CITY OF NOME, TEXAS

WATER AND SEWER ORDINANCE

An ordinance establishing standards and regulations for the protection of the City's potable water facilities; providing definitions; requiring the supply of potable water for human consumption and preparation of food or drink; setting standards for water service pipe and fittings, distribution pipe and fittings, and the protection of the water supply against backflow and cross connections; authorizing City personnel to enter property for inspection or maintenance; establishing method of setting user charges; authorizing the disconnection of service for nonpayment or violation of water protection standards; establishing requirements for service; providing for penalties including prosecution in the appropriate court if a state or federal statute is violated, a fine in municipal court of up to five hundred dollars ($500.00) and/or civil damages; making it illegal to injure, tamper with or damage water distribution or treatment facilities; including a validity clause and the effective date of this ordinance.

WHEREAS, the City of Nome has provided facilities for the production and distribution of potable water to promote the health, safety and convenience of its people;

WHEREAS, the control and protection of the quality of those potable water facilities require regulations for its use and enjoyment; and

WHEREAS, existing ordinances and regulations for the use of the City's potable water facilities must be amended and supplemented for various reasons, including requirements of the Environmental Protection Agency and the Texas Water Commission:

NOW, therefore be it ordained by the City Council of the City of Nome, Texas:

PART I: WATER AND SEWER REGULATIONS

Division I Generally

Section 1.1
Purpose

The purpose of this ordinance shall be to establish standards for the use of the City's potable water facilities in order to maintain the system's financial stability and to protect the health and safety of its citizens and the public.

Section 1.2
Usage fee

(a) Effective October 1, 2013, the following rates per month shall be the rates charged for usage fee to all customers.

Usage fee $18

Section 1.3
Water service rates

(b) Effective July 20, 2023 the following rates per month shall be the rates charged for water service furnished to customers.

Residential Water Rates	
First 1000 gallons	$39.15
$6/1000 Gallons thereafter	
Commercial Water Rates	
First 1000 gallons	$83.57
$6/1000 Gallons thereafter	

Section 1.4
Wastewater service rates

Wastewater Rates	
First 1000 gallons	$12
For the next 4000	$3/1000 gallons
For the next 5000	$4/1000
Anything above 10000	$5/1000

Section 1.5
Payment of charges and deposits

(a) All bills shall be due on the 20th of each month, unless the 20th falls on a non business day or legal holiday as defined by Federal Law (5 U.S.C. 6103), in which case the bills shall be due the following business day.

(b) Failure or refusal by any customer to pay any bill to the city, upon demand, shall constitute a breach of contract, and water and sewer service may, within ten (10) days from notice of such failure, be discontinued to the customer, and, at the discretion of the city council, such services shall not be renewed until the customer has paid all delinquent bills, plus the following applicable service charges:

1) Unauthorized use: $35.00.
2) Meter removed: $50.00.

3) Service killed at the main line: $300.00.
4) Second trip on service turn-on: $15.00.
5) Returned check: $35.00.
6) Late fee: $10.00.
7) Tampering fee (theft of service): $500.00.
8) Reconnection fee: $40.00.
9) Reconnection fee after hours: $75.00

(c) If the city receives more than two returned (non sufficient funds) checks from the same customer, the customer will be required to pay by cash or money order only. Checks will no longer be accepted as a form of payment to pay future bills.

(d) The city may require from any applicant for water service a cash deposit to secure payment of water, sewer and sanitation charges or any other charges that may accrue, and when such deposit is made it shall be not less than one hundred fifty dollars ($150.00); provided, however, additional deposits may be required from any applicant to pay charges accrued or to accrue for the services. Failure to pay the additional deposit will forfeit the right to water, sewer and sanitation services and the same may be discontinued five (5) days after notice to pay such additional deposit.

(e) Any meter locked out for non-payment will be reconnected on the same day if payment is tendered directly to a city employee during regular business hours. Otherwise, reconnections shall occur the following business day following payment of all delinquent charges and surcharges. Service can be restored after hours for an extra fee described in section (b) of this section.

(f) No meter will be turned on unless an applicant/user is home to verify proper functioning of all plumbing fixtures.

(g) Requests for a second meter shall incur initial installation charges of $300 as well as an additional surcharge for monthly meter reads at $3.00 per month.

(h) Payment of a delinquent account and/or for reconnection with a check from an account with insufficient funds will result in immediate disconnection. Reconnection in such instances will require payment in full with cash, money order or cashier's check.

Section 1.6
Connection to water and sewer systems and fees

(a) Connections to be made by water utilities department; tampering, etc., prohibited.

(1) It shall be unlawful for any person or agent of any company to make connections with or any opening into the city sanitary sewer or water system.

(2) It shall be unlawful for any person or agent of any company to open, close or tamper with water system appurtenances. All water and sanitary sewer connections shall be made by water utilities department personnel or persons authorized by the water utilities director.

(b) Each detached dwelling unit shall be served by a separate meter. At the option of the owner, a building containing more than one dwelling unit or a mobile home park may be served by a single meter of a size to be determined by the water department. Accessory buildings, including guest quarters, may be served by the same meter that serves the main building. Where a residential dwelling and commercial business are served by a single meter, the account shall be considered as a commercial account for billing purposes. It shall be unlawful for any person or company to furnish water to a separate detached business or dwelling unit by means of a water hose or other similar hose connection.

(c) Meter and tap fees.

(1) A charge shall be made by the water utilities department for each new tap of the water and sewer main for a connection. Materials and labor will be quoted on an as needed basis. Additional fees may be incurred depending on the type of installation.

(2) All meters used for measuring the flow of water or sewer shall be provided by the director of water utilities. Any meter damaged by the customer shall be replaced at the customer's expense at a rate of $150.

(d) Connection permits required; applications. Application for connection permits shall be made in writing to the building official by the property owner or his authorized agent.

Section 1.7
Testing water meters

(a) Any customer to whom water is furnished through a meter shall have the right to demand that his water be tested for accuracy, and when the customer wishes such test made, he shall deposit with the water department thirty dollars ($300.00) for each meter he desires to be tested.

(b) If any meter through which a customer is being supplied water is found, upon test, to be inaccurate by more than two (2) percent plus, the amount deposited for making such test is to be returned to the customer and all charges against the customer shall be credited for the proportionate amount the bill is increased because of over-registration of the meter.

(c) If, upon such test, the meter if found accurate, the deposit of the customer shall be retained as a fee for making such test. If the meter is found slow by more than two (2) percent, then it will be the duty of the director to charge the customer for any amount that may be due the water department because of under-registration of the meter.

Section 1.8

Fluoridation of water supply

(a) A source of fluoride ion approved by the department of state health services shall be added to the water supply of the city, under the rules and regulations of the state commission on environmental quality, such addition to be administered by the director of water utilities of the city in a manner approved by the health officer of the city.

(b) The addition of fluoride shall be in amounts recommended by the department of state health services, not to exceed more than one (1) part of fluoride to every million parts of water being distributed in the water supply system of the city.

Section 1.9
Disconnection of Service

The City or its appointed water utilities director may disconnect service to any customer for any of the following reasons:

(a) Written request of the customer
(b) Failure to pay all water and sewer charges by close of business on last business day prior to disconnect notice.
(c) Existence of a known hazardous condition that could adversely affect the City or the user at whose property an adverse condition has been found.
(d) Service established through meter bypassing, unauthorized connection, or unauthorized re-connection.
(e) Tampering with water meter or other City facilities.
(f) Extending, connecting or maintaining water and/or sanitary sewer service to a non-permanent residential or commercial structure.

Section 1.10
Right of access to meters and utility cutoff valves

1) At the customer's request, utility employees must present information identifying themselves as employees of the utility in order to establish the right of access.
2) Utility employees shall be allowed access for the purpose of reading, testing, installing, maintaining and removing meters and using utility cutoff valves. Conditions that may hinder access include, but are not limited to, fences with locked gates, vehicles or objects places on top of meters or meter boxes, and unrestrained animals.
3) When access is hindered on an ongoing basis, utilities may, but are not required to, make alternative arrangements for obtaining meter readings as described in paragraphs 4) and 5) of this subsection.
4) If access to a meter is hindered and the customer agrees to read his own meter and provide readings to the utility, the utility may bill according to the customer's readings; provided the meter is read by the utility at regular intervals (not exceeding six months) and billing adjustments are made for any overcharges or undercharges.

5) If access to a meter is hindered, the utility may bill according to estimated consumption; provided the meter is read by the utility at regular intervals (not exceeding six months) and billing adjustments are made for any overcharges or undercharges.
6) If access to a meter is hindered and the utility incurs fees in order to read that meter at regular intervals, that cost will be added to the customer's bill.
7) If access to a meter is hindered and the customer will not arrange for access at regular intervals, the utility may relocate the meter to a more accessible location and may charge the customer for the actual cost of relocating the meter. Before relocation the meter, the utility shall provide the customer with written notice of its intent to do so. The notice required under this subparagraph shall include information on the estimated cost of the relocating of the meter, an explanation of the condition hindering access and what the customer can do to correct that condition, and information on how to contact the utility. The notice shall give the customer a reasonable length of time to arrange for utility access so the customer may avoid incurring the relocation cost. A copy of the notice given to the customer shall be filed with the utility's records on the customer's account.
8) If access to a meter, cutoff valve or sewer connection is hindered by the customer and the customer's service is subject to disconnection under

Division II Cross-Connection Control and Prevention

Section 2.1 Purpose

The purpose of this division is:

(1) To protect the public potable water supply of the city from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants that could backflow into the public water system.

(2) To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-plant potable water system(s) and nonpotable water systems, plumbing fixtures, and industrial piping systems.

Section 2.2 Cross-connections prohibited

(a) No installation of potable water supply, piping, or part thereof shall be made in such a manner that allows used, unclean, polluted, or contaminated water, mixtures, gases, or other substances to enter any portion of such piping by reason of backsiphonage, backpressure, or any other cause.

(b) No person shall install any water-operated equipment or mechanism or use any water-treating chemical or substances, if it is found that such equipment, mechanism, chemical, or substance may cause pollution or contamination of the public potable water supply.

(c) No person shall connect to the public potable water system any mechanism(s) or system(s) designed to return used water to the public potable water system through any measures.

(d) No person shall connect to the public potable water system an auxiliary water system without the approval of the city.

(e) No water service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the public water supply is protected in accordance with the rules and regulations of the state commission on environmental quality (TCEQ) and this division. Water service shall be discontinued by the city if a required backflow prevention assembly is not installed, maintained, and tested in accordance with TCEQ rules and this division.

Section 2.3 Definitions

The following definitions shall apply to this division:

Air gap. The unobstructed vertical distance through free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical physical separations must be at least twice the diameter of the water supply outlet, never less than one (1) inch (25 mm).

Auxiliary supply. Any water supply on or available to the premises other than the city's approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural sources, such as, but not limited to, a well, spring, river, stream, used waters, or industrial fluids. These waters constitute an unacceptable water source over which the city does not have sanitary control.

Backflow. The undesirable reversal of flow in a potable water distribution system as a result of a cross-connection.

Backflow prevention device or assembly. Any mechanical or physical means to prevent backflow into the potable water system, including reduced pressure backflow assemblies, double check valve assemblies, atmospheric vacuum breakers, pressure vacuum breaker assemblies, or air gap. All backflow prevention assemblies must be approved by the city and shall have been manufactured in full conformance with the standards established by the American Water Works Association and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California established by "Specification of Backflow Prevention Assemblies" of the most current issue of the Manual of Cross-Connection Control.

City or the city. The City of Nome or its authorized representative, which, for the purposes of implementation and enforcement of the backflow prevention program, shall normally mean representatives of water utilities.

Commission or TCEQ. The state commission on environmental quality, the regulatory agency of the state.

Cross-connection. Any actual or potential connection or structural arrangement between a potable water supply system and any plumbing fixture or any tank, receptacle equipment or

device, through which it may be possible for any nonpotable, used, unclean, polluted and/or contaminated water, or other contaminant, to enter into any part of such potable water system under any condition or set of conditions.

Double check valve assembly. A backflow prevention assembly which consists of two internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two tightly closing resilient-seated shutoff valves and fittings with properly located resilient-seated test cocks.

Person. Any individual, partnership, associations, corporations, firms, clubs, trustees, receivers, and bodies politic and corporate.

Plumbing code. The city's plumbing code as adopted under previous section of the Code of Ordinances of the city.

Potable water supply. Any water supply intended or used for human consumption or other domestic use.

Public water system or supply. Any public or privately owned water system which supplies water for public domestic use. The system will include all services, reservoirs, facilities, and any equipment used in the process of producing, treating, storing, or conveying water for public consumption. For the purposes of this division, this shall normally mean the public water supply maintained by the city.

Premises. Any piece of property to which water is provided, including all improvements, mobile structures, and structures located on it.

Recognized backflow prevention assembly tester. An individual meeting the requirements of the most recent revisions to title 30, Texas Administrative Code section 290.44(h)(4), and holding a current endorsement from the state commission on environmental quality or its designated agent, for the type of assembly being tested.

Reduced pressure principle assembly. A backflow prevention assembly consisting of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks.

Water utilities director. The person in charge of the city water utilities department or his/her designated representative.

Section 2.4 Applicability

The rules and regulations set forth herein are intended to limit backflow potential at residential, commercial and industrial facilities as well as all wholesale customers and all other connections to the city's public water system. Nothing contained herein shall be construed to prevent the city

from requiring appropriate backflow prevention, including disconnection from service, for any water service that presents a backflow potential where plumbing code requirements are not sufficient to protect the city's public water system.

Section 2.5 Responsibility for costs of compliance

The cost of complying with these regulations shall be the responsibility of the property owners and their lessees. These costs include but are not limited to the purchase, installation, testing, and repair of backflow prevention assemblies. These costs shall also include point-of-use and premises isolation assemblies.

Section 2.6 Pressure loss

Any water pressure drop caused by the installation of a backflow prevention assembly shall not be the responsibility of the city.

Section 2.7 Thermal expansion

It is the sole responsibility of any user who owns or controls property to eliminate the possibility of thermal expansion, if a closed system has been created by the installation of a backflow prevention assembly.

Section 2.8 Rental properties

Any person who owns or controls rental property is responsible for the installation, testing, and repair of any necessary backflow prevention assemblies on that property.

Section 2.9 Right of entry

(a) Upon presentation of proper identification, authorized representatives from the city shall have the right to enter any building, structure, or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed by this division. These duties may include sampling and testing of water, or inspections and observations of all piping systems connected to the public water supply. Where a consumer has security measures in force which would require proper identification and clearance before entry into their premises, the consumer shall make necessary arrangements with the security guards so that, upon presentation of suitable identification, city personnel will be permitted to enter without delay for the purpose of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service.

(b) On request, the consumer shall furnish to the city any pertinent information regarding the potable water supply system on such property where cross-connections and backflow are deemed possible.

Section 2.10 Abatement by city

(a) The city shall conduct a plumbing inspection or customer service inspection on any residential or commercial establishment served by the city's public water supply prior to providing continuous water service to all new construction, on any existing service when the water utilities director has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the customer's private distribution facilities. The purpose of the inspection is to determine compliance with this division and applicable portions of the city's plumbing code relating to cross-connection control and unsafe plumbing practices. Upon determination by the city that the residential or commercial establishment falls under the provisions of this division and requires a backflow prevention assembly, the water utilities director shall issue a notice to abate the condition or order the establishment to install the proper backflow prevention assembly(ies) commensurate with the degree of hazard. A copy of the notice which is issued or caused to be issued by the water utilities director shall be forwarded to the chief plumbing inspector of the city.

(b) An approved backflow prevention assembly shall be installed on each service line or point of delivery to a consumer's water system whenever the following conditions exist:

(1) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the TCEQ or the city, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard.

(2) In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from the city's public water system which have been subject to deterioration in quality.

(3) In the case of premises having (i) internal cross-connections that cannot be permanently corrected or protected against, or (ii) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the city's public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in each service line.

(c) Using the city's plumbing code, TCEQ regulations and guidelines, and American Water Works Association (AWWA) recommendations, the water utilities director shall designate the type of backflow prevention assembly required for each type of establishment or hazard. In the case of conflict between these references, the more stringent standard shall apply.

(d) Any backflow prevention assembly required by this division shall be of a model and size approved by the water utilities director.

Section 2.11 Fire hydrant protection

An approved double check valve backflow prevention assembly or reduced pressure zone backflow prevention assembly shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other uses which would pose a potential hazard to the city's public water supply. A reduced pressure zone backflow prevention assembly must be installed if any contaminant other than the potable water can be introduced into the system.

(1) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to abide by the conditions of this division. All fire hydrant water meter rentals shall meet the current requirements as provided for by the customer service section and water distribution section.

(2) Only fire hydrant water meters with approved backflow prevention assemblies are allowed to be used on fire hydrants in the city public water supply system. All fire hydrant meters shall be obtained from the city water utilities department.

(3) A deposit is required to ensure the return of all water meters and backflow prevention assemblies to the water distribution section. Failure to return the assemblies will result in forfeiture of the deposit and enforcement action may be taken against the responsible party, as allowed for in the penalty section of this division.

(4) Non-approved fire hydrant meters which are found to be in use in the city's public water system will be confiscated and not returned. Enforcement action may be taken against the responsible party, as allowed for in the enforcement section of this division.

(5) It shall be a violation of this division for anyone other than authorized employees of the city to open, tamper with, or use water from any fire hydrant without the express written permission of the city water utilities department.

Section 2.12 Installation requirements

Backflow prevention assemblies shall be installed in accordance with the following requirements, to ensure their proper operation and accessibility:

(1) Backflow prevention assemblies shall be installed in accordance with the city's plumbing code and the manufacturer's instructions. All backflow prevention assemblies installed in accordance with this division shall be tested upon installation by a recognized backflow prevention assembly tester. The test report shall be sent to the water utilities department within ten (10) days of the installation. The assembly installer shall obtain the required plumbing permits prior to installation as required by the city's plumbing code.

(2) No part of a reduced pressure principle backflow prevention assembly shall be located in water or installed in a pit or other location subject to flooding. If a double check valve assembly is installed in a vault, brass plugs shall be maintained in the test ports at all times and adequate drainage shall be provided.

(3) When a backflow prevention assembly is installed to serve an entire establishment, the assembly shall be installed at the service connection of the water supply, before any branch in the line, and on private property located just inside the boundary of the city's right-of-way. The water utilities director may specify additional areas for installation of assemblies if needed.

(4) Backflow prevention assemblies shall be protected from freezing and other severe weather conditions.

(5) All vertical installations shall be approved in writing by the water utilities director prior to installation.

(6) Backflow prevention assemblies shall be readily accessible with adequate room for maintenance and testing. Assemblies two (2) inches and smaller shall have at least six-inch clearance on all sides of the assembly. All assemblies larger than two (2) inches shall have a minimum clearance of twelve (12) inches on the back side, twenty-four (24) inches on the test cock side, twelve (12) inches below the assembly, and thirty-six (36) inches above the assembly. "Y" pattern double check valve assemblies shall be installed so that the checks are horizontal and the test cocks face upward.

(7) If an assembly is installed five (5) feet or higher above the ground or floor, it shall be equipped with a suitable platform for use by testing or maintenance personnel. This installation shall meet all applicable Occupational Safety and Health Administration (OSHA) regulations and occupational safety and health laws of the state.

(8) Bypass lines are prohibited. Pipe fittings which could be used for connecting a bypass line shall not be installed.

Section 2.13 Annual inspections and maintenance

(a) Regular inspections and testing of mechanical backflow prevention assemblies shall be conducted at least once per year by a recognized backflow prevention assembly tester on backflow prevention assemblies which are installed to provide protection against health hazards, as defined by TCEQ rules, AWWA standards, or as determined by the water utilities director. The water utilities director may also require more frequent testing in certain applications to protect against high health hazards. If, upon inspection of the backflow prevention assembly, it is deemed to not be operating properly, it is the responsibility of the establishment to immediately make all necessary repairs. It is the responsibility of the tester to report all assemblies found not to be operating correctly to the water utilities department. Test reports shall be submitted to the

water utilities department within ten (10) working days of the test. Only tests conducted by recognized backflow prevention assembly testers and which are reported correctly on city report forms shall be in compliance with this division.

(b) The maintenance and repair of any backflow prevention assembly shall be the responsibility of the property owner of the premises, the lessee of the premises, or both. The backflow prevention assembly is to be installed and maintained in proper working order at all times, including repair as required. All maintenance and repair of assemblies or assemblies [sic] shall be in accordance with all applicable regulations of the TCEQ and with acceptable industry practice. In the event that the water to an establishment may not be turned off for testing of the backflow prevention assembly, the establishment shall be equipped with dual backflow prevention assemblies of the same type so that testing, repair, and maintenance may be performed.

(c) No backflow prevention assembly shall be removed from use, relocated, or other assembly substituted without the approval of the water utilities director. Whenever an existing backflow prevention assembly is moved from its present location or cannot be repaired, the assembly shall be replaced with a backflow prevention assembly in compliance with this division. The new assembly shall be installed and tested in compliance with this division.

(d) Test gauges used for backflow prevention assembly testing shall be calibrated at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14) or the University of Southern California's Manual of Cross-Connection Control. The water utilities director may require calibration reports or other documentation of compliance with this requirement.

(e) City personnel may perform inspections and request testing of backflow prevention assemblies while they are present to verify proper testing and to determine the proper operation of assemblies. The city shall not be liable for damage caused to any backflow prevention assembly as a result of the inspection or testing.

Section 2.14 Emergency suspension of water utility service

(a) The water utilities director may, without prior notice, suspend water service to any premises when such suspension is necessary to stop an actual or threatened backflow which:

(1) Presents or may present imminent and substantial danger to the environment or to the health or welfare of persons; or

(2) Presents or may present imminent and/or substantial danger to the city's public water supply.

(b) As soon as is practical after the suspension of service, the water utilities director shall notify the owner or person in charge of the premises of the suspension, in person or by certified mail, return receipt requested, and shall order such person to correct the cross-connection which

allowed the backflow to occur. When time permits, the water utilities director should also notify the owner or person in charge prior to suspending water service.

(c) The water utilities director shall not reinstate suspended services until:

(1) The person presents proof, satisfactory to the water utilities director, that the hazard has been eliminated and its cause determined and corrected;

(2) The person pays the city for all costs the city incurred in responding to the backflow or threatened backflow; and

(3) The person pays the city for all costs the city will incur in reinstating service.

(d) A person whose service has been suspended may appeal such enforcement action to the water utilities director, in writing, within ten (10) days of notice of the suspension.

(e) A person commits an offense if the person reinstates water service to the premises suspended pursuant to this section, without the prior written approval of the water utilities director.

Section 2.15 Non-emergency termination of water utility service

(a) The water utilities director may terminate the city-provided water supply of any user who violates the following conditions:

(1) Refusing the water utilities director reasonable access to the water user's premises for the purpose of inspection;

(2) Hindering or denying the water utilities director access to backflow prevention assemblies;

(3) Failing to install, maintain, or test backflow prevention assemblies as required by the water utilities director and this division; or

(4) Failing to install, maintain, and operate their piping and plumbing systems in accordance with the city's plumbing code.

(b) The water utilities director will notify a water user in writing of the proposed termination of its water supply by certified mail, return receipt requested. The water user may petition the water utilities director for a reconsideration of the decision.

(c) Exercise of this enforcement option by the water utilities director shall not be a bar to, nor a prerequisite for, taking any other action against the water user.

(d) The water utilities director shall not reinstate suspended services until:

(1) The person presents proof, satisfactory to the water utilities director, that the condition has been eliminated and its cause determined and corrected;

(2) The person pays the city for all costs the city incurred in responding to the backflow or threatened backflow; and

(3) The person pays the city for all costs the city will incur in reinstating service.

(e) A person commits an offense if the person reinstates water service to the premises terminated pursuant to this section, without the prior written approval of the water utilities director.

Section 2.16 Penalties

(a) Criminal penalty. A person who violates a provision of this division shall be guilty of a misdemeanor punishable by a fine not to exceed two thousand dollars ($2,000.00), in accordance with section 54.001, Texas Local Government Code.

(b) Civil penalty. The city attorney is authorized to commence an action for appropriate equitable or injunctive relief in a court of competent jurisdiction, in accordance with section 54.012, Texas Local Government Code. Such relief may include:

(1) A civil penalty not to exceed one thousand dollars ($1,000.00) per violation per day;

(2) Recovery for expenses incurred by the city in responding to a violation of this division;

(3) Injunction to prevent a violation of this division; and

(4) All other damages, costs, and remedies to which the city may be entitled.

Section 2.17 Reserved

Division III Grease and Grit Traps

Section 3.1 Purpose

The purpose of this division is to:

(1) Prevent the introduction of wastewaters containing oil and grease and/or solids in amounts which may cause stoppages or obstruction of flow, or in any other way prevent or inhibit operation of the publicly owned treatment works (POTW), including the sanitary sewer collection system and the treatment plant.

(2) Protect the environment, and the health, safety, and welfare of the public and the POTW workers.

(3) Set forth uniform requirements for the maintenance of grease traps, grit traps, interceptors, and separators.

Section 3.2 Definitions

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius.

Bioremediation media. Bacterial cultures, enzymes, or other media which are designed to eliminate or reduce the need for the mechanical cleaning of grease traps.

City or the city. The City of Nome, or its authorized representative, which, for the purposes of implementation and enforcement of the grease and grit trap program, shall normally mean representatives of water utilities.

Commercial grease generator. All commercial food preparation and food service establishments that may discharge grease, including but not limited to bakeries, caterers, butcher shops, cafes, clubhouses, delicatessens, hospitals, hotels, restaurants, schools, institutions, or similar places where meat, poultry, seafood, dairy products, fried foods or other foods are prepared or served, but shall not apply to any residence not used for the commercial preparation and sale of food items or to an exempt establishment.

Commercial/industrial grit generator. All commercial or industrial generators of liquid waste containing petroleum-based oil and grease wastes, and inorganic solids, including but not limited to automotive or heavy machinery repair and/or washing facilities. Those facilities monitored under the city's federally and state approved pretreatment program shall be exempted from the provisions of this division.

Director. The person in charge of water utilities for the city, or his/her authorized representative.

Exempt establishment. A commercial establishment that:

(1) Operates for a maximum duration of ten (10) days in connection with an annual event such as a fair, carnival, circus, public exhibition, or other public gathering;

(2) Sells or serves prepackaged or precooked foods that would require warning only or served without additional processing, no cooking;

(3) Serves only snow cones, drinks, or ice cream products;

(4) Bars and clubs serving drinks only and where no food is prepared;

(5) Produce markets without food grinders;

(6) Grocery or convenience stores without food preparation, meat cutting, or packaging, delicatessens, or bakeries;

(7) Day care centers that primarily serve microwave dishes, using single-service items.

Food. Any substance, whether solid or liquid, and whether of animal, vegetable, or fruit origin, intended to be used or commonly used as a food for human consumption.

Food establishment. Any place where food is manufactured, packaged, produced, processed, prepared, or served for commercial, public, or facility resident consumption. The term includes any such place regardless of whether there is a charge for the food. The term does not include private homes where food is prepared for individual family consumption.

Generator. A person who causes, creates, generates, stores, or otherwise produces liquid waste or owns property upon which liquid waste is caused, created, generated, stored, or produced, including but not limited to grease trap waste, grit trap waste, and food waste as a byproduct of a domestic or nondomestic activity other than merely as a result of mere residence at a nonbusiness location. "Generator" as used in this division includes both a commercial grease generator and a commercial/industrial grit generator.

Grease trap. A receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect, and restrict the passage or organic, inorganic, greasy or fatty liquid, semi-liquid, and/or solid wastes into both public and private sanitary sewers to which the receptacle is directly or indirectly connected.

Grease trap waste. Any organic, inorganic, greasy or fatty liquid, semi-liquid, and/or solid wastes collected by and ultimately removed from a grease trap for proper disposal.

Grit trap. A receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect, and restrict the passage of petroleum-based oil and grease wastes and inorganic or other solids into private and public sanitary sewers to which the receptacle is directly or indirectly connected.

Grit trap waste. Oil and grease wastes and inorganic solids generated by commercial, industrial, automotive or heavy machinery repair and/or washing facilities that are collected by and ultimately removed from a grit trap for disposal.

Manifest. The written multi-part documentation detailing the generator of the grease trap waste, who the transporter is, and the disposal facility for the waste.

POTW. Publicly owned treatment works as defined in 40 CFR section 403.3, including any amendments thereto; the municipal wastewater treatment system including the sanitary sewer system.

Sampling port or sample well. An approved device or manhole installed in the facility sewer specifically designed to facilitate sampling of the wastewater discharge.

Sanitary sewer. The system of pipes, conduit, manholes, and treatment facilities owned or operated by the city which collect, transport, and treat sanitary sewage, and to which storm, surface, and ground waters are not intentionally or normally admitted.

Separator truck. A truck equipped with a tank or other liquid-holding container designed to separate the grease portion from the waste removed from a grease trap and to return the other liquid portion to the trap.

Total suspended solids. The total suspended matter that floats on the surface of or is suspended in water, wastewater, or other liquid, and which is removed by laboratory filtering.

Water quality manager. The person in charge of the city's approved pretreatment program.

Section 3.3 Prohibitions

(a) It shall be unlawful for a generator to introduce, or cause to be introduced, into a grease or grit trap or public sanitary sewer the following:

(1) A generator shall not allow any frying vats to discharge into a grease trap, grit trap, or sanitary sewer or allow waste oil or grease to discharge to any drain or grease trap, grit trap, separator, interceptor, or sanitary sewer. Such waste shall be placed in a container specifically designed to hold such waste and either utilized by industry or disposed of at a suitable location;

(2) A generator shall not discharge or cause to be discharged plastics, paper, nonbiodegradable oils or other nonbiodegradable materials;

(3) Any wastewaters with an oil and grease level in excess of 200 mg/l or ppm.

(b) It shall be unlawful for a generator to divert wastewater around a collection point into the sanitary sewer or to a storm drainage system.

(c) The use of separator trucks to pump grease traps and return the liquid portion to the grease trap is prohibited.

Section 3.4 Responsibilities of generator

(a) A generator shall provide grease traps or grit traps when, in the opinion of the water quality manager, they are necessary for the proper handling of wastewater. Appeals of the decision of the water quality manager shall be handled as provided for other appeals under section 22.02.106(c) hereof.

(b) Grease and grit traps shall be constructed to prevent fats, oils, or greases from entering the sanitary sewer in concentrations greater than 200 mg/l and shall be located so that they are easily accessible for cleaning, maintenance, and inspection. The installation of grease traps or grit traps shall comply with the requirements of the city's plumbing code.

(c) A generator shall properly install a sample port or sample well for ease in sampling the wastewater discharge from the grease or grit trap. Sample ports shall meet the following criteria:

(1) The sample port shall be installed and maintained at the generator's expense;

(2) The sample port shall be installed as close as possible to the connection to the city sanitary sewer main within the bounds of the facility property;

(3) The port shall be installed according to the specifications obtained from city water utilities. It shall be installed perpendicular to the effluent flow to allow visual observation and sampling;

(4) The port shall be accessible for monitoring authorities;

(5) New facilities being constructed shall have the sample port installed before opening for business. Established generators must install a sample port within six (6) months of approval of this division;

(6) Exempt establishments may be required to install a sample port for inspection purposes.

(d) A generator of grease trap or grit trap waste shall have the trap serviced as frequently as necessary to prevent bypass or overflow, and to insure proper operation of the trap. Such generators, at a minimum, shall have the grease or grit trap cleaned once every three (3) months.

(e) If the city determines that quarterly cleaning of a grease or grit trap is not sufficient to prevent the discharge of oil and grease in quantities less than 200 mg/l, the city will require more frequent cleaning of the grease trap.

(f) A manifest shall be generated every time the grease or grit trap is pumped or cleaned. The generator shall sign a copy of the manifest as well as the driver. It shall be the responsibility of the generator to insure they receive a copy of the manifest from the hauler after the grease or grit trap has been cleaned and that they receive a final copy of the manifest after the waste has been disposed of at the final disposal site and the disposal facility has signed the manifest. A copy of the completed manifest shall be sent to city water utilities every time the facility's grease or grit trap is serviced. The manifest must be submitted within twenty-one (21) days of the servicing of the trap.

(g) The generator shall keep copies of the completed grease or grit trap waste manifests for three (3) years.

(h) A generator shall have his trap serviced by a transporter having a valid registration with the state.

(i) Grease and grit traps shall be inspected for seepage into the surrounding media whenever the trap has been pumped. The generator shall repair, replace, or install apparatus and equipment as necessary to ensure the proper operation and function of the trap.

(j) A generator shall supervise the servicing of their grease or grit traps and shall ensure they are completely emptied by the transporter during such servicing. The transporter shall not return any material to the grease or grit trap once the trap has been cleaned.

(k) A generator shall clean up or cause to be cleaned up all spills of liquid or solid waste and shall have the waste properly disposed of by the transporter.

(l) A generator that is located in a multi-user building may be required to separate sanitary sewer flows from adjacent sites and install a water submeter to measure individual water consumption or utilize some other method approved by the water quality manager or his designee.

(m) The cost of complying with all sections of this division shall be the responsibility of the property owner and their lessees. These costs include but are not limited to any maintenance, analysis, grease or grit trap cleaning, repair, replacement, or modification, and installation of sample wells or ports.

Section 3.5 Bioremediation

(a) It shall be unlawful for any generator to introduce, cause, or permit the introduction of any bioremediation media into a grease trap except as authorized by the water quality manager.

(b) Bioremediation media may be used with the water quality manager's approval if a generator proves to the water quality manager's satisfaction that:

(1) The media will be a pure, live, bacterial product and will not contain any surfactants, emulsifiers, or substances which act as a solvent for fats, oils, or greases;

(2) The amount of oil and grease discharged to the sanitary sewer after the use of the media will not exceed the discharge limits for oil and grease of 200 mg/l;

(3) The pH of the discharge will not be less than 6.0 or greater than 11.0;

(4) The use of the media will not reduce the buoyancy of the grease layer in the grease trap and will not increase the potential of oil and grease to be discharged to the sanitary sewer;

(5) The media will not be destroyed by the use of domestic or commercial disinfectants and detergents or hot water;

(6) Any waste pumped from the grease or grit trap after use of the media must be acceptable at disposal sites for the waste;

(7) The use of the bioremediation media will not cause foaming in the sanitary sewer.

Section 3.6 Request for exemption

(a) If a generator believes that quarterly pumping of their grease or grit trap is not justified, that generator must request in writing an exemption to the requirement. To qualify for the exemption:

(1) The generator must have an independent laboratory sample and analyze a monthly grab wastewater discharge sample for oil and grease;

(2) The samples shall be collected from the sample port or well;

(3) When analyzed the oil and grease must be less than 200 mg/l.

(b) If a generator believes that they do not need a grease or grit trap and do not fall into any of the exempted categories they must submit to the water quality manager the following information to prove their exemption:

(1) The name, address, and telephone number of the business;

(2) The name of the manager or other contact at the business;

(3) A description of the business;

(4) The type, size, and maintenance schedules of any wastewater pretreatment devices;

(5) The names of all haulers of any waste and recycled products who have hauled from the business in the previous year;

(6) A statement of whether employees are trained in waste disposal practices;

(7) A plan showing the locations of all water and sewer connections, fixtures, sample ports, backflow prevention devices, and any other treatment devices;

(8) A copy of all printed menus if it is an eating establishment;

(9) A description of any changes planned to the structure;

(10) Any planned significant changes to the user's operation or system which might alter the nature, quality, or volume of its wastewater;

(11) A statement as to why the generator believes it qualifies for an exemption;

(12) Any other information as may be deemed necessary by the water quality manager to evaluate the wastewater discharge.

(c) The water quality manager shall make a decision in regard to all requests. Should the generator disagree with the decision of the water quality manager, the generator may appeal such decision in writing within five (5) days after the written decision of the water quality manager. The appeal shall be to the water utilities director and shall include any evidence the generator wishes to provide to prove that the required pumping of grease or grit traps is not necessary. The decision of the water utilities director shall be final.

Section 3.7 Monitoring and surcharges for BOD/TSS concentrations

Generators shall, once a year, submit to the water utilities department an analytical report documenting the BOD and TSS concentration discharged to the sanitary sewer. Samples will not be taken within one week of having the grease or grit trap cleaned; exceptions shall be granted if the trap is being pumped out on a weekly basis

Section 3.8 Right of entry, inspection and sampling

(a) It shall be unlawful for a generator to refuse to allow the water quality manager or their authorized representative to enter their premises during business hours to determine whether the generator is complying with all the requirements of this division. A generator shall allow the water quality manager or their authorized representative access to all parts of the premises for the purposes of inspection, sampling, records examination, copying, and the performance of all other duties.

(b) If the water quality manager or their authorized representative has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe there may be a violation of this division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this division, to protect the overall public health, safety, and welfare of the community, or to protect the wastewater collection system or POTW, then the water quality manager may seek issuance of a search warrant from any court of competent jurisdiction.

Section 3.9 Penalties

(a) If the city determines that a generator is responsible for a blockage of a collection system line, the generator shall owe a civil penalty of five hundred dollars ($500.00) for the first violation, one thousand dollars ($1,000.00) for the second violation, and one thousand five hundred dollars ($1,500.00) for the third violation within a two-year period. Continuous violations shall result in an increase in penalty by five hundred dollars ($500.00) and may also

result in termination of services. The determination shall be made by inspecting the grease or grit traps in the area, noting their condition, and taking wastewater discharge samples from the sample ports. Those facilities which have discharges with an oil and grease above 300 mg/l, or have not had their grease or grit traps pumped out quarterly (or the documentation to prove the pumping of the grease or grit trap was not necessary), shall be considered responsible for the blockage.

(b) Any person violating any of the provisions of this division shall be subject to a written warning for the first violation, a five hundred dollar ($500.00) civil penalty for the second violation, a one thousand dollar ($1,000.00) civil penalty for the third violation, and a one thousand five hundred dollar ($1,500.00) civil penalty for the fourth violation within a two-year period. Consistent violations will result in a five hundred dollar ($500.00) increase in civil penalty and may result in termination of services.

(c) The water quality manager may suspend water service and/or wastewater service to a generator to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, or to the environment, or causes interference to the POTW and/or the sanitary sewer system. Service may also be suspended if the generator refuses to abide by this division or pay any penalty issued.

(d) If a generator is penalized, they may file a written appeal to the water utilities director. The appeal must include evidence proving that the generator did not violate this division and the appeal must be filed within five (5) city working days of the generator receiving the penalty. The decision of the water utilities director shall be final.

Section 3.10 Adjustment of standards

The technical standards set out in this division shall be automatically adjusted to conform to any amendment to state or federal law which changes such standards. The technical standards applicable to generators in the city shall always be the same as the standards for such generators established by state or federal law.

Section 3.11 Reserved

Division IV Water and Sewer Line Extensions

Section 4.1 Definitions

As used in this division, the following terms shall have the respective meanings ascribed to them:

Boundary sanitary sewer lift station. A sanitary sewer lift station built for serving a specific development, which can also serve property not included in the development but adjacent to it that may develop in the future.

Boundary sewer. A sewer installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

Boundary water line. A water line, installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

Department. The water utilities department of the city.

Development. A subdivision, as defined in the city's subdivision regulations.

Director. The director of the water utilities department or his appointed representative.

Engineer. A professional engineer licensed by the state.

Lot. Land occupied or intended for occupancy by a main building together with its accessory buildings, and the yard and parking spaces required, and having its principal frontage upon a street as defined herein.

Owner's front footage. Owner's front footage, for purposes of determining pro rata charges to be paid by the owner of a lot for sewer service or water service and for which there will be no reimbursement, shall be determined by the owner's lot condition, as follows:

(1) Regular lot. A lot generally rectangular in shape. Front footage of a regular lot shall be measured along the property line facing the street.

(2) Irregular lot. Any lot of a nonrectangular shape, except the radial lot defined below. The front footage of an irregular lot shall be equal to one front foot for each one hundred twenty-five (125) square feet of lot area, but shall never exceed the maximum measured width of the lot at any depth of the lot, parallel to the street line.

(3) Radial lot. A lot abutting a curved street and in general having sides which are radial to the street. Front footage of a radial lot shall be measured as the chord distance at a point twenty-five (25) feet from the front property line.

(4) Corner lot. A lot situated on the corner of a block and having more than one side facing a street. Front footage shall be measured along the side of the lot to which service connection is made.

Pro rata. The charge per front foot of abutting land to be paid by the lot owner or owner of a development to aid in defraying the cost of supplying sewer service or water service (as the case may be) to their lot or site. The amount of the charge will be determined by the department.

(1) Single pro rata. The charge based on the front footage of abutting land on only one side of the street or easement.

(2) Double pro rata. The charge based on the front footage of abutting land on both sides of the street or easement.

Street. A public thoroughfare which has been dedicated or deeded to the public for public use, which has been officially approved by the governing body of the city, and which affords the principal means of access to property abutting it.

Section 4.2 Purpose and scope

The purpose of this article is to establish a policy for the city for extending sanitary sewer and water lines and for the sewer and water service connections to such extensions, and to establish rules governing such extensions and connections. The article also establishes rules governing the construction of sanitary sewer lift stations. It is not the intention of this article to obligate, and the city shall not be obligated to participate in or proceed with any construction covered by this article when funds are not available or when, in the discretion of the director of water utilities, the construction is not practical. It is not the intention of this article to limit the right of the city to extend sanitary sewer or water lines at its own cost and collect the charges herein set forth from the applicants for sewer or water service, and such right is herein reserved. The city shall own all sewer lines, water lines, and sanitary sewer lift stations, including service connections, constructed and accepted under the terms of this article. (1958 Code, sec. 40A-1; 1978 Code, sec. 28-81; Ordinance 08-040, sec. 32, adopted 5/13/08; Ordinance 09-065, sec. 2, adopted 11/17/09)

Section 4.3 General rules for extensions

Sanitary sewer lines or water lines will be extended in the city in accordance with the following rules:

(1) Individual lots. Sanitary sewers and water lines of proper size will be extended by the city in its easements and streets to serve individual lots, according to the following rules:

(A) For the first three hundred (300) feet of the extension (not including the width of street intersections and alleys), the lot owner requesting extension shall pay single pro rata for the distance of the extension. This pro rata is reimbursable as hereinafter provided, except for the pro rata paid on the owner's front footage.

(B) For the remainder of the extension required to install the sewer or water line across the total width of the lot of the owner requesting extension, the lot owner shall pay double pro rata. This pro rata is reimbursable as hereinafter provided, except for the pro rata paid on the owner's front footage.

(C) Should the lot owner requesting extension require a sewer or water line in excess of the size required by the city, the owner shall pay all additional costs for the oversize sewer or water line.

(D) In addition to the payments specified above, the lot owner or customer must pay the appropriate service connection charges before service connections an be made.

(E) No construction shall be scheduled nor begun by the city until all extension charges have been paid to the city.

(2) Developments. The owner of a development shall pay for and install all sewer and water lines and necessary appurtenances thereto within the boundaries of the development.

The city will extend sewers or water lines of proper capacity outside the boundaries of the development to service the development after the following applicable requirements have been satisfied:

(A) The owner of the development shall pay all costs for installation of sewer or water line extensions required to extend services to the boundary of the development.

(B) Should the extension involve the construction of a boundary sewer or boundary water line, the owner of the development shall pay double pro rata to the city based on the footage of the development property abutting the boundary sewer or boundary water line, as applicable.

(C) Should the city require water line extensions or interior water lines larger in size than required for the development so long as said water lines are between the sizes of six (6) inches and sixteen (16) inches, inclusive, the city shall pay one and one-half (1.5) times the difference in cost of materials for said water lines. Also, due allowance shall be made to the owner of the development for intersections and alleys crossed, outside the development.

Should the city require sewer line extensions or interior sewers larger in size than required for the development, the city shall pay for that portion of material cost over and above such requirements. Also, due allowance shall be made to the owner of the development for intersections and alleys crossed, outside the development.

(D) No sewer or water line extension shall be scheduled until all charges specified herein have been paid by the owner of the development to the city.

Section 4.4 Charges for sewer and water service

When no extension of sanitary sewer or water lines (as the case may be) is necessary to serve an applicant for service, the applicant shall pay pro rata on the owner's front footage in addition to the service connection charge before connection is made to the sewer or water line. However, if the sewer or water line is within a development, or if the connection is to be made to a sewer or

water line existing on the date of passage of this division, only the service connection charge shall be paid.

Section 4.5 Exemption

After October 22, 1968, the city shall not collect pro rata on the owner's front footage from any applicant for water or sewer service to a lot upon which the main building or structure was completed and in existence on October 22, 1968, nor from any applicant for service to a lot upon which a main building or structure exists for five (5) years after October 22, 1968, without being provided a sewer and water line upon which connection could be made. Service connection charges shall, however, be paid by such applicants.

Section 4.6 Reimbursement

(a) Owners of lots or developments who participate under this policy in the cost of sewer or water line extensions to their lots or sites are eligible for certain reimbursement of such cost, as specified herein, from the city. Except as provided in subsection (b) below, such owners are eligible for reimbursement to be made from pro rata collected by the city from connections to the sewer extension or water line extension (as the case may be) during the period of five (5) years after completion of the extension, according to the following rules:

(1) No reimbursement shall be made to a lot owner for the owner's front footage pro rata. No reimbursement shall be made to a development owner for the cost of sewers or water lines within the boundaries of the development.

(2) Upon written application of the owner, reimbursements shall be made once each year during the month of October to cover reimbursable charges collected during the preceding fiscal year.

(3) A lot owner will be reimbursed one-half the amount of pro rata collected from connections to that portion (the first three hundred (300) foot section provided for in section 22.02.143(1)(A)) up to the boundary of the owner's lot.

(4) A lot owner will be reimbursed the amount of double pro rata collected from connections to extensions in excess of the three hundred (300) foot section provided for in section 22.02.143(1)(A), up to the boundary of the owner's lot.

(5) A lot owner will be reimbursed the amount of single pro rata collected for connections from the owner's opposite frontage.

(6) Owners of developments will be reimbursed the amount of pro rata collected from connections to off-site extensions (outside the development) and boundary sewers and boundary water lines for which they have made payment.

(7) An owner will never be paid more than one hundred (100) percent of the amount actually paid by such owner for extensions along frontage other than his own property.

(8) No reimbursements shall be made by the city to an owner after one year from the end of the five (5) year period of eligibility.

(b) In addition to the reimbursements provided for above, the owner of a lot used for an industrial or commercial establishment, who has paid additional costs for oversized water lines, as provided in section 22.02.143(1)(C), shall be eligible for additional reimbursement from water revenues from said water line extension, in the amount of forty (40) percent of the annual gross revenue, for a period of five (5) years from the date of completion of the extension, provided that the additional reimbursement shall never exceed eighty (80) percent of the total additional cost of the extension.

Section 4.7 Extensions outside of city

The city may, with specific approval of the city council, extend sewer or water service outside of the city, according to the following rules:

(1) The provisions of previous section, with the exception of the reimbursement provisions, shall apply to sewer and water line extensions outside the city limits.

(2) Any lot owner applying for service connections to sewers or water lines extended under the terms of this division shall pay single pro rata on the owner's front footage.

(3) All applicants for sewer or water service shall pay double the service connection charge applicable within the city.

(4) There shall be no reimbursement for extensions outside the city.

Section 4.8 Construction requirements

(a) Before work begins under a contract for construction of sewers or water lines in a development, proof of the following must be submitted to the director by the owner of the development:

(1) All construction will be in accordance with department approved plans and specifications.

(2) The contractor has public liability insurance acceptable to the city in the amount of not less than two hundred fifty thousand dollars/five hundred thousand dollars ($250,000.00/$500,000.00) for bodily injury and twenty thousand dollars ($20,000.00) for property damage.

(b) When all of the requirements of this section have been met, the director will issue a letter to the owner of the development giving permission to begin construction.

(c) All sewer and water line installations shall be designed in accordance with criteria and specifications established by the department.

(d) All engineering services shall be provided by the city for extensions to individual lots with costs thereof included in the total cost of construction.

(e) All engineering services required, including resident inspection, for construction of sewers or water lines within the boundaries of developments shall be furnished by the development's engineer. Plans, specifications and contract documents shall be approved by the department prior to construction.

(f) Responsibility for resident inspection of construction shall be included in and be a part of the engineering services set forth above. During actual construction, the engineer, or his representative, shall be on the site at all times. The engineer shall have the right to halt construction when there is an indication that the plans and specifications are not being or have not been followed until such deviations are corrected to his satisfaction. The engineer shall, upon satisfactory completion of the project, issue to the director a letter certifying the construction meets the requirements of all the plans and specifications and was completed to the satisfaction of the engineer.

(g) In addition to the resident inspection specified above, and where resident inspection is not a responsibility of the department, department inspectors shall visit the site periodically and, upon project completion, shall recommend to the director that final approval be given.

(h) The owner of a development desiring sewer or water line extension to its boundary shall submit a written request to the director listing the lots and blocks of the property abutting the extension. Two (2) approved plats of the area to be served shall be included with the request and become the property of the city. If the area for which service is requested is part of a larger area owned or controlled by the owner of the development and which can reasonably be expected to require future extensions, then two (2) preliminary plats of the larger area shall also be submitted showing a tentative design of overall layout for the entire area.

Section 4.9 Sanitary sewer lift stations

(a) If a boundary sanitary sewer lift station is required to provide sanitary sewer service to the development, the developer should be responsible for the design and construction costs of such sanitary sewer lift station and all related appurtenances.

(b) The city may require the developer to increase the structure, motor, and pump sizes of the sanitary sewer lift station to accommodate future developments in the area. If funds are available, the city will participate in the construction cost for acreage outside the limits of the proposed development. The city's participation value shall be determined by the number of acres outside the limits of the proposed development multiplied by the sanitary sewer lift station construction

cost per acre at the time of installation. The city will not participate in any cost if the structure is sized for the proposed subdivision and additional wastewater flow to the sanitary sewer lift station will only require pump and motor changes and/or modifications.

(c) The owners of future adjacent developments that have to discharge wastewater to an existing boundary sanitary sewer lift station, must reimburse the city or the developer of the sanitary sewer lift station. The pro-rata reimbursement will be determined based on the total acreage the sanitary sewer lift station was required to accommodate and the sanitary sewer lift station construction cost per acre. The reimbursement value shall be determined by number of acres added to the sanitary sewer lift station multiplied by the construction cost per acre at the time of installation. The owners of the new developments will also be responsible for any and all required changes and/or modifications to the existing pumps and motors.

(d) The construction cost of a sanitary sewer lift station shall be obtained through a bidding process abiding by state procurement laws to guarantee compatible pricing to the city and the developers. The date when the sanitary sewer lift station was built will not affect the content of this section.

PASSED AND APPROVED on the _____ day of _____, 2024.

_____
Kerry Abney, Mayor

ATTEST:

_____
Lisa Black, City Clerk

AMENDED: January 2024