

CODIFIED LAW #17
TOWN OF MISSION HILL

SEWERS AND SEWAGE DISPOSAL

BE IT ORDAINED by the President and Board of Trustees of Mission Hill, SD:

Section I. Definitions:

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

1. ACT shall mean the Federal Water Pollution Control Act of 1972, P.L. 92-500.
2. ASCE shall mean the American Society of Civil Engineers.
3. ASTM shall mean the American Society for Testing and Materials.
4. Biochemical Oxygen Demand (BOD) of sewage, sewage effluent, polluted wastes or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for 5 (five) days at 20 (twenty) degrees Celsius. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".
5. Building (or house) drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waster, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 (five) feet outside the inner face of the building wall.
6. Building (or house) sewer shall mean the extension from the building drain to the public sewer or other place of disposal.
7. Chemical Oxygen Demand COD of sewage, sewage effluent, polluted waters of industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in Standards Method.
8. City shall mean the Town of Mission Hill, South Dakota, or any duly authorized officials acting in its behalf.
9. Classification of Users
 - a. *Domestic Class* user shall mean a user discharging normal domestic sewage, as hereinafter defined, into the system from single-family residence used for residential purposes. Specifically preponderance of single-family residences used for residential purposes. In the event such contractual customers serve any industrial users, a separate contract shall be required.
 - b. *Commercial class* user shall mean any user not subject to other classifications herein defined, including but not limited to automotive service businesses such as filling stations and car washes; food handling businesses such as restaurants and grocery stores; hair dressing shops and barbershops; office buildings; apartment complexes; retail dry goods; and motels.
 - c. *Industrial class* shall mean any user falling within division A, B, C, E, or I as described in the Standard Industrial Classification Manual, 1972, Office of Management and Budget as amended and supplemented. A user in the division listed may be reclassified as commercial class is it is determined that it will introduce primarily segregated domestic waste or waste from sanitary conveniences.

- d. *Contractual class* user shall mean any user required to contract for services.
10. Director shall mean the mayor of the city, or his authorized deputy, agent or representative.
 11. Effluent shall mean the water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle, or outlet.
 12. Emergency shall mean a combination of unforeseen circumstances which require an immediate remedy. Said emergency shall be declared by the Town Board and shall be limited to a specific time period.
 13. Garbage shall mean any solid wastes from the preparation, cooking, or dispensing of food and from the handling, storage, or sale of produce.
 14. Ground garbage shall mean garbage that is shredded to such a degree that all particles will be4 carried freely in suspension under the conditions normally prevailing in public sewers with no particle being greater than ½ inch in dimension.
 15. Hearing board shall mean the Town Board.
 16. Industrial wastes shall mean any solid, liquid, or gaseous substance or form of energy discharge, permitted to flow or escaping from an industrial, manufacturing, commercial, or business process or from the development, recovery, or processing of any natural resource carried on by any person as defined in subsection (23).
 17. Influent shall mean the water, together with any wastes that may be present, flowing into a drain, sewer, receptacle, or outlet.
 18. Major contributing industry shall mean an industrial user of the publicly owned treatment works that:
 - a. Has a flow of 10,000 (ten thousand) gallons or more per average work day;
 - b. Has a flow greater than 5 (five) percent of the flow carried by the municipal systems receiving the waste;
 - c. Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under section 307 (a) of the Act; or
 - d. Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singularly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.
 19. NCPI shall mean the National Clay Pipe Institute.
 20. Normal domestic sewage as defined for the purpose of determining eligibility for payment of surcharge, shall mean sewage having an average daily suspended solids concentration of not more than 250 (two hundred and fifty) milligrams per liter, an average daily biochemical oxygen demand (BOD) of not more than 220 (two hundred and twenty) milligrams per liter.
 21. NPDES permit shall mean the National Pollution Discharge Elimination System permit as issued by the U. S. Environmental Protection Agency for discharge of waste water to navigable waters of the United States pursuant to Section 402 of the Act.
 22. Outlet shall mean any conveyance, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake, or other body of surface water or groundwater.
 23. Person shall mean any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision, or agency thereof or any legal successor, representative, agent, or agency of the foregoing.

24. PH shall mean the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.
25. Pollutants:
- a. *Compatible pollutants* shall mean waste with any pollutant that is an incompatible pollutant.
 - b. *Incompatible pollutants* shall mean waste which contains any of the following described materials:
 - (i) Wastes which create a fire or explosion hazard in the publicly owned treatment works.
 - (ii) Wastes which will cause corrosive structural damage to treatment works, but in no case wastes with a pH lower than 5.0, unless the works is designed to accommodate such wastes.
 - (iii) Solid or viscous substances in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.
 - (iv) Waste waters at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.
 - (v) Wastes which contain heat in such quantities that the influent waters to the publicly owned treatment works exceed 150 (one hundred and fifty) degrees Fahrenheit (65 C).
 - (vi) Wastes, by themselves or in combination with other wastes, which contain substances or materials in concentrations which exceed the publicly owned treatment system's tolerance levels.
26. Receiving stream shall mean the watercourse, stream, or body of water receiving the waters finally discharge from the sewage treatment plant.
27. Residential property unit shall mean a building under 1 (one) roof designed, arranged, and used primarily for dwelling purposes by a single family.
28. Sanitary sewage shall mean sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, and institutions and free from storm water, surface water, and industrial wastes.
29. Sewage shall mean the water-carried wastes from residences, business buildings, institutions, and industrial establishments, singular or in any combination, together with such ground waters, surface waters, and storm waters as may be present.
30. Sewage treatment plant or waste water treatment plant shall mean the arrangement of devices, structures, and equipment used for treating and disposing of sewage and sludge.
31. Sewer shall mean a pipe or conduit for carrying sewage or other waste liquids:
 - a. *Combined sewer* shall mean a sewer which carries both storm water, surface water, and ground water runoff and sewage.
 - b. *Public sewer* shall mean a sewer which is owned by the City.
 - c. *Sanitary sewer* shall mean a sewer which carries sewage and to which storm waters, surface waters, ground waters, and unpolluted industrial waste waters are not intentionally admitted.
 - d. *Storm sewer* shall mean a sewer which carries storm water, surface water, and ground water drainage but excludes sanitary sewage.
32. Sewerage system shall mean the network of sewers and appurtenances used for collecting, transporting, and pumping sewage to the sewage treatment plant.
33. Shall is mandatory; may is permissible.

34. 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 the 15 (fifteen) minutes more than 5 (five) times the average 24 (twenty-four) hours concentration or flows during normal operation.
35. Standard methods shall mean the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Water Works Association and the Water Pollution Control Federation.
36. Superintendent shall mean the chief operator of the waste water treatment plant at the City.
37. Suspended solids shall mean solids which either float on the surface of or are in suspension in water, sewage, or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in Standard Methods.
38. Watercourse shall mean a channel in which a flow of water occurs either continuously or intermittently.
39. WPCF shall mean the Water Pollution Control Federation.

USE OF PUBLIC SEWERS REQUIRED

Section II.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waster.
2. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, and sewage or other polluted waters except where suitable treatment has been provided in accordance with applicable statutes, rules, and regulations of the state and the United States.
3. Except as hereinafter provided, is 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 inside the City limits.
4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his 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 article, within 90 (ninety) days after date official notice to do so, provided that said sewer is within 250 (two hundred and fifty) feet (76.3 meters) of the property line.

PRIVATE SEWAGE DISPOSAL

Section III.

1. Where a public sanitary or combined sewer is not available under the provisions of Section II subsection (4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
2. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the director. The

application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the director and approved by the Town Board. A permit and inspection fee shall be prescribed from time to time by the board of commissioners by resolution.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the director, She shall be allowed to inspect the work at any stage of construction; and, in any event, the applicant for the permit shall notify the director when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 72 (seventy-two) hours of the receipt of notice by the director.
4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all current recommendations of the State Department of Environmental Protection. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the minimum separation requirements of the State Department of Environmental Protection are not met. No septic tank or cesspool shall be permitted to discharge to any surface or subsurface watercourse.
5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in subsection (4), a direct connection shall be made to the public sewer in compliance with this article; and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material approved by the director.
6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the state health officer.
8. When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 (sixty) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

BUILDING SEWERS AND CONNECTIONS

Section IV.

1. No authorized 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 director.
2. No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained and until her has satisfied his obligation to pay all assessments, reimbursements, or pro rata shares of sewer extension costs laid against that property for public sewers installed to serve it. A tap permit given in error shall not operate to nullify any such obligation that has been duly recorded.
3. Tap permits shall be obtained from the city's municipal services office and shall be issued only to licensed sewer tap contractors, After making each sewer tap and building sewer installation, the tap contractor shall notify the director so that the tap and building sewer can be inspected and approved before the excavation is back-filled. Any tap or building sewer installation not made in accordance with the foregoing provisions shall be deemed an illegal installation and, upon discovery, shall be promptly disconnected at the expense of the property owner and shall remain disconnected until the provisions of this section have been complied with.

4. The Town Board shall have the authority to require an owner of real property to disconnect from a building sewer which drains into a sanitary sewer for any down spouts, yard drains, or other drains which carry the runoff of natural precipitation. Property owners shall have 30 (thirty) days after notice to comply with any such requirements.
5. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the contractor. The contractor shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
6. 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 building and the whole considered as 1 (one) building sewer.
7. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the director, to meet all requirements of this article.
8. The size, slope, alignment, materials of a building sewer and the methods to be used in excavating, placing of the pipe, jointing and testing shall comply with the City's plumbing code or other applicable rules and regulations of the city and state. The materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice #9, Sewer Design and Construction, shall apply except that additional code provisions may be required by the director as outlined herein.
9. 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.
10. No person shall make connection of roof down spouts, exterior foundation drains, area way drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
11. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City and the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice #9. All such connections shall be made in accordance with the standards of the ASCE and ASTM. All sewer pipes installed pursuant to this section shall meet the requirements of the NCPI "Low Pressure Air Test for Sanitary Sewers", latest edition. Any deviation from the prescribed procedures and materials must be approved by the director before installation.
12. The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director or his representative.
13. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

14. The fees for making a connection to the city sewer utility system shall be prescribed from time to time by the Town Board by resolution and shall be on file in the office of the Finance Officer.
15. In the event that a private sewer connection is abandoned, the owner shall notify the director with 5 (five) days of the cessation of use of the sewer connection. It shall be the responsibility of the owner to plug such abandoned sewer connection in a manner prescribed by the director with 2 (two) weeks of the date of cessation of use of such sewer connection.

USE OF THE PUBLIC SEWERS

Section V.

1. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
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 a natural outlet approved by the director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the director, to a storm sewer, combined sewer or natural outlet.
3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - a. Any liquid or vapor having a temperature higher than 150 (one hundred and fifty) degrees Fahrenheit (65 C).
 - b. Any waters or wastes containing more than 150 (one hundred and fifty) milligrams per liter of fats, oils, greases, or waxes or containing substances that may solidify or become viscous at temperatures between 32 (thirty-two) and 150 (one hundred and fifty) degrees Fahrenheit (0 and 65 C).
 - c. Any gasoline, benzene, naphtha, fuel oil or mineral oil, or any other flammable or explosive liquid, solid, or gas.
 - d. Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
 - e. Any garbage that has not been properly ground.
 - f. Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butcher's offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage system or the sewage treatment plant.
 - g. Any waters or wastes containing phenols in excess of 0.50 milligrams per liter.
 - h. Any waters or wastes having a pH lower than 6 or higher than 9 or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment, or personnel of the City.
 - i. Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the sewage treatment plant, to contaminate the sludge of any municipal system, or that will pass through the plant into the receiving stream in amounts exceeding the standards set by federal, interstate, state, or other competent authority having jurisdiction. Specifically included are any waters or wastes containing cadmium, chromium, copper, iron, nickel, zinc, or any other

- toxic ions, compounds, or substances in concentrations or amounts exceeding the limits established from time to time by the Town Board.
- j. Any cyanides, as CN ions, in excess of 1 (one) milligram per liter in any wastes discharged into a public sewer.
 - k. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the State Department of Environmental Protection in compliance with applicable state or federal regulations.
 - l. Materials which cause or exert:
 - (i) Unusual concentrations of inert suspended solids (such as but not limited to fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
 - (ii) Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).
 - (iii) Unusual BOD, COD, or chlorine requirements in such quantities as to constitute more than 20 (twenty) percent of the average daily load on the waste water treatment works.
 - (iv) Any waters or wastes that for a duration of 15 (fifteen) minutes or more have a concentration of more than 5 (five) times the average concentration of the BOD or the suspended solids of the user's sewage discharged during a 24 (twenty-four) hour period or normal operation.
 - (v) Any waters or wastes containing acid metallic pickling wastes or concentrated plating solutions.
 - (vi) Any waters or wastes containing incompatible pollutants as defined herein.
 - m. 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.
 - n. Allowable average strength of waste water characteristics for BOD, suspended solids, total organic nitrogen, ammonia nitrogen and phosphorus for all classes of users shall be 150 (one hundred and fifty) percent of normal domestic sewage, as defined herein.
 - o. Notwithstanding the provisions of paragraph (n) above, the Town Board at its discretion may permit an allowable industrial average strength not to exceed 75 (seventy-five) percent of average raw waste load for a given industrial category described by the environmental protection agency in the development document for each particular industry.

ADMISSIBLE COMMERCIAL OR INDUSTRIAL WASTES

Section VI.

1. If any waters or wastes are discharge, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section V and which the judgment of the director, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may, at the advice and consent of the Town Board:
 - a. Reject the wastes;

- b. Require pretreatment to an acceptable condition for discharge to the public sewers;
 - c. Require additional control over the quantities and rates of discharge; and/or
 - d. Require additional payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges, which shall be provided for by charges approved from time to time by resolution of the Town Board.
2. Specifically, persons desiring to discharge commercial or industrial wastes into the public sewers must file a request for discharge to public sewers for wastes which have:
- a. A daily average BOD concentration greater than 220 (two hundred and twenty) milligrams per liter or daily average COD concentration greater than 440 (four hundred and forty) milligrams per liter when BOD cannot be measured.
 - b. A daily average suspended solids concentration greater than 250 (two hundred and fifty) milligrams per liter.
 - c. A total organic nitrogen plus ammonia nitrogen concentration of more than 40 (forty) milligrams per liter.
 - d. Other contaminants or characteristics which, from their nature or quantity, might be harmful to the structures, processes, or operations of the sewage treatment plant or to health, whether by themselves or through interacting with other wastes in the public sewers.
 - e. Toxic ions, compounds, or substances exceeding the amount measured as total concentrations below:

Constituent		Concentrations (mg/l)
Arsenic		0.10
Barium	2.00	
Cadmium		0.10
Chromium (total)		2.50
Chromium Hexavalent		0.50
Copper	1.00	
Fluoride		2.00
Iron		5.00
Lead		0.50
Manganese		0.10
Selenium		0.02
Silver		0.10
Zinc		5.00
Mercury		0.01
Nickel		1.00
Sulfide as S		10.00
Tin		2.00

- 3. When, after making such a review, the director concludes that, before the person discharging his wastes into the public sewers, he must modify or eliminate those constituents which would be harmful to the structures, processes, or operations of the sewage treatment plant or injurious to health, then the person shall either modify his wastes at the point of origin or shall provide and operate at his own expense such preliminary treatment or processing facilities as may be determined to be necessary to render his wastes acceptable for admission to the public sewers.
- 4. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment of processing facilities shall be submitted to the City for

examination and approval; and no construction of such facilities shall begin until the City, through its Town Board, has given its written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results desired. The approval of proposed facilities or equipment by the City does not in any way guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer, nor shall it relieve a person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

5. Where such preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the person at his own expense and shall be subject to periodic inspection by the City. The person shall maintain suitable operating records and shall submit to the director such monthly summary reports of the character of the influent and effluent as the latter may prescribe.
6. Whenever the director determines that interceptors or traps are needed to protect the sewerage system or the operation of the sewage treatment plant from grease, oil, sand, or similar substances occurring in a user's sewage, then such traps shall be installed by the user on his own lines at his own expense and shall be so maintained by him that none of such substance can be carried over into the public sewers. All traps shall meet the City's standards as to construction, location, and installation.
7. It shall be the responsibility of the sewer user to notify the superintendent immediately of any accidental spill or discharge of any substance that may be restricted, prohibited, or limited by any provision of this article. (Ord. #443, 6-13-77)

CONTROL OF ADMISSIBLE INDUSTRIAL WASTES

Section VII.

1. Any person who discharges industrial wastes into the City's sewerage system, either directly or indirectly, shall, upon the written request of the Town Board, fill out and file with the City within 90 (ninety) days an industrial waste questionnaire to be furnished by the City, in which he shall set out the quantity and characteristics of the wastes discharged into the City's sewerage system. Similarly, any person desiring to establish a new connection to a public sewer for the purpose of discharging industrial wastes shall be required to fill out and file such a questionnaire, which shall include actual or predicted data relating to the quantity and characteristics of the wastes to be discharged.
2. When special circumstances such as the size or complexity of his sewage disposal problem would make complying with the time schedule cited above an unreasonable burden on the person, an extension of time, not to exceed 90 (ninety) days, may be granted by the Town Board upon presentation of a proper application.
3. Any person discharging industrial wastes into a public sewer, either directly or indirectly, may be required by the Town Board, upon the recommendation of the director to construct and maintain at his own expense 1 (one) or more control manholes or structures at a specified location or locations to facilitate the observation, measurement and sampling of his wastes. Such manholes or structures shall be constructed in accordance with the standards and specifications of the City. The Board may also require the person to install and maintain in any such manhole or structure at said person's expense an approved volume-measuring device. Plans for installation of control

manholes or structures and related equipment must be approved by the Town board, upon the recommendation of the director and the superintendent, before construction is begun.

4. Any industrial wastes discharged into the public sewers shall be subject to periodic inspection and determination of character and concentration. The examination shall be made as often as the superintendent deems it necessary and may include the use of suitable continuously monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes.
5. The installation, operation, and maintenance of sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Town Board. Access to sampling facilities shall be granted to the Town Board, the director, the superintendent, or their duly authorized representatives at any time when there is a discharge to the public sewers from a user.
6. Where a person's operations have security measures in force which require proper identification and clearance before entry onto said person's property is granted, such person or persons shall make the necessary arrangements with their security guards that upon showing proper identification personnel from the City will be permitted to enter without delay for the purpose of obtaining samples of wastes or monitoring of wastes being discharged at various sampling points, or the person or persons shall install suitable sampling manholes or structures outside of the security limits, which will at all times be immediately available to City personnel subject to the provisions of this article.
7. Laboratory procedures used in the examination of industrial wastes shall be those set forth in Standard Methods of Guidelines Establishing Test Procedures for Analysis of Pollutants as set forth in 40 CFR part 136. However, alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the superintendent and the user provided that the precision and accuracy of the alternative method is comparable to the above accepted laboratory procedures. The City shall make, without charge to the user, the initial analysis and regular periodic check analyses of the user's wastes as well as other tests the superintendent may deem advisable. Analyses made by the City at the request of the user shall be charged to the user according to the utility's standard work order billing practices. All such analyses shall be binding in determining strength of wastes surcharges and other matters dependent upon the character and concentration of wastes.
8. Until an adequate analysis of a representative sample of user's wastes has been obtained, the City may, for the purpose of this article, make a determination of the character and concentration of his wastes by using data based on analyses of similar processes or data for this type of business that are available from the United States Environmental Protection Agency or from industry-recognized authoritative sources. This method, if selected by the City, shall continue at the City's pleasure or until an adequate analysis has been made.
9. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern provided that the agreement or arrangement shall not allow

discharges which would cause the waste water treatment plant to violate applicable local, state, or federal permits, regulations, or requirements.

PROTECTION FROM DAMAGE

Section VIII.

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 malicious trespass.

POWERS OF AUTHORITY OF INSPECTORS

Section IX.

The director, superintendent, Town Board, and other duly authorized employees or consultants of the City bearing proper credentials and identification shall be permitted to enter all properties at all reasonable times and places for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article.

PENALTIES

Section X.

1. Any person found to be violating any provisions of this article shall be served by the City 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.
2. Any person who shall continue any violation beyond the time limit provided for in subsection 1 shall be cited for violation of this Code and the case shall be referred to municipal court for a hearing. If convicted, the penalty shall be classes as a misdemeanor, and on conviction thereof, the person shall be fined in the amount not exceeding \$100.00 (one hundred dollars) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Any person violating any of the provisions of this article shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation, including such reasonable attorney fees as the court may direct.

Scott Vanburen
Town Board President

LeAnne J. Cutts
Finance Officer

BOARD REVIEWED 7-15-14

ORDINANCE #76