. 1998-4 §1, 3-10-98; Ord. No. 1999-11 §1, 9-14-99; Ord. No.2011-000).

**SECTION 710.050: REVIEW OF RATES**

- A. The City will review the user charge system annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.
- B. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, maintenance, including replacement, of the treatment works.  
(Ord. No. 1992-8 Art. VI, 5-19-92)