

## Chapter 700

### UTILITY BILLING

**Section 700.010. Bill — Due Date and Penalty.** [Ord. No. 381 §I, 6-18-2007; Ord. No. 405 §I, 10-18-2010; Ord. No. 455 §I, 2-17-2015]

The City utility bill for water and/or sewage services or for either water service or sewage service [if any customer shall receive one (1) of such services but not both] shall remain due and payable on or before the 15th of the month. If the 15th falls on a weekend or acknowledged holiday, payment must be received prior to. If not paid in full a penalty of ten percent (10%) shall be added to the bill.

**Section 700.020. Disconnect — Fee.** [Ord. No. 381 §§II, IV, 6-18-2007; Ord. No. 405 §II, 10-18-2010; Ord. No. 455 §II, 2-17-2015]

On the 17th of the month (if the 17th falls on a weekend then the following Monday), a past due notice is given. If the customer has not brought the account up-to-date before 8:00 A.M. the first Tuesday of the following month, the Water Supervisor will be notified to disconnect the water supply to the account. A charge of twenty-five dollars (\$25.00), past due amount, and current bill must be paid before reconnection can occur, this bringing the account to a zero (\$0.00) balance.

**Section 700.030. No Reconnection — After Business Hours.** [Ord. No. 381 §III, 6-18-2007; Ord. No. 405 §III, 10-18-2010; Ord. No. 455 §III, 2-17-2015]

Water service shall not be reestablished on weekends, holidays, or on such days as the City may be operating on reduced staff. Request for reconnection made after 4:00 P.M. on regular business days shall not be acted upon until the following business day.

**Section 700.040. Service Charge on Return Checks.** [Ord. No. 381 §V, 6-18-2007; Ord. No. 405 §IV, 10-18-2010; Ord. No. 455 §IV, 2-17-2015]

A service charge of twenty-seven dollars fifty cents (\$27.50) is hereby imposed upon any person or entity who, in an attempt to discharge any indebtedness owed to the City, issues or passes to any City official or employee a check or other similar sight order for the payment of money which is not honored by the City's financial institution for any reason. The delinquent account must be brought to current standings with cash only. After two (2) returned check charges are applied to any account, checks will no longer be accepted, only cash or money orders.

**Section 700.050. Meter Deposit — Residential and Commercial.** [Ord. No. 381 §VI, 6-18-2007; Ord. No. 405 §V, 10-18-2010; Ord. No. 455 §V, 2-17-2015]

The meter deposit by the City of Clever for residential water users shall be set as follows: property owners, landlords, and/or builders, sixty dollars (\$60.00) (with proof of purchase/ownership), tenants/renters shall be one hundred twenty dollars (\$120.00), commercial property owners/builders, one hundred dollars (\$100.00) (with proof of purchase/ownership), commercial property tenants/renters, one hundred twenty dollars (\$120.00).

**Section 700.060. Costs on Collection of Past Due Balances.** [Ord. No. 381 §VII, 6-18-2007; Ord. No. 405 §VI, 10-18-2010; Ord. No. 455 §VI, 2-17-2015]

If the account is sent to collections for non-payment, the customer will be responsible for all collection fees, attorney fees, and any other costs associated with the past due balance.

**Section 700.070. Landlords Responsible for Utility Bills.** [Ord. No. 380 §I, 4-9-2007]

Every property owner shall be responsible for any utility charges or fees left unpaid by any tenant of the premises served by water, trash or sewer and where the landlord or property owner fails to pay the utility charges, the City may refuse to provide any service to the property with the delinquent charges even in the name of a subsequent tenant or new owner of the property.

**Section 700.080. Delinquent Accounts.** [Ord. No. 380 §II, 4-9-2007]

When a tenant is delinquent in payment for thirty (30) days, the City shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service. When an occupant is delinquent more than ninety (90) days, the owner shall not be liable for sums due for more than ninety (90) days of service.

**Section 700.090. Penalty — Severability — Effective Date.** [Ord. No. 380 §III, 4-9-2007]

This Chapter shall be in full force and effect upon its passage and approval, except that landlords will not be liable for unpaid delinquent utility bills incurred before the effective date of this Chapter, unless the utility customer remains a tenant of the landlord for ninety (90) days past the effective date of this Chapter. The provisions of this Chapter are severable, as provided in Section 1.140, RSMo. Those provisions of this Chapter, which establish an offense, are subject to the general penalty provisions provided by law, that is a penalty of zero dollars (\$0.00) to five hundred dollars (\$500.00) or zero (0) to ninety (90) days in jail, or both a fine and a jail sentence.

## Chapter 705

### WATER SERVICE

#### ARTICLE I

##### General

**Section 705.010. Definitions.** [Ord. No. 294 Art. I §§1 — 14, 8-13-2001]

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

**COMMUNITY WATER SYSTEM** — A public water system which serves at least fifteen (15) service connections or regularly serves at least twenty-five (25) residents on a year-round basis.

**CROSS-CONNECTION** — Any actual or potential connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the public water system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and any other temporary or permanent devices through which or because of which backflow can or may occur are considered cross-connections.

**PERSON** — Any individual, firm, company, association, society, corporation or group.

**pH** — The negative logarithm of the concentration of hydrogen ions in an aqueous solution.

**PUBLIC WATER SYSTEM** — A system for provision to the public of piped water for human consumption, if the system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year. The system includes any collection, treatment, storage or distribution facilities used in connection with the system. A public water system is either a community water system or a non-community water system.

**SANITARY SEWER** — A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

**SERVICE CONNECTION** — Each individual connection of a user to a water main or pipe for the purpose of conveying water to a point of use.

**SERVICE LINE** — Any water line or pipe connected to a public water supply's distribution main or pipe that conveys water to a point of use. Each service line is owned and maintained by the customer at that service connection and such line beings at the customer's side of the meter.

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

**SUPERINTENDENT** — The authorized and designated City employee or representative who is in responsible charge of the operation and maintenance of the public water supply and water works serving the City.

**WATER DISTRIBUTION SYSTEM** — All piping, conduits, valves, hydrants, storage facilities, pumps and other appurtenances, excluding service connections, which serve to deliver water from a water treatment plant or source to the public.

**WATER MAIN** — Any water main line or pipe which conveys water to a point of use from a water treatment plant, source or water storage facility. Water mains are owned and maintained by the City.

WATER METER — A water volume measuring and recording device furnished and/or installed by the City or furnished and/or installed by a user and approved by the City. Each individual service connection shall have a water meter.

WATER TREATMENT PLANT — A facility which uses specific processes such as sedimentation, coagulation, filtration, disinfection, aeration, oxidation, ion exchange, fluoridation, chlorination or other processes which serve to add components or to alter or remove contaminants from a water supply source.

## ARTICLE II

### Connection Required Within One Hundred Feet

#### **Section 705.020. Connection Required Within One Hundred Feet.** [Ord. No. 294 Art. II §1, 8-13-2001]

The owner of all houses, buildings or properties used for human employment, recreation, residence 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 access to a public water system within one hundred (100) feet of the property line, is hereby required to connect to such facilities in accordance with the provisions of this Article within sixty (60) days after the date of official notice to do so.

## ARTICLE III

### Availability of Water System

#### **Section 705.030. Private System — Permit and Fees.** [Ord. No. 294 Art. III §1, 8-13-2001]

When connection to the City's water system is not possible within the City's jurisdiction and after all known means to connect to the City's water system have been reasonably exhausted, the owner may apply to the City and other applicable agencies for the right to construct a privately owned and operated system. The City reserves the right to reject any or all private water system proposals when it is deemed that the proposed system would have a negative impact on public health or welfare or should the proposed system fail to meet all other applicable regulations and guidelines (including State and Federal). Once granted approval by the City, but prior to the commencement of construction of a privately owned and operated public water system within the City's jurisdiction, the owner shall first obtain a written permit signed by the City's authorized employee or representative. 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 City and the City's assigns. A permit and inspection fee of one thousand dollars (\$1,000.00) shall be paid to the City at the time the application is filed. Should in the future it be desired and possible for the private system to be connected to the City's water system, the owner shall be responsible for all costs required for connection to the City's water system and shall modify, rehabilitate and/or reconstruct the private system to a level acceptable and deemed safe, in the opinion of the City, to allow a merge with the City's water system. The owner shall be responsible for all construction, engineering, permits and other acts associated with construction of the private system and any modification thereof.

**Section 705.040. Interference.** [Ord. No. 294 Art. III §2, 8-13-2001]

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by other applicable agencies or persons of jurisdiction.

**Section 705.050. Disconnection of Private System — Guidelines.** [Ord. No. 294 Art. III §3, 8-13-2001]

When a public water system becomes available, customers that connect must physically disconnect from the existing private system (i.e., well) in accordance with the City's ordinances. Existing wells shall be properly plugged in accordance with guidelines established by the Missouri Department of Natural Resources Division of Geology and Land Survey (DGLS) and outlined in State Regulation 10 CSR 23 — 3.110 as amended, unless the owner wants to keep it functional for uses other than providing drinking water. A well may only be kept if it remains physically disconnected from the public water supply's distribution system, has a functional pump, is connected to an electrical service, is clearly labeled "Not for Human Consumption" and is pumped at least once in a twelve (12) month period. Prior to connection to the City's water system, the private system shall be modified, rehabilitated and/or reconstructed as required to bring the private system up to a level acceptable and deemed safe in the opinion of the City for connection to the City's water system. A permit and inspection fee shall be required in accordance with Section 705.070 of this Chapter. Upon connecting to the public water system, the appropriate DNR Regional Office shall be notified, in writing, that the connection(s) have been completed.

ARTICLE IV  
**Connections**

**Section 705.060. Written Permit Required.** [Ord. No. 294 Art. IV §1, 8-13-2001]

No unauthorized person shall uncover, make any connections with or opening into, use, alter, obstruct or disturb any public water system or appurtenance thereof without first obtaining a written permit from the City or the City's designated personnel.

**Section 705.070. Classes of Connection Permits and Fees.** [Ord. No. 294 Art. IV §2, 8-13-2001; Ord. No. 417 §§I — III, 1-20-2012]

A. There shall be three (3) classes of water system connection permits (hookup fees):

1. Residential service;
2. Non-residential service;
3. Industrial service.

*Residential.* Shall include all defined residential zoning classifications per the City of Clever Zoning Ordinance and Clever City Code and shall be assessed per dwelling unit. For instance, a duplex would count as two (2) dwelling units; a four-plex would count as four (4) dwelling units, etc. Each apartment in an apartment complex is considered a dwelling unit. As such, each unit would require a separate connection fee. Each unit provides a unique impact to the City's water system.

*Non-residential.* Shall include commercial and institutional uses. Subdivided infill units in a commercial structure will require individual connections. Each unit provides a unique impact to the City's water system.

*Industrial.* Refer to the definitions outlined in the City Zoning Ordinance and Clever City Code.

- B. In each case, the owner or the owner's agent shall make application on a special form furnished by the City of Clever. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the City of Clever, or the City's designated representative, and as required by City development regulations.
1. A permit and inspection fee of one thousand dollars (\$1,000.00) for each residential connection per unit (as described in the development code) shall be paid to the City at the time the application is filed.
  2. A permit and inspection fee of one thousand dollars (\$1,000.00) for each non-residential connection per unit (as described in the development code) shall be paid to the City at the time the application is filed.
  3. A permit and inspection fee of one thousand two hundred fifty dollars (\$1,250.00) for each industrial connection per unit (as described in the development code) shall be paid to the City at the time the application is filed.

A permit fee shall be required for each individual unit per the City of Clever development code Section 500.110.

- C. The City of Clever shall be reimbursed for the cost of the required water meter for each unit per the following schedule:

Meter Type	Reimbursement Cost	Use
¾ inch meter	\$350.00	Residential
1 inch meter	\$400.00	Non-residential (commercial)

All larger meters must be furnished and installed by the developer/builder/owner at their expense. Installation must meet the City's Code at the time of the installation and must be inspected and approved by the City Building Inspector.

**Section 705.080. Costs/Expenses by the Owner.** [Ord. No. 294 Art. IV §3, 8-13-2001]

All costs and expenses incident to the installation or repair of the service line and connection to the public water system shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the water service.

**Section 705.090. Connection per Building.** [Ord. No. 294 Art. IV §4, 8-13-2001; Ord. No. 417 §IV, 1-20-2012]

A separate and independent service connection shall be provided for each and every unit in any particular building.

**Section 705.095. Additional Fees.** [Ord. No. 417 §IV, 1-20-2012]

All fees over and above the base connection fee as outlined above (e.g. meter fees) shall have a cost of living allowance (COLA) of two and one-half percent (2.5%) per year to become effective on January 1, 2013.

**Section 705.100. New Construction, Replacement Guidelines.** [Ord. No. 294 Art. IV §5, 8-13-2001]

The size, alignment, material used in the construction of new or the replacement of the existing public water system and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the most recent edition of the Missouri Department of Natural Resources (MDNR), Public Drinking Water Program, Design Guide for Community Public Water Supplies as well as all current City specifications. A permit to construct, issued by MDNR, will be received prior to construction, alteration or extension of the water system.

**Section 705.110. Connection Made Under City Supervision.** [Ord. No. 294 Art. IV §6, 8-13-2001]

The applicant for a public water system connection permit shall notify the City or its designated employee when the service line is ready for inspection and connection to the water system. The connection shall be made under the supervision of the City's designated representative.

**Section 705.120. Excavations Guarded With Barricades and Lights.** [Ord. No. 294 Art. IV §7, 8-13-2001]

All excavations for public water system improvements, replacements or repairs 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 at no cost to the City.

ARTICLE V  
**Damages**

**Section 705.130. Damages.** [Ord. No. 294 Art. V §1, 8-13-2001]

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 public water system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VI  
**Properties**

**Section 705.140. Authorized Persons Allowed on Properties.** [Ord. No. 294 Art. VI §1, 8-13-2001]

Duly authorized employees or representatives of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, modification, construction, repair, demolition and testing in accordance with the provisions of this Chapter.

**Section 705.150. Observance of Safety Rules — Liability.** [Ord. No. 294 Art. VI §2, 8-13-2001]

While performing the necessary work on private properties referred to in Section 705.140 above, the City's duly authorized employees or representatives shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

**Section 705.160. Entrance on Easement.** [Ord. No. 294 Art. VI §3, 8-13-2001]

Duly authorized employees or representatives 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 public water system 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 VII  
**Violation and Fine**

**Section 705.170. Violation.** [Ord. No. 294 Art. VII §1, 8-13-2001]

Any person found to be violating any provision of this Chapter except Section 705.130 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.

**Section 705.180. Fine.** [Ord. No. 294 Art. VII §2, 8-13-2001]

Any person who shall continue any violation beyond the time limit provided for in Section 705.170 shall be guilty of an ordinance violation and on conviction thereof shall be fined in the amount set forth in Section 100.220 of this Code. Each twenty-four (24) hour period in which any such violation shall continue shall be deemed a separate offense.



ARTICLE VIII  
**Cross-Connection Control**

**Section 705.190. Cross-connection System — General Policy.** [Ord. No. 433 §I, 4-16-2013]

- A. *Purpose.* The purpose of this Article is to establish a cross-connection control system:
1. To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
  2. To promote the elimination, containment, isolation, or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures, and industrial-process systems.
  3. To provide for the maintenance of a continuing program of cross-connection control system which will systematically and effectively prevent the contamination or pollution of all potable water systems.
- B. This Article will be reasonably interpreted by the Water Superintendent. It is the Water Superintendent's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard. The Water Superintendent shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross-connections. The Water Superintendent and consumer are jointly responsible for preventing contamination of the water system. If, in the judgment of the Water Superintendent or his or her authorized representative, cross-connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his or her own expense; and failure, refusal, or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided.

**Section 705.200. Definitions.** [Ord. No. 433 §II, 4-16-2013]

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

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

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

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

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

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

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

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

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

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

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

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

**Section 705.210. Cross-Connections Prohibited.** [Ord. No. 433 §III, 4-16-2013]

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

**Section 705.220. Survey and Investigations.** [Ord. No. 433 §IV, 4-16-2013]

- A. The consumer's premises shall be open at all reasonable times to the Water Superintendent, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
- B. On request by the Water Superintendent or his or her authorized representative, the consumer shall furnish information on water use practices within his or her premises.
- C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his or her premises to determine whether there are actual or potential cross-connections to his or her water system through which contaminants or pollutants could backflow into his or her or the public potable water system.

**Section 705.230. Type of Protection Required.** [Ord. No. 433 §V, 4-16-2013]

- A. The type of protection required by this Article shall depend on the degree of hazard which exists, as follows:
  - 1. An approved air-gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
  - 2. An approved air-gap separation or an approved reduced-pressure-principle backflow prevention assembly shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
  - 3. An approved air-gap separation or an approved reduced-pressure-principle backflow prevention assembly or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard not dangerous to health.

**Section 705.240. Where Protection is Required.** [Ord. No. 433 §VI, 4-16-2013]

- A. An approved backflow prevention assembly shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the Water Superintendent or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
- B. An approved air-gap separation or reduced-pressure-principle backflow prevention assembly shall be installed at the service connection or within any premises where, in the judgment of the Water Superintendent or the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:
  - 1. Premises having auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the Water Superintendent and the Missouri Department of Natural Resources.
  - 2. Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist.

3. Premises where entry is restricted so that inspection for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross-connections do not exist.
  4. Premises having a repeated history of cross-connections being established or reestablished.
  5. Premises which, due to the nature of the enterprise therein, are subject to recurring modification or expansion.
  6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
  7. Premises where materials of a toxic or hazardous nature are handled such that if back siphonage or back pressure should occur, a serious health hazard may result.
- C. The types of facilities listed in Appendix A<sup>1</sup> fall into one (1) or more of the categories of premises where an approved air-gap separation or reduced-pressure-principle backflow prevention assembly is required by the Water Superintendent and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the Water Superintendent and the Missouri Department of Natural Resources.

**Section 705.250. Backflow Prevention Assemblies.** [Ord. No. 433 §VII, 4-16-2013]

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

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1. **Editor's Note: Appendix A is included as an attachment to this Chapter.**  
2. **Editor's Note: Appendix A is included as an attachment to this Chapter.**

**Section 705.260. Installation.** [Ord. No. 433 §VIII, 4-16-2013]

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

**Section 705.270. Inspection and Maintenance.** [Ord. No. 433 §IX, 4-16-2013]

- A. It shall be the duty of the consumer at any premises on which backflow prevention assemblies required by this Article are installed to have inspections, tests, and overhauls made in accordance with the following schedule or more often where inspections indicate a need:
  - 1. Air-gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.
  - 2. Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter.
  - 3. Reduced-pressure-principle backflow prevention assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter.
- B. Inspections, tests, and overhauls of backflow prevention assemblies shall be made at the expense of the water consumer and shall be performed by a State of Missouri certified backflow prevention assembly tester.
- C. Whenever backflow prevention assemblies required by this Article are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
- D. The water consumer must maintain a complete record of each backflow prevention assembly from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspections, tests, repairs, and overhauls shall be made available to the Water Purveyor upon request. A copy of all records must be supplied to the Water Superintendent.
- E. Backflow prevention assemblies shall not be bypassed, made inoperative, removed, or otherwise made ineffective.

**Section 705.280. Violations.** [Ord. No. 433 §X, 4-16-2013]

- A. The Water Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention assembly required by this Article is not installed, tested, and maintained in a manner acceptable to the Water Superintendent, or if it is found that the backflow prevention assembly has been removed or bypassed or if an unprotected cross-connection exists on the premises.
- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Article to the satisfaction of the Water Superintendent.

ARTICLE IX  
**Lawn Watering Restrictions**

**Section 705.290. Authority To Impose Water Use Restriction; Notification.** [Ord. No. 446 §I, 6-17-2014]

The Water Superintendent of the City of Clever shall be given the authority to implement emergency restrictions to restrict water use during emergency periods. The Water Superintendent shall notify municipal system users of a watering ban by publishing notice in the local newspapers and postings on local social media sites.

**Section 705.300. When Water Use Permitted.** [Ord. No. 446 §II, 6-17-2014]

Residents with an odd house number shall water lawns or wash cars when necessary only on odd-numbered calendar days, and those with even-numbered addresses shall water lawns or wash cars only on even-numbered calendar days. Lawns shall not be watered and cars shall not be washed between the hours of 10:00 A.M. and 6:00 P.M.

**Section 705.310. Exception.** [Ord. No. 446 §III, 6-17-2014]

An exception may be granted for recently established lawns. Those lawns may be watered daily for up to one (1) month after installation but cannot be watered during the hours listed above.

**Section 705.320. Watering Ban During Emergency.** [Ord. No. 446 §IV, 6-17-2014]

In extreme emergency cases, the Water Superintendent shall have the authority to issue a total watering ban until such time that the emergency situation ceases to exist.

**Section 705.330. Violations and Penalties.** [Ord. No. 446 §V, 6-17-2014]

Any person violating any of the provisions of this Article and/or Sections shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment.

ARTICLE X  
**Tracer Wire and Access Points**

**Section 705.340. Tracer Wire and Access Points Required.** [Ord. No. 461 §§1 — 4, 7-21-2015]

- A. Any new or reconstructed water service line and sewer lateral and/or main pipe (gravity and force main) that is installed and connected to the water and sewer system will be required to have tracer wire and an access point installed.
- B. The access point shall be an approved protective enclosure designed for such purpose. All gravity sewer lines should have a sewer cleanout installed. All protective enclosures and sewer cleanouts shall be extended to grade and installed for easy accessibility.
- C. Tracer wire will be placed within the protective enclosure to provide the approximate location of the water service line or sewer lateral pipe. Tracer wire should be 12 gauge. Water service lines tracer wire should be blue, and sewer laterals should be green.
- D. Any water service line or sewer lateral pipe that does not have tracer wire or an access point will not be allowed to tap into the City's system. All water and sewer taps shall be made in accordance with Missouri Department of Natural Resources (MDNR) guidelines.

**City of Clever**

**APPENDIX A**

**Types of Facilities Representing Cross-Connection Hazards  
[Ord. No. 433, 4-16-2013]**

1. Aircraft and missile manufacturing plants;
2. Automotive plants, including those plants which manufacture motorcycles, automobiles, trucks, recreational vehicles and construction and agricultural equipment;
3. Potable water dispensing stations which are served by a public water system;
4. Beverage bottling plants, including dairies and breweries;
5. Canneries, packing houses and reduction plants;
6. Car washes;
7. Chemical, biological and radiological laboratories, including those in high schools, trade schools, colleges, universities and research institutions;
8. Hospitals, clinics, medical buildings, autopsy facilities, morgues, mortuaries and other medical facilities;
9. Metal or plastic manufacturing, fabrication, cleaning, plating, or processing facilities;
10. Plants manufacturing paper and paper products;
11. Plants manufacturing, refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum or petroleum products, pharmaceuticals, radiological materials or any chemical which would be a contaminant to the public water system;
12. Commercial facilities that use herbicides, pesticides, fertilizers or any chemical which would be a contaminant to the public water system;
13. Plants processing, blending or refining animal, vegetable or mineral oils;
14. Commercial laundries and dye works;
15. Sewage, stormwater and industrial waste treatment plants and pumping stations;
16. Waterfront facilities, including piers, docks, marinas and shipyards;
17. Industrial facilities which recycle water;
18. Restricted or classified facilities or other facilities closed to the supplier of water or the department;
19. Fire sprinkler systems using any chemical additives;
20. Auxiliary water systems;
21. Irrigation systems with facilities for injection of pesticides, herbicides or other chemicals or with provisions for creating back pressure;
22. Portable tanks for transporting water taken from a public water system; and
23. Facilities which have pumped or repressurized cooling or heating systems that are served by a public water system, including all boiler systems.

## Chapter 710

### SEWER USE

#### ARTICLE I

##### General

**Section 710.010. Definitions.** [Ord. No. 256 Art. I §§1 — 22, 7-13-1998]

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

**BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND)** — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter.

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

**BUILDING SEWER** — The extension from the building drain to the public sewer or other place of disposal.

**COMBINED SEWER** — A sewer receiving both surface runoff and sewage.

**GARBAGE** — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**INDUSTRIAL WASTES** — The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

**NATURAL OUTLET** — Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**PERSON** — Any individual, firm, company, association, society, corporation or group.

**pH** — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PROPERLY SHREDDED GARBAGE** — 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 (1/2) inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER** — A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

**SANITARY SEWER** — A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

**SEWAGE** — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

**SEWAGE TREATMENT PLANT** — Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS** — All facilities for collecting, pumping, treating and disposing of sewage.



SEWER — A pipe or conduit for carrying sewage.

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

SLUG — Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

STORM DRAIN (SOMETIMES TERMED STORM SEWER) — A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT — The Superintendent of Sewage Works and/or of Water Pollution Control of the City of Clever or his/her authorized deputy, agent or representative.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

## ARTICLE II Pollution Within City of Clever

**Section 710.020. Depositing Excrement, Etc., in Unsanitary Manner.** [Ord. No. 256 Art. II §1, 7-13-1998]

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

**Section 710.030. Pollution in Natural Outlet.** [Ord. No. 256 Art. II §2, 7-13-1998]

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

**Section 710.040. Use of Private Sewage Disposal Systems and Privies Prohibited — Exceptions.** [Ord. No. 256 Art. II §3, 7-13-1998]

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

**Section 710.050. When Installation of Toilet Facilities and Connection to Public Sewer Required.** [Ord. No. 256 Art. II §4, 7-13-1998]

The owner of all houses, buildings or properties used for human 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/her 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 ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (thirty and one-half (30.5) meters) of the property line.

ARTICLE III  
**Private Sewers**

**Section 710.060. General.** [Ord. No. 256 Art. III §1, 7-13-1998]

Where a public sanitary or combined sewer is not available under the provisions of Section 710.050, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

**Section 710.070. Construction Permit.** [Ord. No. 256 Art. III §2, 7-13-1998]

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City's designated representative. 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 City's designated representative. A permit and inspection fee of two thousand five hundred fifty dollars (\$2,550.00) shall be paid to the City at the time the application is filed.

**Section 710.080. Inspection by Designated Representative.** [Ord. No. 256 Art. III §3, 7-13-1998]

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City's designated representative. He/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 City's designated representative when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the City's designated representative.

**Section 710.090. Compliance.** [Ord. No. 256 Art. III §4, 7-13-1998]

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Missouri. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than five thousand (5,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

**Section 710.100. Availability of Public Sewer System.** [Ord. No. 256 Art. III §5, 7-13-1998]

At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 710.090, 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.

**Section 710.110. Owner's Expense.** [Ord. No. 256 Art. III §6, 7-13-1998]

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

**Section 710.120. Requirements of Health Officer.** [Ord. No. 256 Art. III §7, 7-13-1998]

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

**Section 710.130. Closing of Private System.** [Ord. No. 256 Art. III §8, 7-13-1998]

When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

ARTICLE IV  
**Building Sewers and Connections**

**Section 710.140. Unauthorized Connections Prohibited.** [Ord. No. 256 Art. IV §1, 7-13-1998]

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City's designated representative.

**Section 710.150. Permits for Building Sewers.** [Ord. No. 256 Art. IV §2, 7-13-1998; Ord. No. 417 §§V — VI, 1-20-2012]

A. There shall be three (3) classes of sewer system connection permits (hookup fees):

1. Residential service;
2. Non-residential service;
3. Industrial service.

*Residential.* Shall include all defined residential zoning classifications per the City of Clever Zoning Ordinance and Clever City Code and shall be assessed per dwelling unit. For instance, a duplex would count as two (2) dwelling units; a four-plex would count as four (4) dwelling units, etc. Each apartment in an apartment complex is considered a dwelling unit. As such, each unit would require a separate connection fee. Each unit provides a unique impact to the City's sewer system.

*Non-residential.* Shall include commercial and institutional uses. Subdivided infill units in a commercial structure will require individual connections. Each unit provides a unique impact to the City's sewer system.

*Industrial.* Refer to the definitions outlined in the City Zoning Ordinance and Clever City Code.

B. In each case, the owner or the owner's agent shall make application on a special form furnished by the City of Clever. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the City of Clever, or the City's designated representative, and as required by City development regulations.

1. A permit and inspection fee of one thousand five hundred dollars (\$1,500.00) for each residential connection per unit (as described in the development code) shall be paid to the City at the time the application is filed.
2. A permit and inspection fee of one thousand five hundred dollars (\$1,500.00) for each non-residential connection per unit (as described in the development code) shall be paid to the City at the time the application is filed.
3. A permit and inspection fee of one thousand five hundred dollars (\$1,500.00) for each industrial connection per unit (as described in the development code) shall be paid to the City at the time the application is filed.

A permit fee shall be required for each individual unit per the City of Clever development code Section 500.110.

**Section 710.155. Non-Residential — Additional Fees.** [Ord. No. 417 §VII, 1-20-2012]

- A. All commercial structures including retail, restaurants, offices, clinics, child care, wholesale, assembly, recreational, theater, school, church and any similar structure shall be charged one thousand five hundred dollars (\$1,500.00) per each separate and independent unit plus additional fees as outlined in the fixture fee schedule below:

**Fixture Fee Schedule:**

Floor drain	\$100.00
Service sink	\$300.00
Dishwasher (commercial)	\$350.00
Toilet fixture	\$100.00
Lavatory fixture	\$25.00
Freestanding fixture	\$25.00

- B. All institutional structures including hospitals, nursing homes, residential care centers, hotel, motel, bed and breakfast, boarding house, and other similar structures shall pay an additional fee of two hundred fifty dollars (\$250.00) per bathroom.
- C. All industrial structures shall pay the base fee, the two hundred fifty dollar (\$250.00) per bathroom fee, and in addition shall pay the fixture fees for any additional fixtures required by the owner/builder/developer as stated above.
- D. All fees over and above the base connection fee as outlined above (e.g. fixture fees) shall have a cost of living allowance (COLA) of two and one-half percent (2.5%) per year to become effective on January 1, 2013.

**Section 710.160. Costs to Be Borne by Owner — Indemnification of City.** [Ord. No. 256 Art. IV §3, 7-13-1998]

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

**Section 710.170. Sewers Provided for Every Building — Exceptions.** [Ord. No. 256 Art. IV §4, 7-13-1998]

A separated 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, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

**Section 710.180. When Old Building Sewers May Be Used.** [Ord. No. 256 Art. IV §5, 7-13-1998]

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City's designated representative, to meet all requirements of this Article.

**Section 710.190. Materials, Size, Slope, Etc.** [Ord. No. 256 Art. IV §6, 7-13-1998]

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

**Section 710.200. Location.** [Ord. No. 256 Art. IV §7, 7-13-1998]

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

**Section 710.210. Connection to Spouts, Drains, Other Sources Prohibited.** [Ord. No. 256 Art. IV §8, 7-13-1998]

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

**Section 710.220. Connection to Public Sewer.** [Ord. No. 256 Art. IV §9, 7-13-1998]

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the City's designated representative before installation.

**Section 710.230. Inspection.** [Ord. No. 256 Art. IV §10, 7-13-1998]

The applicant for the building sewer permit shall notify the City's designated representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City's designated representative.

**Section 710.240. Excavations — Barricades and Lights.** [Ord. No. 256 Art. IV §11, 7-13-1998]

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.

ARTICLE V  
**Use of Public Sewers**

**Section 710.250. Discharge of Stormwater, Cooling Water, Etc., to Sanitary Sewer.** [Ord. No. 256 Art. V §1, 7-13-1998]

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

**Section 710.260. Discharge of Stormwater, Cooling Water, Etc., Into Storm Sewer or Natural Outlet.** [Ord. No. 256 Art. V §2, 7-13-1998]

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

**Section 710.270. Discharge of Certain Waste Products.** [Ord. No. 256 Art. V §3, 7-13-1998]

- A. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant including, but not limited to, cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
  3. Any waters or wastes having a pH lower than five and one-half (5.5) 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 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, mild containers, etc., either whole or ground by garbage grinders.

**Section 710.280. Discharge of Certain Wastes Prohibited.** [Ord. No. 256 Art. V §4, 7-13-1998]

- A. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the City's designated representative 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/her opinion as to the acceptability of these wastes, the City's designated 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) (sixty-five degrees Celsius (65°C)).
  2. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F) (zero (0) and sixty-five degrees Celsius (65°C)).
  3. 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 (0.76 hp metric) or greater shall be subject to the review and approval of the City's designated representative.
  4. Any waters or wastes containing strong acid from pickling wastes or concentrated plating solutions whether neutralized or not.
  5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City's designated representative for such materials.

6. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the City's designated representative as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City's designated representative in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of nine and one-half (9.5).
9. 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 chloride or sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - c. Unusual BOD, chemical 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.
10. 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.
11. Any waters or wastes having:
  - a. A five (5) day BOD greater than three hundred (300) parts per million by weight, or
  - b. Containing more than three hundred fifty (350) parts per million by weight of suspended solids, or
  - c. Having an average daily flow greater than two percent (2%) of the average sewage flow of the City

shall be subject to the review of the City's designated representative. Where necessary in the opinion of the City's designated representative, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to:

- (1) Reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or
- (2) Reduce the suspended solids to three hundred fifty (350) parts per million by weight, or
- (3) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City's designated representative and no construction of such facilities shall be commenced until said approvals are obtained in writing.

**Section 710.290. When Waters or Wastes Discharged Become Public Nuisance.** [Ord. 256 Art. V §5, 7-13-98]

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 710.280 of this Article and which, in the judgment of the City's designated representative, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life to constitute a public nuisance, the City's designated representative 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 payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 710.340 of the Article.

If the City's designated representative 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 City's designated representative and subject to the requirements of all applicable codes, ordinances and laws.

**Section 710.300. Grease, Oil, Sand Interceptors — Provided — Exceptions.** [Ord. No. 256 Art. V §6, 7-13-1998]

Grease, oil and sand interceptors shall be provided when, in the opinion of the City's designated representative, 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 be of a type and capacity approved by the City's designated representative and shall be located as to be readily and easily accessible for cleaning and inspection.

**Section 710.310. Preliminary Treatment Provided — Maintained.** [Ord. No. 256 Art. V §7, 7-13-1998]

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

**Section 710.320. Manhole — Required Installation and Maintenance.** [Ord. No. 256 Art. V §8, 7-13-1998]

When required by the City's designated representative, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City's designated representative. 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.



**Section 710.330. Measurements and Tests.** [Ord. No. 256 Art. V §9, 7-13-1998]

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

**Section 710.340. Agreement Between City and Industry to Accept Industrial Wastes.** [Ord. No. 256 Art. V §10, 7-13-1998]

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  
**Violation**

**Section 710.350. Injuring, Tampering With, Etc., City Sewage System Prohibited.** [Ord. No. 256 Art. VI §1, 7-13-1998]

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII  
**Observation, Inspection, Rules**

**Section 710.360. Right of Entry of City Representative.** [Ord. No. 256 Art. VII §1, 7-13-1998]

The City's designated representative and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter. The City's designated representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

**Section 710.370. Observance of Safety Rules.** [Ord. No. 256 Art. VII §2, 7-13-1998]

While performing the necessary work on private properties referred to in Section 710.360 above, the City's designated representative or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 710.320.

**Section 710.380. Right of Entry — Private Property — Easements.** [Ord. No. 256 Art. VII §3, 7-13-1998]

The City's designated representative 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 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 VIII  
**Violations**

**Section 710.390. Violation — Written Notice.** [Ord. No. 256 Art. VIII §1, 7-13-1998]

Any person found to be violating any provision of this Chapter except Article VI 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.

**Section 710.400. Violation — Ordinance Violation, Fine.** [Ord. No. 256 Art. VIII §2, 7-13-1998]

Any person who shall continue any violation beyond the time limit provided for in Section 710.390 shall be guilty of an ordinance violation and on conviction thereof shall be fined in the amount as provided in Section 100.220 of this Code. Each twenty-four (24) hour period in which any such violation shall continue shall be deemed a separate offense.

**Section 710.410. Violation — Liability.** [Ord. No. 256 Art. VIII §3, 7-13-1998]

Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

## Chapter 715

### USER CHARGE SYSTEMS

#### ARTICLE I

#### Water — User Charge Systems<sup>3</sup>

**Section 715.010. Purpose.** [Ord. No. 295 Art. I, 9-10-2001]

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who use the City's water system. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public water system.

**Section 715.020. Definitions.** [Ord. No. 295 Art. II, 9-10-2001]

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

**OPERATION AND MAINTENANCE** — All expenditures during the useful life of the system for materials, labor, utilities and other items which are necessary for managing and maintaining the system to achieve the capacity and performance for which system was designed and constructed.

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

**RESIDENTIAL USER** — Any user of the City's water system whose lot, parcel of real estate or building is used primarily for domestic dwelling purposes.

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

**USEFUL LIFE** — The estimated period during which the treatment works will be operated.

**USER CHARGE** — That portion of the total water service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the water system.

**WATER METER** — A water volume measuring and recording device furnished and/or installed by the City of Clever or furnished and/or installed by a user and approved by the City of Clever.

**WATER SYSTEM** — Any devices and systems for the storage, treatment, recycling, transmission and distribution of water. These include, but are not limited to, transmission and distribution lines, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; all elements generally required to provide a reliable water supply, storage and delivery system such as standby pumps and/or treatment units and any works, including site acquisition of land, that will be part of the water supply, storage and distribution process.

**WINTER AVERAGE USE** — Average of winter quarter (December, January, February).

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3. Cross Reference — Appendices A, B and C are on file in the city offices.

**Section 715.030. Revenues to Pay Costs Associated With Operation and Maintenance.** [Ord. No. 295 Art. III §1, 9-10-2001]

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

**Section 715.040. Operation, Maintenance and Replacement Fund — Purpose.** [Ord. No. 295 Art. III §2, 9-10-2001]

- A. That portion of the total user charge collected which is designated for the operation and maintenance including replacement purposes as established in Article IV shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two (2) primary accounts as follows:
1. The Operation and Maintenance Account shall be an account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the water system. Deposits in the Operation and Maintenance Account shall be made at least annually from the operation and maintenance revenue in the minimum total amount of one hundred twelve thousand one hundred fifty dollars (\$112,150.00) annually.
  2. The Replacement Account shall be an account designated for the purpose of ensuring replacement needs over the useful life of the water system. Deposits in the Replacement Account shall be made at least annually from the replacement revenue in the minimum total amount of twenty-one thousand dollars (\$21,000.00) annually.

**Section 715.050. Fiscal Year-End Balances, Overages and Shortages.** [Ord. No. 295 Art. III §3, 9-10-2001]

Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in each subsequent fiscal year and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

**Section 715.060. Payment of Service Based on Usage.** [Ord. No. 295 Art. IV §1, 9-10-2001]

Each user shall pay for the services provided by the City based on their use of the water system as determined by water meter(s) acceptable to the City.

**Section 715.070. Charges Based on Monthly Use.** [Ord. No. 295 Art. IV §2, 9-10-2001]

All monthly user charges will be based on monthly water usage.

**Section 715.080. Minimum Charge — User Unit Charge.** [Ord. No. 295 Art. IV §3, 9-10-2001]

The minimum charge per month shall be eight dollars fifty cents (\$8.50) and shall include the first one thousand (1,000) gallons of use. In addition each user shall pay a user unit charge for operation and maintenance including replacement of four dollars (\$4.00) per one thousand (1,000) gallons or part thereof of water used in excess of the first one thousand (1,000) gallons of water use as determined in the preceding Section.

**Section 715.090. Charges Applicable to All Users.** [Ord. No. 295 Art. IV §4, 9-10-2001]

The user charge rates established in this Article apply to all users of the City's system regardless of the user's location.

**Section 715.100. Billed Monthly — Payments Due.** [Ord. No. 295 Art. V §1, 9-10-2001]

All users shall be billed monthly. Billings for each month shall be made within thirty (30) days after the end of that month. Payments are due when billings are made. Any payment not received within fifteen (15) days after the billing is made shall be considered delinquent.

**Section 715.110. Late Penalty — Discontinuance of Service — Reconnection Fees.** [Ord. No. 295 Art. V §2, 9-10-2001]

A late payment penalty of ten percent (10%) of the total user charge bill will be added to each delinquent bill. When any bill is thirty (30) days or more in default, water service to such premises may be discontinued until such bill is paid following due notice and opportunity for hearing. All reconnection fees and related expenses shall be paid by the customer to the City in full prior to the actual provision of reconnection services to the disconnected customer.

**Section 715.115. Allowance for a One Time Per Calendar Year Adjustment on Water Leaks.** [Ord. No. 430 §I, 3-19-2013]

- A. The request for an adjustment must be given, in writing, to the Billing Department prior to the bill being due.
- B. The request for an adjustment may only be for one (1) month.
- C. The adjustment may apply to inside and outside water leaks with the exception of leaks on irrigations systems.
- D. The Billing Department will review the account's usage and if acceptable the billing system may credit the customer's account fifty percent (50%) of the one (1) month of loss.
- E. No adjustment shall apply to any service address where the structure has not been issued an occupancy permit by the appropriate regulatory authority.
- F. No adjustment will be made until the City is satisfied the repairs have been made by proof of the water leak being repaired by presenting a paid repair bill or other evidence showing the leak has been fixed, such as inspected by a City employee.
- G. No adjustments will be made for a water leak that was caused due to the homeowner or persons under his or her authority doing repairs or maintenance to his or her own water system.
- H. No adjustments will be made for a water leak that was caused by maliciously, willfully or negligently breaking, damaging, destroying, uncovering, defacing or tampering with any structure, appurtenance or equipment which is part of the public water system.

**Section 715.120. Review and Revise of User Charge Rates.** [Ord. No. 295 Art. VI §1, 9-10-2001]

The City shall review the user charge system annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

**Section 715.130. Notification to User.** [Ord. No. 295 Art. VI §2, 9-10-2001]

The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance including replacement of the treatment works.

ARTICLE II  
**Sewer — User Charge System**

**Section 715.140. Purpose.** [Ord. No. 251 §1, 5-11-1998]

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining public wastewater treatment and collection works and the retirement of revenue bond debt incurred to finance the sewer system improvements.

**Section 715.150. Definitions.** [Ord. No. 251 §2, 5-11-1998]

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

**BIOCHEMICAL OXYGEN DEMAND (BOD)** — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in a period of five (5) days at a temperature of twenty degrees Celsius (20°C), expressed in milligrams per liter (mg/l). Such BOD shall be determined as described under the heading "biochemical oxygen demand" in the Standard Methods of the Examination of Water and Wastewater (latest edition) as published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

**CITY** — The incorporated municipality enacting this Chapter.

**COMMERCIAL USER** — Any person, firm, partnership or corporation occupying any building or structure which is connected to the City sewer system, the principal use of which is engaging in commerce or trade and having a financial profit as the primary aim.

**INDUSTRIAL USER** — Any non-governmental user of the City's wastewater works that discharges wastes other than primarily domestic wastes or wastes from sanitary convenience.

**INDUSTRIAL WASTES** — The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

**INSTITUTIONAL USER** — Any public institution or organization occupying any building or structure which is connected to the City sewer system, the principal use of which is dedicated to public service such as schools, churches and civic organizations.

**NORMAL DOMESTIC WASTES** — Any wastes having a five (5) day BOD concentration not in excess of two hundred twenty-five (225) mg/l or a suspended solids concentration not in excess of two hundred fifty (250) mg/l.

**RESIDENTIAL USER** — Any person occupying any building or structure which is connected to the City sewer system, the principal use of which is for domestic dwelling purposes for any person and is occupied during the months of January, February and March.

**SUSPENDED SOLIDS** — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

**TOXIC WASTES** — Any waste which is deleterious to treatment plant operation or to sludge utilization, which constitutes a hazard to humans or animals or which will create a hazard in the receiving waters of the sewage treatment plant.

**Section 715.160. Collection of Sewer Service Charges.** [Ord. No. 251 §3, 5-11-1998]

- A. The City of Clever, Missouri, shall collect sewer service charges for the use of and the services rendered by said sanitary sewer system from the owners or occupants of each residence, building or structure which is connected with the sanitary sewer system of the City of which discharges to the sanitary sewer system of the City.
- B. Except as herein otherwise provided, sewer service charge shall be based on the quantity of water used on or in the property or premises subject to such charges, shall be computed by applying the rates herein established and shall be payable as herein provided.

**Section 715.170. Determination of Usage.** [Ord. No. 251 §4, 5-11-1998]

- A. Except as otherwise herein provided, service charges shall be based on one (1) of the following:
  - 1. On the quantity of water used from any source or sources of supply, as measured by a water meter or meters acceptable to the City.
  - 2. On the quantity of sanitary sewage, industrial wastes, water or other liquids entering the sanitary sewage system of the City and measured by a sewage meter acceptable to the City.
  - 3. On the quantity of water as determined by the City or other authorized representative of the City through a study of the particular service.
  - 4. On the quantity of sanitary sewage, industrial wastes, water or other liquids entering the sanitary sewage system of the City as determined by the City or other authorized representative of the City through a study of the particular service.
- B. *Installation Of Water And Sewage Meters.*
  - 1. Each owner of a private well or other private water supply shall, at his/her own expense, install and maintain in continuous efficient operation a water meter acceptable to the City on such private well or other private water supply. In lieu of installing a water meter, the owner of a residence may elect to be billed on the basis of two thousand two hundred (2,200) gallons per month of wastewater discharge per bedroom in the residence.
  - 2. The City may permit the installation and maintenance of one (1) or more sewage meters or additional water meters in such a manner as to determine the quantity of water actually entering the sanitary sewage work. Such meters shall be of a type acceptable to the City and shall be installed and maintained at the expense of the owner or other party.
  - 3. Where sewage meters are installed, they shall be of a type approved by the City and shall be installed and maintained in continuous efficient operation by the user at his/her own expense.
- C. *Maintenance Of Meters.* Where installed, all water or sewage meters shall be maintained by the owner, at his/her expense, in continuous efficient operation at all times. The readings of any such meter which, in the opinion of the City, has not been so maintained will be disregarded and the City or its authorized representative shall determine the sewage volume delivered to the sanitary system of the City during the time covered by discredited meter readings.

**Section 715.180. Basis for Computing Bills.** [Ord. No. 251 §5, 5-11-1998]

- A. All users, other than residential users, shall be billed on the basis of all monthly water consumption as determined by monthly water meter readings.
- B. The rates and charges established by this Article shall be applied to the water consumption billed after this Article shall have been placed in effect, except as herein otherwise provided. In order that there be the least sewer service charge to residential water consumers for water used to maintain lawns, gardens, flowers, shrubs, trees, etc., water usage shall be derived from water consumption recorded in periods when such activities are reduced.
- C. The basis of residential bills shall be the average monthly water consumption for the months of January, February and March or the average consumption for any such months during which water was used, except as herein otherwise provided. In computing the average monthly water consumption the meter readings taken between January and March shall be used. The average monthly water consumption so computed for a residence shall be the basis for sewer service charge billings rendered during the twelve (12) months following the meter reading date in the month of March.
- C. In cases where a residence first becomes subject, after the meter reading date in March, to the sewage service charges established herein and no water meter readings were taken before such date, the owner or occupant of such residence shall be billed the customer service charge plus a volume charge, as determined by the City, until a basis can be established as herein provided.
- C. Averages resulting in a fraction of one-half ( $\frac{1}{2}$ ) or greater of one hundred (100) gallons shall be raised to the next whole number of one hundred (100) gallons in computing average monthly water consumption or averages of monthly water consumption.
- C. In multiple housing complexes or combinations of multiple housing units, apartment housing units, trailer park pads or spaces, the number of users shall be the number of dwelling units connected to the sewer system whether served by individual water meters or by a single master water meter or private water supply. Where a single water meter or private water supply serves multiple housing complexes, the number of dwelling units shall be used in computing charges whether or not all units are occupied.

**Section 715.190. Revenues to Pay Cost of Operation, Maintenance and Bonds.** [Ord. No. 251 §6, 5-11-1998]

- A. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this Article.
- B. The user charge shall generate adequate annual revenues to pay the principal of and interest on bonds of indebtedness, including reserve, on the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for debt retirement and reserve shall be established by this Article.



**Section 715.200. Rate Schedule.** [Ord. No. 251 §7, 5-11-1998; Ord. No. 251A, 12-13-1999; Ord. No. 420 §II, 5-18-2012]

A. The schedule of sewer service charge rates for operation and maintenance and debt retirement which shall be applied to the water usage of all residences, dwelling units, buildings and structures connected to the sanitary sewer system of the City shall be as follows:

1. *User charge rate schedule.* [Ord. No. 456 §II, 4-21-2015<sup>4</sup>]
  - a. *2015-2016 fiscal year.*
    - (1) Customer service charge: twelve dollars ninety-eight cents (\$12.98) per month.
    - (2) Volume charge: two dollars eighty-two cents (\$2.82) per one thousand (1,000) gallons or part thereof per month.
  - b. *2016-2017 fiscal year.*
    - (1) Customer service charge: thirteen dollars sixty-three cents (\$13.63) per month.
    - (2) Volume charge: two dollars ninety-seven cents (\$2.97) per one thousand (1,000) gallons or part thereof per month.
  - c. *2017-2018 fiscal year.*
    - (1) Customer service charge: fourteen dollars thirty-two cents (\$14.32) per month.
    - (2) Volume charge: three dollars twelve cents (\$3.12) per one thousand (1,000) gallons or part thereof per month.
2. *Finance charge rate schedule.*
  - a. Debt service charge: five dollars sixty-five cents (\$5.65) per month.
  - b. Volume charge: one dollar five cents (\$1.05) per one thousand (1,000) gallons or part thereof per month.
  - c. Commercial: one dollar five cents (\$1.05) per one thousand (1,000) gallons or part thereof per month.

**Section 715.210. Extra Charges.** [Ord. No. 251 §8, 5-11-1998]

A. In order that the rates and charges may be justly and equitably adjusted to the service rendered, the City shall have the right to base its charges not only on volume but also on the strength and character of sewage and wastes which it is required to treat and dispose of. The City shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the City's sanitary sewage system in such a manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of the case in order to determine the proper charge.

1. *Extra charges for discharge of excess BOD.* Any customer who discharges sewage having a BOD concentration in excess of two hundred twenty-five (225) mg/l shall pay an additional charge of fifteen cents (\$0.15) for each excess pound or fraction thereof.
2. *Extra charges for discharge of excess suspended solids.* Any customer who discharges sewage having a

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4. Editor's Note: Section II of this ordinance provided that it would be effective after its passage and show on the utility bill due 7-15-2015.

suspended solids concentration in excess of two hundred fifty (250) mg/l shall pay an additional charge of fifteen cents (\$0.15) for each excess pound or fraction thereof.

3. *Extra charges for discharge of toxic substance.* Any customer who discharges a toxic substance which is deleterious to the treatment process or to sludge utilization shall be liable for all costs incurred by the City in returning the treatment process or sludge to its proper condition. Such extra charges shall be determined by the treatment plant operator subject to review and approval by the Board of Aldermen and shall include, but not be limited to, costs of labor, chemicals and equipment directly used in correcting the toxic conditions.

**Section 715.220. Method of Billing.** [Ord. No. 251 §9, 5-11-1998]

- A. All sewer service charges established by this Article shall be a part of, but noted as a separate item on the water bill of each user and shall be billed, collected and become delinquent at the same time and in the same manner as such water bill. Any user of the City sewer system who is delinquent in the payment of the service charge provided herein shall be deemed to be delinquent in the payment of the sewer bill and shall be subject to being disconnected from the sewer system in the same manner and at the same time as provided in other ordinances for disconnection from the water system. No person who has been disconnected from the sewer system shall be again connected thereto until he/she has paid to the City all delinquent sewer bills in full together with a reconnect charge of twenty-five dollars (\$25.00). Disconnection shall be by removal of the water meter or physical blockage or disconnection of the building sewer service line.
- B. The rates and charges established by this Article may be billed to the tenants occupying the property served, unless otherwise requested in writing by the property owners, but such billings shall in no wise relieve the owner from the liability in the event payment is not made as herein required.
- B. The owners of tenant-occupied property shall have the right to examine the collection records of the City for the purpose of determining whether such rates and charges have been paid by such tenants; provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.

**Section 715.230. Adjustments.** [Ord. No. 251 §10, 5-11-1998]

When it appears that an inequity has occurred, the City or its designated agent may submit a report to the circumstances and make recommendations for adjustments of sewer service charges to the Board of Aldermen. Any recommendations for adjustments must be approved by said Board before such adjustments shall be effective.

**Section 715.235. Allowance for a One Time Per Calendar Year Adjustment on Sewer Bill Due to Water Leak.** [Ord. No. 430 §II, 3-19-2013]

If a leak occurs during the months of January, February, and March, the customer's sewer bill for the year will be figured using the month of December in place of the month with the water leak.

**Section 715.240. Power and Authority of Inspectors.** [Ord. No. 251 §11, 5-11-1998]

The elected officials of the City and other duly authorized employees of said City bearing identification and written credentials shall, at reasonable times, be permitted to enter upon all properties for the purpose of inspections, observation, measurement, sampling and testing in accordance with the provisions of this Chapter.

**Section 715.250. Accounting System for Sewer Funds.** [Ord. No. 251 §12, 5-11-1998]

The accounting system for the provisions of this Article shall be as prescribed in Ordinance No. 228 of the City, passed November 20, 1996, authorizing the issuance of four hundred thousand dollars (\$400,000.00) combined waterworks and sewerage system revenue bonds.

**Section 715.260. Review of Rate Schedule.** [Ord. No. 251 §13, 5-11-1998]

- A. At the end of each fiscal year, the balances in the sewer funds shall be reviewed to insure adequate and equitable rate schedules for the following year.
- B. Any operation and maintenance fund balance carried forward shall be identified by class and credited to the budgeted sewer system expenses for the following year.
- C. The rate schedule adopted for any fiscal year shall be adequate to insure adequate operation and maintenance funds, and to maintain a sufficient replacement fund to cover costs of operating and maintaining the sewer system. The City shall notify each user annually, in conjunction with a regular billing, of the rates and that portion charged for operation and maintenance of the sewer system.
- D. Appendices "A", "B" and "C" on file in the City offices contain the methodology to be used in calculating the rates for operation and maintenance and debt retirement.