

ORDINANCE NUMBER 354-1980

At its regular continued meeting held on Monday, October 27, 1980, The Dry Ridge City Council passed and ordered published ordinance number 354-1980, "AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S); AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, IN THE CITY OF DRY RIDGE.

This Ordinance is a re-codification of existing law, and pursuant to Kentucky Revised Statute 424.270, and in order to save the taxpayers the cost of publishing a twenty-two page ordinance, the public is advised that they may inspect and read the full text of this ordinance during normal business hours at the City Building, 31 Broadway, Dry Ridge, Kentucky.

Passed approved, and ordered published by reference, this 27th day of October, 1980, by unanimous vote.

/s/ Charles Edmondson

CHARLES EDMONDSON, MAYOR

ATTEST:

/s/ Anna Breeden

ANNA BREEDEN, CITY CLERK

ORDINANCE NO. 354-1980

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEMS (S): AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF DRY RIDGE COUNTY OF GRANT, COMMONWEALTH OF KENTUCKY.

Be it ordained and enacted by the City Council of the City of Dry Ridge, Commonwealth of Kentucky as follows:

ARTICLE I

Definitions

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

- Sec. 1 "Amonia Nitrogen" of "NH₃-N" shall mean the measure of ~~nitrogen as ammonia, as determined by the appropriate in~~ the latest edition of "Standard Methods".
- Sec. 2 "BOD" or "Biochemical Oxygen Demand" shall mean the measure of decomposable organic material in domestic or industrial wastewaters as represented by the oxygen utilized over a period of five (5) days at twenty degrees (20⁰) Centigrade and as determined by the appropriate procedure in "Standard Methods".
- Sec. 3 "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 outside the inner fact of the building wall.
- Sec. 4 "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of dispos

- Sec. 5 "City" shall mean the duly constituted municipal corporation of the City of Dry Ridge, Grant County, Kentucky.
- Sec. 6 "COD" or "Chemical Oxygen Demand" shall mean 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, as determined by the appropriate procedure in "Standard Methods".
- Sec. 7 "Combined Sewer" shall mean a sewer receiving both surface runoff and wastewater.
- Sec. 8 "Discharger" shall mean any person who discharges or causes a discharge to a public sewer,
- Sec. 9 "County Health Department" shall mean the Grant County Health Department.
- Sec.10 "Domestic Wastewater" shall mean the water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.
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- Sec.11 "Effluent" shall mean the liquid outflow of any facility designed to treat, convey or retain wastewater.
- Sec.12 "Effluent Sewer" shall mean a pipe or conduit for carrying only effluent which has received at least primary treatment, such as by a septic tank.
- Sec.13 "Garbage" shall mean animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food in home kitchens, stores, markets, restaurants, motels, hotels, and other places where food is stored, prepared or served. Specifically excluded are food-processing wastes from canneries, slaughterhouses, packing plants and similar industries.
- Sec. 14 "Grab Sample" shall mean any individual sample of wastewater collected over a period of time not exceeding 15 minutes.
- Sec.15 "Industrial Wastewater" shall mean all water-carried wastes and waste-water of the community excluding domestic wastewater and uncontaminated water, and shall include all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural or other operation where the wastewater discharge includes significant quantities of wastes of non-human origin.

- Sec. 16 "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- Sec. 17 "Ordinance" shall mean, unless otherwise specified, this Ordinance.
- Sec. 18 "Person" shall mean any individual, partnership, committee, association, corporation, public agency, firm, company and any other organization or group of persons, public or private.
- Sec. 19 "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration which is the weight of hydrogen ions in grams per liter of solution.
- Sec. 20 "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 ($\frac{1}{2}$) inch in any dimension.
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- Sec. 21 "Public Sewer" shall mean any sewer dedicated to public use and whose use is controlled by the City.
- Sec. 22 "Sanitary Sewer" shall mean a sewer which carries domestic and/or industrial wastewater and to which storm, surface, and groundwaters are not intentionally admitted; this term may also include the meaning of "effluent sewer" where appropriate.
- Sec. 23 "Sewage" shall mean wastewater.
- Sec. 24 "Sewerage" shall mean any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater.
- Sec. 25 "Sewer" shall mean a pipe or conduit for carrying wastewater.
- Sec. 26 "Shall" is mandatory; "May" is permissive.
- Sec. 27 "Slug" shall mean any discharge of water, domestic wastewater, or industrial wastewater 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 of flows during normal operation.
- Sec. 28 "Standard Methods" shall mean the current edition of "Standard Methods for the Examination of Water and Wastewater" and as published by the American

on any street, alley or sewer right-of-way in which there is located a public sanitary or combined sewer is hereby required at his own 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 90 days from official notice to do so.

ARTICLE III

On-Site Sewage Disposal

- Sec. 1 Where a public sanitary sewer is not available under the provisions of Article II, Section 4, an on-site treatment and disposal system may be installed, provided that all such devices and systems meet the applicable requirements of the Grant County Health Department and comply with the provisions of this Ordinance.
- Sec. 2 Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent upon approval by the City and the County Health Department.
- Sec. 3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent, and the Grant County Health Department. They shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the Superintendent when is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty--eight (48) hours of the receipt of notice by the superintendent, Saturdays, Sundays and holidays excepted.
- Sec. 4 At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article II, 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.
- Sec. 5 The Owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City of Dry Ridge.
- Sec. 6 No statement contained in this Article shall be construed

to interfere with any additional requirements that may be imposed by the City of Dry Ridge and the Grant County Health Department.

ARTICLE IV

Building Sewers and Connections

- Sec.1 No 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 Superintendent.
- Sec.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 wastewater. In either case, the owner or his agent shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications, ~~or other information considered pertinent~~ in the judgement of the Superintendent.
- Sec.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 City for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sec 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 building and the whole considered as one building sewer.
- Sec.5 Old building sewer service connections may be used for new buildings only when they are found, on examination by the Superintendent, to meet all requirements of this Ordinance.
- Sec. 6 The building sewer shall be connected into the public sewer at the property line, or curb line, where branch sewers extend from the main sewer to either the curb line or property line, or, to the service branch on the public sewer

where such public sewer exists within an easement on private property.

- Sec.7 No person shall make connection of roof drains, 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 sanitary public sewer.
- Sec. 8 All excavations for building sewer installation that extend adjacent to public right-of-way shall be adequately guarded by the owner with barricades and/or lights to 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.

ARTICLE V

Use of the Public Sewer

- Sec. 1 No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage to any sanitary sewer.
- Sec.2 Stormwater and all other unpolluted drainage shall be discharged to such sewers as specifically designated as combined sewers or storm drains, or to a natural outlet approved by the Superintendent, Industrial colling water or unpolluted process water may be discharged, on approval of the Superintendent, to a storm drain, combined sewer, or natural ourlet.
- Sec.3 Disposal into the sewer system of any pollutant by any person is unlawful except when such disposal is in compliance with Federal Standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972 (FWPCAA) and any subsequent amendments, and any more stringent state and local standards.
- Sec.4 Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
- (a) Any gasoline, benzene, naphtha, fueloil, lubricating oil, cutting 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 wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(c) Any waters or wastes having a pH lower than 5.5, or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage system

(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 sewerage system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper containers.

(e) Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F. or which causes the temperature of the treatment works influent to exceed one hundred degrees (100°) F.

(f) Any water or waste containing wax, grease, or oils, of mineral origin, 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(150) degrees F.

(g) Any wastewater containing fats or oils of animal or plant origin, whether emulsified or not, in excess of three hundred (300)mg/l.

(h) Any garbage that has not been properly shredded.

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

(j) Any water or waste containing the following

chemical constituents and/or similar objectionable or toxic substances that exceed the following limits:

<u>CONSTITUENT</u>	<u>Maximum Allowable CONCENTRATION (mg/l)</u>
Boron	1.0
Cadmium	0.01
Chromium (Hexavalent)	0.05
Copper	0.2
Cyanide (HCN)	0.1
Iron	5.0
Lead	0.1
Nickel	0.1
Zinc	2.0

(k) Any waters or wastes containing phenols or other objectionable substances, in such concentrations as to exceed limits necessary to meet the requirements of the state or federal agencies for discharge to the receiving waters.

(l) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable state or federal regulations.

(m) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, sodium chloride, and sodium sulfate).

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

(3) Unusual BOD, chemical oxygen demand, or chlorine demand in such quantities as to constitute a significant load on the wastewater treatment plant.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(n) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable

to only such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 5 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, 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 Superintendent and shall be located as to be readily and easily accessible for inspection. All interceptors shall be maintained by the owner, at his expense to continuously efficient operation at all times.

Sec. 6 All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with latest edition of "Standard Methods", and shall be determined at the control manhole provided, or on 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 of constituents on the sewage system and to determine the existence of hazards to life, limb and property.

Sec. 7 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 therefore, by the industrial concern.

ARTICLE VI
Industrial Wastewater

Sec. 1 No person shall discharge or cause to be discharged any industrial wastewater, or water containing the substances or possessing the characteristics enumerated in Article V, Section 4, directly or indirectly to the sewage facilities owned by the City without first obtaining a City Permit for Industrial Wastewater Discharge.

The permit for Industrial Wastewater Discharge may require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers of the City, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the City created by the wastewater discharge and such other conditions as may be required to effectuate the purpose of this Ordinance.

No Permit for Industrial Wastewater Discharge is transferable without the prior written consent of the Superintendent.

No person shall discharge industrial wastewaters in excess of the quantity or quality limitations set by the Permit for Industrial Wastewater Discharge. Any person desiring to discharge wastewaters or use facilities which are not in conformance with the Permit should apply to the City for an amended Permits.

Sec.2 Applicants for a Permit for Industrial Wastewater Discharge shall complete an application form available at the office of the Superintendent.

Upon receipt of the permit fee prescribed in Article VII, Section 1, of this Ordinance and of all required information, the application shall be processed and, upon approval, be signed by the Superintendent and one copy returned to the applicant. When properly signed, the application form shall constitute a valid Permit for Industrial Wastewater Discharge.

Public Health Association.

- Sec. 29 "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes domestic and industrial wastewaters.
- Sec. 30 "Superintendent" shall mean the Superintendent of the Water and Sewer Systems of the City, or his authorized deputy, agent or representative.
- Sec. 31 "Suspended Solids" shall mean the insoluble solid matter suspended in wastewater that is separable by laboratory filtration in accordance with the procedure described in "Standard Methods".
- Sec. 32 "Wastewater" shall mean the water-carried wastes of the community derived from human or industrial sources including domestic wastewater and industrial wastewater. Rainwater, groundwater or drainage of uncontaminated water is not wastewater.
- Sec. 33 "Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating wastewater.
- Sec. 34 "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

Improper Waste Disposal Prohibited

- Sec. 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 waste.
- Sec. 2 It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.'
- Sec. 3 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 disposal of wastewater.
- Sec. 4 The owner of each house, building, or property used for human occupancy, employment, recreation, or other purpose, situated within the City of Dry Ridge and abutting

The application shall be approved if the applicant has complied with all applicable requirements of this Ordinance and furnished to the City all required information and if the Superintendent determines that there is adequate capacity in the sewage facilities to convey, treat, and dispose of the wastewaters.

Sec.3 The City may change the restrictions or conditions of a Permit for Industrial Wastewater Discharge from time to time as circumstances may require. The City shall allow an industrial discharger a reasonable period of time to comply with any changes in the Permit required by the City.

Sec.4 Industrial Wastewater Discharge Permits shall be valid for a period not to exceed two (2) years from the date of issuance. Applications for renewal of Discharge Permits must be submitted 90 days in advance of the date the Permit expires. Applications for renewal shall be made on forms provided by the Superintendent.

~~Sec. 5 The Superintendent may suspend a Permit for Industrial Waste-~~
water Discharge for a period of not to exceed 45 days when such suspension is necessary in order to stop a discharge which presents an imminent hazard to the public health, safety, or welfare, to the local environment or to the City's sewerage system.

Any discharger notified of a suspension of his Permit shall immediately cease and desist the discharge of such industrial wastewater to the sewerage system. In the event of a failure of the discharger to comply voluntarily with the suspension order, the Superintendent shall take such steps as are reasonably necessary to insure compliance.

Any suspended discharger may file with the Superintendent a request for a hearing by a Hearing Board constituted under the provisions of Article XII of this Ordinance. The Board shall meet within fourteen (14) days of the receipt by the Superintendent of such request. The Board shall hold a hearing on the suspension and shall either confirm or revoke the action of the Superintendent. Reasonable notice of the hearing shall be given to the suspended discharger. At this hearing, the discharger may appear personally or through his attorney.

In the event that the Board fails to meet within the time set forth above or fails to make a determination within a reasonable time after the close of hearing, the order of suspension shall be stayed until a determination is made either confirming or revoking the action of the Superintendent.

The Superintendent shall reinstate the Permit on proof of satisfactory compliance with all discharge requirements of the City.

Sec.6 The Superintendent may revoke a Permit for Industrial Wastewater Discharge on a finding that the discharger has violated any provision of this Ordinance. No revocation shall be ordered until a hearing on the question has been held by the Hearing Board. At this hearing, the discharger may appear personally or through counsel, cross-examine witnesses, or present evidence in his/her behalf. Notice of the hearing shall be given to the discharger at least fifteen (15) days prior to the date of hearing.

Any discharger whose Permit has been revoked shall immediately stop all discharge of any liquid carried wastes covered by the Permit to any public sewer that is tributary to the sewerage system of the City. The Superintendent may disconnect or permanently block from such public sewer the industrial connection sewer of any discharger whose Permit has been revoked if such action is necessary to insure compliance with the order of revocation.

Before any further discharge of industrial wastewater may be made by the discharger, he/she must apply for a new Permit for Industrial Wastewater Discharge, pay all charges that would be required upon initial application together with all delinquent fees, charges and penalties and such other sums as the discharger may owe to the City. Costs incurred by the City in revoking the Permit and disconnecting the industrial connection sewer shall be paid for by the discharger before issuance of a new Permit for Industrial Wastewater Discharge.

- Sec.7 The Superintendent may classify discharges of industrial wastewater by industrial categories and recommend the establishment of an industrial wastewater treatment surcharge based on the average flow quality and flow quantity for the industrial category adjusted by some commonly recognized parameter that establishes the relative size of the industrial discharger being charged. Such classification shall be in accordance with the federal government's "Standard Industrial Classification Manual", latest edition.
- Sec.8 When required by the Superintendent, 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 manholes, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.
- Sec.9 All persons owning vacuum or "cesspool" pump trucks or other liquid waste transport trucks and desiring to discharge septic tank, seepage pit, interceptor or cesspool contents, industrial liquid wastes, or other liquid wastes to sewerage facilities of the City or to facilities that discharge directly or indirectly to such sewerage facilities shall first have a valid Trucker's Discharge Permit. All applicants for a Trucker's Discharge Permit shall complete the application form, pay the appropriate fee, receive a copy of the City's regulations governing discharge to sewers liquid wastes from trucks and shall agree, in writing, to abide by these regulations.

Discharge of septic tank, seepage pit, interceptor or cesspool contents, or other wastes containing no industrial wastes may be made by trucks holding a Permit at manholes designated by the Superintendent for that purpose. Truck transported industrial wastes shall be discharged only at the locations specified by the Superintendent for the specific waste.

The trucker's discharge Permit shall be valid for one year from date of issuance.

Any person negligently or willfully violating the City's requirements for liquid waste discharges from trucks shall be in violation of this Ordinance and may have his Permit revoked by the Superintendent.

ARTICLE VII Fees and Charges

- Sec.1 For each connection to the public sewer a tap in fee of \$ 500.00 shall be paid to the City with the application for a building sewer permit. In addition to the above tap-in-fee, persons obtaining an Industrial Wastewater Discharge Permit shall reimburse the City for the actual cost of all testing required to evaluate the industrial effluent.
- Sec.2 The annual fee for a Trucker's Discharge Permit is \$ 300.00
- Sec.3 All persons discharging wastewater into the sewerage system shall be charged for the use of such facilities. Said charges shall be assessed monthly either by class of user or by quantity and quality of wastewater, at the discretion of the City, and shall be a combination of debt service charge and user charge as described below.
- Sec.4 Debt Service Charge
All users of the sewerage system shall be charged for sewer debt service in an amount equal to 130 % of their water bill each month.
- Sec.5 Special User Class: Domestic Wastewater
The City shall assess a standard charge per unit volume of metered water for all residential users and other users who produce wastewater which does not differ significantly from normal domestic wastewater. The standard unit charge shall be based on a standard concentration of BOD and suspended solids as established by the City, a water/wastewater ratio of 80%, and the proportionate costs for operation, maintenance and equipment replacement costs of the sewerage facilities.

The City shall review the standard charge annually and shall revise it periodically to reflect actual costs of operation and maintenance. The initial unit charge shall be \$ 1.80 per thousand gallons of metered water for the domestic wastewater user class.

Sec. 6 Industrial User Charge

The City shall assess users who discharge wastewater that differs significantly from domestic wastewater charges proportionate to the quantity and quality of the wastewater discharged. The quantity and quality of the wastewater shall be monitored and analyzed in a manner and at a frequency acceptable to the City, but not less often than every two years. Separate rates of charge shall be established by the City for costs related to flow volume, BOD, suspended solids, and for any other parameter established by the City.

The following initial rates are hereby established:

Flow	<u>\$1.80</u>	per 1000 gals.
BOD	<u>200 PPM</u>	per lb.
SS	<u>40%</u>	per lb.

Sec.7 Industrial Cost Recovery

All industrial users connected to the sanitary sewer system shall be subject to industrial cost recovery provisions as set forth herein. An industrial user is any nongovernmental, nonresidential, user of the City of Dry Ridge's waste treatment system which is discharging toxic pollutants or is discharging more than the equivalent of 25,000 gallons per day and is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, U.S. Government, as amended, and supplemented, under divisions A,B,D,E, or I.

Any industrial user may be excluded from the provisions of this section, if it is determined that it will introduce only segregated domestic wastes or wastes from sanitary conveniences, or otherwise complies with guidelines or regulations established by the U.S. Environmental Protection Agency for such exclusion.

(a) The annual amount of industrial cost recovery from each industrial user shall be computed in accordance with the following formula:

$$((A \times I / E + (B \times J / F) + (C \times K / G) + (D \times L / H)) / M) = \text{Annual Payment} (\$/\text{Yr.})$$

Where said letters stand for the following:

A=Eligible federal grant allocable to flow (Q), in dollars

B=Eligible federal grant allocable to B.O.D., in dollars.

C=Eligible federal grant allocable to S.S., in dollars.

D=Eligible federal grant allocable to MH -H, in dollars.

E=Total design flow (Q), in 1,000 gal/day.

F=Total design B.O.D., in lbs/day.

G=Total design S.S., in lbs/day.

H=Total design MH -H, in lbs/day.

I=Industrial users' flow discharge to system, in 1,000 gal/day.

J=Industrial users' BOD discharge to system, in lbs/day.

K=Industrial users' S.S. discharge to system in lbs/day.

L=Industrial users' MH-H discharge to system, in lbs/day.

M=Amortization period = 30 year.

(b) Industrial waste measurements:

(1) Flow-based on metered water consumption. Plant recovery costs shall be based on average daily flow determined by dividing total annual water consumption by number of work days. Where water is normally consumed in the industry, flow charge shall be based on flow to sewer.

(2) BOD-based on average of all BOD measurements during past year multiplied by average flow to determine lbs./day BOD.

(3) Suspended solids-based on average of all suspended solids measurements during past year multiplied by average daily flow to determine lbs./day suspended solids.

(4) Adjustments--The Superintendent, with approval of the City Council, shall have the authority to make appropriate adjustments when the application of the formula set out herein would result in serious error in the resulting charges.

Such adjustments may include:

(i) Sanitary waste component - To be based on the following allowances per employee per work day,

Flow per employee per day 20 gallons

BOD " " " " 0.1 pound

Suspended solids " " 0.1 pound

(ii) Diversion of water - To be based on acceptable measurements or computations showing that a significant amount of water was diverted into project or other consumptive uses and did not reach the sewer.

(c) Recovery period: For the purpose of computing the industrial users' annual payment, a cost recovery period of thirty (30) years is hereby established.

(d) Billing and enforcement:

(1) Users subject to industrial cost recovery provisions shall be billed monthly on the basis of the computed annual industrial cost recovery payment divided by twelve (12).

(2) The industrial cost recovery charge will be included as a separate item on the regular monthly bill for water and sewer service and shall be in addition to all other charges and surcharges for water and sewer service.

(3) Failure to make prompt payment of the industrial cost recovery charge shall subject the user to the same penalties and cut-off provisions as are set out for basic water and sewer charges.

(e) Handling funds:

(1) Funds collected under industrial cost recovery shall be deposited into a special fund entitled "Industrial Cost Recovery Fund", which is hereby established. On an annual basis fifty (50) percent of the amounts recovered, together with interest earned thereon, shall be returned to the U.S. Treasury. Of the fifty (50) percent remaining together with interest earned thereon, eighty (80) percent shall be used for eligible costs for reconstruction and expansion pursuant to 40 CFR 35.923-2 (b), and twenty (20) percent returned

- to the water and sewer department general fund.
- (2) Pending use, retained amounts shall be invested in:
- (i) Obligations of the U.S. Government; or
 - (ii) Obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or
 - (iii) Shall deposit such amounts in accounts fully collateralized by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.
- (f) Review: Industrial users shall be reviewed annually by the Superintendent of the water and sewer department for quantity and strength of waste, and the industrial cost recovery adjusted accordingly.
- (g) Records: The Superintendent of the water and sewer department shall maintain records and submit reports and financial statements to the Environmental Protection Agency in conformance with the latest regulations.

ARTICLE VIII

Delinquent Accounts

- Sec. 1 All persons not having paid their bills within ten (10) days from date of billing will be delinquent. Notice of delinquency shall be sent through the U.S. Mail, and if the bill remains unpaid ten (10) days after such notice is sent, the water connection serving the premises will be severed and will not be reconnected until payment is made.
- Sec. 2 If any person is delinquent as described in Section 1 of this Article, but does not have a connection to the public water supply, said person's connection to the public sewer shall be severed. Any Reconnection shall be done at the owner's expense only after payment of the delinquent account.

ARTICLE IX

Protection from Damage

- Sec. 1 No unauthorized person shall maliciously, willfully or

recklessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenances, or equipment which is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE X

Power and Authority of Inspectors

- Sec.1 The 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 Ordinance. The Superintendent or his representatives shall have no authority to inquire into any industrial processes beyond ~~that point having a direct bearing on the kind and source of~~ discharge to the sewers or waterways or facilities for waste treatment.
- Sec.2 While performing the necessary work on private properties referred to in Article X, Section 1 above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the Company and flowing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 7.
- Sec.3 The 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 purpose 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.

ARTICLE XI

Penalties

- Sec.1 Any person found to be violating any provision of this Ordinance except Article IX 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. Persons in violation of a valid Permit for Industrial Waste Discharge are subject to the provisions of Article VI of this Ordinance.
- Sec.2 Any person who shall continue any violation beyond the time limit provided for in Article XI, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount of five hundred dollars (\$500) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- Sec.3 Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

ARTICLE XII

Hearing Board

- Sec.1 The City Council shall act as needed to arbitrate differences between the Superintendent and sewer users on matters concerning interpretation and execution of the provisions of this Ordinance.

ARTICLE XIII

Validity

- Sec.1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec.2 The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part of parts.

ARTICLE XIV

Ordinance in Force

- Sec. 1 This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

INTRODUCED this the 27th day of October, 1980.

ADOPTED AND APPROVED this the 27th day of October,
1980.

Charles Edmonson, Mayor
Mayor

ATTEST:

Anna Breiden
City Clerk