

CHAPTER 2  
**SEWER SYSTEM**

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8-2-1: **DEFINITIONS:** Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

**CONNECTING SEWER OR CONNECTION:** That portion on any sewer pipe or line which is located within any street or alley and which is or has been constructed at private expense and connection with the city sewer system.

**PRIVATE DWELLING HOUSE:** All houses occupied by persons or owners for the use of themselves and family, and this shall not be construed to mean the houses used or occupied as private or public boarding, lodging or rooming houses. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-2: **POWERS OF MAINTENANCE SUPERINTENDENT:**

- A. **Compel Construction Of Sewer Service Connection:** The maintenance superintendent is hereby empowered and it is hereby made his duty in all cases where there is a public sewer in any street, highway or alley in the city to compel every owner or occupant of lands, buildings or premises, fronting or abutting on streets, highways, or alleys or within three hundred feet (300') of the same in case of unplatted land, and every such owner or occupant is compelled to construct or cause to be constructed a sewer service connection in the manner hereinafter described, which shall connect such lands, buildings or premises with the nearest accessible public sewer (unless such connections be impracticable by reason of the topography of the ground). (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981; 2010 Code)
- B. **Examine All Buildings As To Plumbing, Drainage And Ventilation:** The materials used in the construction of such sewer service connection, shall be substantially like that used in the general public sewers with which the connection is to be made and the said maintenance superintendent shall have power and authority to examine all buildings as to plumbing, drainage and ventilation thereof.

- C. **Order Removal, Repair Or Substitution:** When, in the judgment of the maintenance superintendent, the plumbing fixtures or the sewerage connection fixtures are found to be defective or unsanitary, he shall have the power to order the removal, repair or substitution of such plumbing or sewerage fixtures and require the ventilation and drainage of such building to be placed in a sanitary condition.
- D. **Notice To Owner Or Occupant:** The maintenance superintendent shall thereupon give the owner or any person occupying any building or premises notice, in writing, specifying the time when any defective drainage sewerage connection or unsanitary fixtures must be completed or corrected. The said maintenance superintendent shall make a copy of such notice which shall be kept in the office of the clerk and open to the inspection of the public during the hours of the clerk's office.
- E. **Responsibility For Refusal To Comply:** After the time fixed by the said maintenance superintendent for the completion of said connection and repairs, the owner or occupant shall be held responsible for the refusal to comply with such notice.
- F. **Work Completed By City:** In the event the building sewer and connection required by this chapter are not made within thirty (30) days after notification to the property owner by the clerk, by registered mail, the maintenance superintendent shall cause the same to be made and file a statement of the cost thereof with the city clerk. Thereupon, a warrant shall be issued under the direction of the city council against the water and sewer fund for the payment of such cost. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)
- G. **Costs Lien Against Property:** Such amount, together with the same penalties as other city taxes, shall be assessed against the property upon which such building sewer and connection has not been placed as required and shall become a lien thereon as provided by this chapter. Such total amount, when collected, shall be paid into the water and sewer fund. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981; 2010 Code)

8-2-3:           **RESPONSIBILITY TO MAINTAIN FEEDER SEWER PIPE AND SEWER LINES:** It shall be the responsibility of each sewer user to maintain all sewer pipes and sewer lines from his inlet to the connection of his sewer pipe and sewer line to the city sewer system, being the collector sewer lines located in the streets and alleys of the city. This

responsibility to maintain feeder sewer pipes and sewer lines shall apply to all sewer users who connect to the city sewer system after the adoption hereof and to all sewer users who have been connected to the city sewer system prior to the adoption hereof after such time as the city shall determine that the user's feeder sewer pipe and sewer line which is located within the street or alley of the city meets the standards and specifications as provided in this chapter and certification of such compliance made to the sewer user. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

**8-2-4: DRAINS REQUIRED:**

- A. Connection Required: Every person owning any land or premises situated within the city limits, in all cases where there is a public sewer in any street, highway or alley, shall make a sufficient drain from his lot or premises connected with such sewer, and the maintenance superintendent shall have the power, in all cases where there is a public sewer as aforesaid, to cause such connection to be made. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)
- B. Notice To Connect: The maintenance superintendent shall give such owner or occupant notice, in writing, specifying the time at which said drain or improvement must be completed, provided such time shall not exceed thirty (30) days. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981; 2010 Code)
- C. Failure To Comply; Lien: If such owner or occupant shall fail, neglect or refuse to comply with the same within the time specified, the maintenance superintendent shall report the same to the council and the said council shall immediately, either at a regular meeting or at a special meeting of said council called for that purpose, cause said drain or improvements to be constructed and the amount paid for the construction of the same shall be assessed against the lands or premises so drained and improved, and the same shall be reported to the council as to the amount of such assessments for said work and improvements and, upon confirmation by the council, the same shall constitute a lien upon said lands and premises so drained or improved. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

**8-2-5: MAINTENANCE SUPERINTENDENT TO ORDER:**

- A. Drain Obstructed, Broken Or Out Of Order: When any private drain pipe connected with any public sewer or drain becomes obstructed,

broken or out of order, the maintenance superintendent shall, if the owner or occupant of such premises fails to repair the same, cause such drain pipe to be removed, reconstructed, repaired, altered or cleaned, as he may deem expedient, at the expense of the owner or occupant of said premises as aforesaid, to be collected as provided hereinabove. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981; 2010 Code)

- B. **Permit Required; Work Performed:** No person shall make any connection with any of the public sewer, nor shall any opening be made into the same until the person making the same shall obtain from the maintenance superintendent a permit so to do and, upon obtaining such permit, said person shall perform said work in strict conformity with the provisions of this chapter and under the supervision of the maintenance superintendent and shall also replace and repair the streets, alleys or highways over, in or through which the same may pass to as good a state and condition as at the time of the commencement of said work, and maintain the same in good order to the satisfaction of the maintenance superintendent, and shall conform in all respects to the rules and regulations of the city relative to the streets, alleys and highways thereof. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-6:           **APPLICATION FOR PERMIT:**

- A. **Application For Permit:** All applications for permits under this chapter shall be made by the owner or agent and must state the locality of the sewer, the number of the lot and block and the number of the buildings to be connected and how they are occupied.
- B. **Going Beyond Limits Of Permit Prohibited:** It shall be unlawful for any person to extend any private sewer or drain beyond the limits of the building or property for which the permit has been given, or to connect with any private or general sewer without having first obtained such permit. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-7:           **REVOCATION OF PERMIT:** All permits given as aforesaid to connect sewers and drains shall be upon the express condition that the council may, at any time, revoke or annul the same and the person making such connection or their successors in interest, shall have no right to claim any damage in consequence of such permit being

revoked or annulled. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-8:       **SPECIFICATIONS FOR CONNECTIONS:** All connections with public sewers or drains shall be made in a workmanlike manner, and even with the inside surface of the sewer where the connecting wye has been left or, in case the maintenance superintendent shall deem best, any person making such connection shall remove a joint of the sewer pipe and insert in its place a wye properly placed and securely cemented before making connection therewith. When a wye has been left, the connection shall be made without damage or breaking the same. The street must be opened and the paving or planking deposited in a manner that will occasion the least inconvenience to the public and to provide for free passage. One-half ( $\frac{1}{2}$ ) of the street must be kept clear for the purpose of passage of vehicles, and bridgeways must be provided on sidewalks for foot passengers. In refilling the trenches, the earth must be deposited in layers of not more than six inches (6") in depth and well rammed and tamped to prevent after settlements. As soon as any such drain or sewer is completed, the paving or planking of streets or sidewalks must be constructed in as good a condition as previous to the excavation and all rubbish and surplus earth immediately removed. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-9:       **DRAINS, MATERIAL, GRADE:** The drains which enter into any public sewer or drain in any street, alley, avenue, or highway, shall be built of such fixed materials and with such grade and in such manner as is provided by the council. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-10:       **WRITTEN NOTICE FOR CONNECTION REQUIRED:** Notice, in writing, must be given to the maintenance superintendent at the office of the clerk by any person desiring to make connection with any public sewer or drain at least six (6) hours previous to the time of making such connection when such work shall be ready for inspection. The maintenance superintendent or his authorized agent shall inspect the same and the said connection must be made in the manner prescribed in this chapter as well as to the satisfaction of the maintenance superintendent before the trench is filled. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-11:       **SPECIFICATIONS FOR DRAINS:** It shall be unlawful to construct or extend any drain pipe for the reception of sewerage or wastewater under or into any hotel, tenement or dwelling house or any building, or to connect the same with a public sewer unless said drain shall, in its plan and construction, conform with the following requirements:

- A.     Trap: There shall be in said drain a trap so constructed as to bar the passage of air from beyond the trap into the house by an obstacle equal to one inch (1") in depth of water.
- B.     Ventilation: Between said trap and the foot soil pipe there shall be connected with the drain an inlet pipe for the admission of fresh air, and the soil pipe within the house shall be continued above the earth and left above the same, so that the whole drain may be thoroughly and constantly ventilated. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)
- C.     Grease Trap; Joints: All joints, where the building is used as a hotel tenement house, boarding house or restaurant, the owner or occupant must provide a properly constructed grease trap, through which all slops of a greasy nature shall be drained, and the maintenance superintendent is hereby authorized and directed to compel any person to provide and use a grease trap as aforesaid, wherever, in his judgment, the same is necessary. In all cases, the connection with a cast iron soil pipe, whether inside the building or otherwise, shall be made and caulked as required by the currently adopted codes. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981; 2010 Code)

8-2-12:       **PLANS MUST BE SUBMITTED WITH APPLICATION:**

- A.     Required: Whenever any person desires to construct a house drain to be connected with or discharged into any sewer, he shall, before beginning work upon the same, deposit with the clerk a plan thereof, which shall show the whole course of the drain from the connection with the sewer to its termination within the house, with the location of all branches and fixtures to be connected thereto, said plans or a copy thereof, to be left on file in the office of the clerk.
- B.     Nonconforming Plan: If, upon the investigation of said plans, the maintenance superintendent shall find that the same does not conform with the requirements of this chapter, the maintenance superintendent shall issue no permit for its construction or

connection with any sewer, and it shall be unlawful to construct said drain or to connect the same either directly or indirectly with any sewer. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-13:       **RIGHT OF ENTRY:**

- A.    Right Of Entry Generally: The city engineer, the maintenance superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.
  
- B.    Inquiry Into Processes: The engineer, maintenance superintendent and other duly authorized employees of the city 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 to facilities for waste treatment.
  
- C.    Observance Of Safety Rules: While performing the necessary work on private properties referred to above, the engineer, maintenance superintendent or other duly authorized employee of the city shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or property damage asserted against the owner and growing out of the gauging and sampling operation except as such may be caused by negligence or failure of the owner to maintain safe conditions.
  
- D.    Right Of Entry On Private Properties Through Which City Holds Easement: The engineer or maintenance superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent works, 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. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981; 2010 Code)



8-2-14:       **INJURY TO SEWER PROHIBITED:** No person shall injure, break, or remove any portion of any manhole, lamp hole, flush tank, septic tank or any part of the public sewer or sewer system. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-15:       **NOTICE TO LAY DRAIN REQUIRED:** When any person shall desire to lay any pipe or pipes in any of the streets on which sewerage pipes are laid, he shall give at least twenty four (24) hours' notice to the maintenance superintendent of the intention so to do and procure a permit therefor before proceeding therewith. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-16:       **CITY EMPLOYEES TO DETERMINE IF WORK AUTHORIZED:** It shall be the duty of any person employed by the city, in all cases where they shall find any person engaged in the breaking of ground for the purpose of making connection with the public sewer, to ascertain, at once, if such person is duly authorized to perform such work; and, in the event that such person is not duly authorized or does not have a permit, to order them to desist under penalty of this chapter and to immediately report the facts to the chief of police and the maintenance superintendent of such violation. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-17:       **WORKMANSHIP AND MATERIALS:** All materials used in connections must be of good quality, free from defects and the work must be executed in a thorough and workmanlike manner and to the entire satisfaction and approval of the maintenance superintendent. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-18:       **DRAINS TO SEWERS; SPECIFICATIONS:**

- A.     House Drain: Every house or building connected with the public sewer, or private cesspool, must have a house drain through which sewerage is carried, constructed of cast iron pipe, transite concrete pipe, or other approved materials which shall extend five feet (5') outside of the building or foundation. The drains are to be laid in trenches of uniform grade or securely suspended from floor timbers by strong iron hangers; they shall have proper fall of not less than one-fourth ( $\frac{1}{4}$ ) of an inch per foot towards the main sewer and in as

straight a line as possible. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981; 2010 Code)

- B. **Changes In Direction Or Connection:** All changes in direction or connection of soil or waste pipes shall be made by means of wye branches with one-eighth ( $1/8$ ) and one-sixteenth ( $1/16$ ) bands. Sanitary tees shall only be made in vertical lines of pipe. Heel outlets shall not be used for vent connections. Saddle hubs and saddle bands are strictly prohibited. There shall be a cleanout put in the sewer at the last change of direction or at the end of the horizontal main drain of the building. All cleanouts shall be closed by brass screw covers, and shall be kept accessible; when sewers are laid beneath the floor, manholes must be constructed to give access to cleanouts. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-19: **TERRA COTTA SEWERS PROHIBITED:** In no case, shall terra cotta sewers be used within the city. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-20: **SPECIFICATIONS FOR CONNECTIONS AND BUILDING SEWER LINES:** All connections and building sewer lines connecting with the public sewer system shall be constructed, installed and connected in such a manner as to ensure a permanent and sanitary sewer watertight throughout. The pipe used in the installation thereof shall be equal in quality to the pipe used in the general sewer system and not less than four inches (4") in diameter. The jointing compound, where mechanical joints are not used, shall be equal in quality to that used in the general or public sewer systems and no cement or grout made therefrom shall be permitted. Where mechanical joints are used, they shall be of such construction that an absolutely tight joint is ensured. The building sewer shall be sufficient to carry all sewage into the general sewer system, and each toilet, sink, stationary washstand and every other piece or type of equipment or facility having waste fluids or sewage shall be connected therewith. The slope of the building sewer shall be subject to the approval of the maintenance superintendent. The pipe in the building sewer shall be laid so that the flow line therein will be at a depth of not less than thirty inches (30") from the surface ground. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-21:       **EXCAVATIONS FOR BUILDING SEWERS:** All excavations for building sewer installations shall be properly safeguarded with lights and barricades so that the same may not be a menace to public safety. All streets, sidewalks, alleys, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-22:       **DISCHARGE OF HARMFUL WASTES:**

- A.    Unpolluted Drainage: No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B.    Prohibited Discharges: No person shall discharge or cause to be discharged any of the following described waters or wastes to any sewer in the city:
1. Flammable Or Explosive: Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  2. Toxic Or Poisonous: 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.
  3. pH, Chlorine: Any waters or wastes having a pH lower than 6.5, chlorine demand of over five (5) ppm (parts or million) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
  4. Solid Or Viscous Substances: 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, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Substances Prohibited By Department Of Environmental Protection: Any substances prohibited by the Idaho department of environmental protection.

- C. Harmful Materials/Substances: No person shall discharge or cause to be discharged into a sewer any of the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the maintenance superintendent or technical expertise at his disposal, 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 maintenance superintendent or his authorized representative 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:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65°C).

2. Septic tank effluent.

3. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not containing substances which may solidify or become viscous at temperatures between thirty two and one hundred fifty degrees Fahrenheit (32 and 150°F) (0 and 65°C).

4. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ( $\frac{3}{4}$ ) horsepower (8.76 hp metric) or greater shall be subject to the review and approval of the maintenance superintendent or his authorized representative.

5. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

6. Any ground or unground fruit peelings and cores from canneries and packing plants, cull fruits and vegetables, fruit and vegetable pits and seeds.

7. Any water or wastes containing the materials in excess of the following limits:

Copper	0.5 milligrams per liter
Total chromium	0.5 milligrams per liter
Cyanide	0.5 milligrams per liter
Nickel	0.5 milligrams per liter
Silver	0.5 milligrams per liter
Zinc	0.5 milligrams per liter
Total heavy metals	1.0 milligrams per liter
pH	minimum 6.5, maximum 8.5

Wastes exerting chlorine demand over 5.0 parts per million

8. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the maintenance superintendent or expertise at his disposal, as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters.

9. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the maintenance superintendent or expertise at his disposal in compliance with applicable state or federal regulations.

10. Materials which exert or cause:

a. 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 sulfate).

b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

c. Unusual BOD (biochemical oxygen demand) or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

d. Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

e. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process 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. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

**8-2-23: ACTION OF MAINTENANCE SUPERINTENDENT UPON DISCHARGES HAVING DELETERIOUS EFFECT:**

- A. Authority To Reject, Require Pretreatment Or Control Quantity: If any waters or wastes are discharged, or are proposed to be discharged into the sewers, as defined in this chapter, and which, in the judgment of the maintenance superintendent, 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 maintenance superintendent may:
1. Reject the wastes,
  2. Require pretreatment to an acceptable condition for discharge to the public sewers,
  3. Require control over the quantities and rates of discharge, and/or
  4. Require additional payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under these provisions.
- B. Pretreatment Or Equalization Of Waste Flows: If the maintenance superintendent 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 maintenance superintendent and subject to the requirements of all applicable codes, ordinances, and laws. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

**8-2-24: SEWER RATES:** Sewer service charges shall be established by separate resolution of the city council, and when so established shall be incorporated herein as if fully set forth herein. Sewer service charges shall be adjusted annually based upon the city costs of sewer operation and maintenance. (Ord. 179, 1-29-1990)

8-2-25:       **RATES, FEES AND CHARGES:** See chapter 3 of this title for rates, fees and charges. (2010 Code)

8-2-26:       **APPLICATION FOR SEWER CONNECTIONS; FEES:**

- A.     Application: The maintenance superintendent is hereby authorized to permit connections to be made with the city sewer system by any property owner desiring to connect with the sewer system; provided, that any person desiring to so connect with the sewer system shall make application therefor, in writing, to the maintenance superintendent, and in which application he shall describe in particular the connection to be made and along what streets or alleys the applicant proposes to construct any sewer, the probable cost of such connection along said street or alley, and the applicant shall give such other information as the maintenance superintendent may demand. If a permit is granted, such connecting sewer shall be of such size and shall be built of such materials and at such point and of such grade and depth as the maintenance superintendent and city engineer may direct, taking into consideration future connections which may be made with such connecting sewer. The maintenance superintendent may refuse to issue such permit if the proposed connection would overload any existing sewer or drain. All decisions of the maintenance superintendent and city engineer hereunder may be reviewed and modified or reversed by the council.
- B.     Fee: There shall be no fee charged for a permit to make a service sewer connection with a city sewer line if the property for which the sewer connection is desired has contributed equally toward the cost of the original construction of said city sewer line whether on an assessment or cash basis. Otherwise, the application shall be accompanied by a fee to be set by resolution of the city council payable to the city for each and every service connection made to the city sewer line from said property; provided, however, that in the event applicant's land has been crossed by the city sewer line to which said applicant desires to make service connection and an easement for said crossing has been given to the city, then, and in that event, no charge will be made for said permit. However, a charge to be set by resolution of the city council will be made by the maintenance superintendent for each inspection of sewer service connections. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

**8-2-27: SEWERS PROPERTY OF CITY; FILING OF COSTS:**

- A. Property Of City: All sewers located in any street or alley in the city shall belong to the city.
- B. Filing Of Costs:
1. Statement Of Costs: In the event that any person shall make a connection with the city sewer system and such connection shall be available to others who might connect with such connection, the person so first connecting with the sewer shall, as soon as such connection is made, file with the clerk an itemized statement of the costs of building such connecting sewer.
  2. Audit: The maintenance superintendent together with the city engineer shall audit and determine the reasonable costs of such connection through any streets or alleys and file a report thereon with the clerk.
  3. Costs Less Than Submitted; Hearing: In the event that the maintenance superintendent and the city engineer shall determine that the costs of such connecting sewer is less than that submitted by the person constructing such sewer, the maintenance superintendent and the city engineer shall hold a hearing and give such person ten (10) days' written notice of such hearing and at such hearing evidence may be taken by the city engineer and the maintenance superintendent of the costs of such sewer.
  4. Written Report: At the close of such hearing the maintenance superintendent and engineer shall file a written report with the clerk of their determination of the costs and expenses of building and connecting such sewer with any sewer, which determination shall be subject to review by the council at its next regular meeting after the filing of such report.
  5. Clerk To Give Notice: It shall be the duty of the clerk to give the person building such connecting sewer written notice of the regular meeting of the council and that the costs of building such sewer will be settled at such meeting.
  6. Costs Fixed: The council shall have the power to fix the costs of such connecting sewer, which determination shall be final and binding upon all parties. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)



8-2-28:       **PERMITTING OTHER CONNECTIONS; COSTS TO BE PAID:**

- A.    Other Connections Permitted: The maintenance superintendent may permit other connections to be made with such connecting sewer by other parties upon payment to the city of the proportionate share of the costs of constructing such connecting sewer properly payable by the person wishing to connect thereon.
- B.    Costs: The amount of payment to be made for such connection shall be based upon the original cost of such connecting sewer, as determined by the maintenance superintendent and city engineer, taking into consideration the probable future use of such sewer by other connection therewith. No extra allowance shall be made for interest upon the original investment in such connecting sewer, and no deduction shall be made for depreciation thereon.
- C.    Property Abuts Or Is Adjacent To Sewer: If the property proposed to be connected with such connecting sewer abuts upon or is adjacent to such sewer, the owner of the same shall pay to the city for so connecting that proportion of the total original cost of such connecting sewer which the frontage of all the property he owns abutting upon or adjacent to such connecting sewer bears to the total frontage capable of being served by such connecting sewer.
- D.    Does Not Abut Or Adjacent To Sewer: In the event the property proposed to be connected with such connecting sewer does not abut upon and is not adjacent to such connecting sewer, then the owner of such property shall pay such fee as reasonably compensates the original builder for the use thereof.
- E.    Amounts Fixed By Maintenance Superintendent And City Engineer: Such amounts shall be fixed by the maintenance superintendent and the city engineer. All decisions of the maintenance superintendent and engineer under this section shall be subject to review by the council, after reasonable notice to the party concerned, and may be modified or reversed by the council. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-29:       **PERSON FIRST CONNECTING MAY RECEIVE MONEY FROM LATER CONNECTIONS:** Upon payment of any money to the city by a person desiring to connect with such sewer, the person first constructing such connecting sewer, or his successors or assigns, shall be

entitled to such monies upon filing a claim therefor with the clerk to be allowed by the council as other bills against the city are allowed and paid. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-30:       **PRIVATE SEWERS PROHIBITED:** All connections with the city sewer system in any street or alley shall belong to the city and no private sewer, except as otherwise provided in this chapter, shall be deemed valid and binding upon the city or any of its inhabitants. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-31:       **PRIVATE SEWERS ABOLISHED:** It is the intent and purpose of this chapter to abolish all private sewer connections with the city sewer system, and the city shall own all sewer connections made by private persons along any street or alley, and the city shall own, control, and operate all sewers laid or placed along any street or alley within the corporate limits. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-32:       **CONTENTS OF COST STATEMENT:** Any person filing a cost statement on connecting sewers heretofore constructed or hereafter to be constructed shall specify the particular land to which the right to claim reimbursements for connections thereafter made by other persons upon such connecting sewer shall be appurtenant. In the event such land shall thereafter be subdivided, the right to reimbursement for subsequent connections shall be prorated between the several portions created by said subdivision in accordance with the area of such portion. The original cost estimate may divide such total cost among several separate tracts of land in the first instance, in which event the right to reimbursement shall be prorated according to the proportion of the cost attributed to and appurtenant to each tract. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-33:       **CITY NOT LIABLE:** The city shall in no circumstances become liable to any person who has constructed a connection except to the extent of the money collected for his use and benefit as herein provided. In the event that the city has paid monies so collected to any person claiming to be the rightful owner of the land to which the right to be reimbursed for subsequent connections may be appurtenant, it shall not be liable to any other person for and on account of such monies. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-34:       **ILLEGAL CONNECTIONS PROHIBITED:** No person shall connect with the sewer system of the city without a permit as hereinabove set forth. Any legal connection may be prevented by the city severing such connection or by injunction or other appropriate action instituted in the name of either the city or the property owner entitled to reimbursement. The right to collect reimbursement for connecting with a sewer connected at private expense on which cost statements have been filed as herein provided may be enforced by the property owner beneficially interested in an ordinary civil action in any court of competent jurisdiction. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981)

8-2-35:       **VIOLATION; PENALTY:** Any person, firm or corporation that shall fail to comply with, or violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. Each day that a violation is permitted to exist shall constitute a separate offense. (Ord. 124, 6-10-1975, eff. 7-1-1975; amd. Ord. 157, 6-9-1981; 2010 Code)