

AN ORDINANCE OF THE CITY OF CLEVELAND, MISSISSIPPI, REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S); AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING IN ITS ENTIRETY THAT CERTAIN ORDINANCE ENTITLED “AN ORDINANCE REGULATING USE OF THE WASTEWATER TREATMENT FACILITIES, ESTABLISHING USER SERVICE CHARGES FOR USERS OF THE CITY’S SYTEM AND PROVIDING FOR THE COLLECTION THEREOF IN THE CITY OF CLEVELAND, MISSISSIPPI, INCLUDING THE DEFINING OF CERTAIN TERMS, PROVIDING CLASSIFICATION OF USERS, PROVIDING FOR SPECIAL SERVICES AT ADDITIONAL FEES, AND THE RESPONSIBILITY FOR CHARGES, THE CHARGES PROVIDING FUNDS FOR WASTEWATER TREATMENT SYSTEM TO FUND OUTSTANDING BOND ISSUES FOR WASTEWATER TREATMENT FACILITIES, TO PAY CONSTRUCTION, OPERATION AND MAINTENANCE EXPENSES OF WASTEWATER TREATMENT FACILITIES AND TO FUND ALL FUTURE BOND ISSUES FOR WASTEWATER TREATMENT FACILITIES, AND PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE”; AND REPEALING ANY OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Cleveland, Mississippi, as follows:

ARTICLE I - DEFINITIONS

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

BOD (denoting Biochemical Oxygen Demand) shall mean 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 shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

Combined Sewer shall mean a sewer receiving both surface runoff and sewage.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Floatable Oil is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Industrial Wastes shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body or surface of ground water.

May is permissive (see “shall”)

Person shall mean any individual, firm, company, association, society, corporation, or group.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of foods 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 dimension.

Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sanitary Sewer shall mean a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Sewage shall mean a combination of the water-carried wastes from residents, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Sewage Works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sewer shall mean a pipe or conduit for carrying sewage.

Shall is mandatory (see “May”)

Slug shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer 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”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Superintendent shall mean the Director of Public Works of the City of Cleveland, Mississippi, or his authorized deputy, agent, or representative.

Suspended Solids shall mean 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.

Unpolluted Water shall mean water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Total Kjeldahl Nitrogen (TKN) shall mean the total of the organic and ammonia nitrogen in the wastewater expressed in milligrams per liter.

ARTICLE II – DISPOSAL GENERALLY

Section 1. Unsanitary Conditions Prohibited.

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 Cleveland or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or objectionable waste.

Section 2. Discharges into Natural Outlets.

It shall be unlawful to discharge to any natural outlet within the City of Cleveland, 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 ordinance.

Section 3. Unlawful Construction.

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 4. Public Sewer Connection Required.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Cleveland, and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so and as required by that ordinance of this City dated February 1, 1938, and ordinances and regulations amending same, requiring sanitary sewer connections and use.

ARTICLE III - PRIVATE SEWAGE DISPOSAL

Section 1. Public Sewer Not Available.

Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system.

Section 2. Permit Required.

Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. 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 Superintendent. A permit fee shall be paid to the city at the time the permit is issued.

Section 3. Final Inspection and Approval.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the Superintendent.

Section 4. Construction Specifications.

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Mississippi State Department of Health. 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 what is required by said Department of Health. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Section 5. When Public Sewer Becomes Available.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Section 6. Operation at Owner's Expense.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. Sludge removal from private disposal systems shall be performed by Certified Pumpers and disposed of in accordance with the Mississippi State Department of Health.

Section 7. Additional Agency Requirements.

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

ARTICLE IV - BUILDING SEWERS AND CONNECTIONS

Section 1. Unauthorized Connections Prohibited.

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 Superintendent.

Section 2. Building Sewer Permits.

There shall be two (2) classes of building sewer permits:

- (a) for residential and commercial service, and
- (b) for service to establishments producing industrial wastes

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit fee shall be paid to the city at the time the permit is issued.

Section 3. Connection at Owner's Expense.

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

Section 4. Separate Connections Required.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, however the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Section 5. Old Building Sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this ordinance.

Section 6. Building Sewer Construction.

- (a) 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 code of the City of Cleveland, 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.
- (b) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code of the City of Cleveland, 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 gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- (c) Sanitary sewer services shall be installed on the property which they serve and shall not encroach onto other private property without a specific utility easement signed by all parties and without special approval of the Superintendent.
- (d) The City of Cleveland will provide a cleanout at the property line when a service tap is installed. The customer shall provide a minimum of one (1) cleanout located near the building where the sewer exits the building for maintenance purposes. The location and number of cleanouts to be provided by the customer shall be in compliance with the applicable plumbing code of the City of Cleveland.

Section 7. Elevation; Lifts.

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 8. Prohibited Connections.

No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly

or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purpose of disposal of polluted surface drainage.

Section 9. Inspection of Installation.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.

Section 10. Hazard Protection.

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 of Cleveland.

ARTICLE V - USE OF THE PUBLIC SEWERS

Section 1. Discharge of Stormwaters, etc., into Sanitary Sewers Prohibited.

No person shall discharge or cause to be discharged any storm water, 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 2. Discharge of Stormwaters, etc., into Storm Sewers or Natural Outlets.

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

Section 3. Discharge of Wastewater from Certain Vehicles.

- (a) It shall be unlawful for any person to dump or discharge wastewater or sewage and/or the materials from trucks, portable toilet pump trucks, trailers, septic tank pump trucks, campers, and other types of similar vehicles into the sanitary sewer system without proper written authorization from the Superintendent. All such waste or sewage shall only be dumped at the approved site located at the City of Cleveland Wastewater Treatment Plant and in accordance with the policies for such use as approved by the Mayor and Board of Aldermen.
- (b) It shall be unlawful for any person to discharge any portable toilet or septic tank effluent to any open ditch, ditch, stream, well penetrating water-bearing formation, sanitary sewer manhole, sanitary sewer lift station, or private building sewer.
- (c) Any person found guilty of violating or causing the violation of any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than three hundred dollars (\$300.00), or by imprisonment for a time not to exceed ninety (90) days, or by both such fine and imprisonment. Each unauthorized dumping or discharge shall be considered a separate offense and punishable as such.

Section 4. Discharge of Certain Harmful or Objectionable Wastes Prohibited.

No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

- (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any 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 of two (2) mg/l as CN in the wastes as discharged to the public sewer.
- (c) Any waters or wastes having a pH lower than 6.0, or greater than 8.5, or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk solids, milk containers, etc., either whole or ground by garbage grinders.

Section 5. Discharge of Certain Harmful or Objectionable Wastes Subject to Approval.

The following described substances, materials, waters, or waste shall be limited to discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follow:

- (a) Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) sixty five degrees Celsius (65°C).
- (b) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (c) Wastewater from industrial plants containing floatable oils, fat or grease.
- (d) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the sewage works exceeds the limits established by the Superintendent for such materials.
- (f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.

- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- (h) Quantities of flow, concentrations, or both which constitute a “slug” as defined herein.
- (i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Section 6. Options of City for Accepting Waste.

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 5 of this Article, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 12 of this Article.

When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

Section 7. Grease, Oil and Sand Interceptors.

- (a) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable oils in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units.
- (b) All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
- (c) All food service facilities are required to install and maintain a sufficient grease trap or interceptor in accordance and compliance with the Grease Control Ordinance of the City of Cleveland, Mississippi.
- (d) In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates,

and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner personnel must be performed by currently licensed waste disposal firms.

Section 8. Facilities Maintained at Owner's Expense.

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

Section 9. Control Manhole Requirements.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 10. Additional Information May be Requested.

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- (a) Wastewaters discharge peak rate and volume over a specified time period.
- (b) Chemical analysis of wastewaters.
- (c) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer user control.
- (e) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (f) Details of wastewater pretreatment facilities.
- (g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 11. Testing Standards.

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with 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. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

Section 12. Industrial Privilege.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Cleveland and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment.

ARTICLE VI – DAMAGING SEWAGE WORKS

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

ARTICLE VII - POWERS AND AUTHORITY OF INSPECTORS

Section 1. Right of Entry; Limitation on Inquiry.

The Superintendent and other duly authorized employees of the City of Cleveland bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any 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 2. Observance of Company Safety Rules.

While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or duly authorized employees of the City of Cleveland shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death of the city employees, and the City of Cleveland 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 Article V, Section 9.

Section 3. Right of Entry on Easements.

The Superintendent and other duly authorized employees of the City of Cleveland bearing proper credentials and identification shall be permitted to enter all private properties through which the City of Cleveland 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. Property owners are required to provide access for utility maintenance across any easement area and within reasonable time for maintenance crews to perform the necessary work including removing any fences or structures located within such easements. The City of Cleveland or the city's duly authorized contractor shall not be held liable or responsible for any damages incurred to private property located within any easement area when it is necessary for the city or the city's contractor to remove such private property to gain access to a utility. All private property removed by the city shall be the owner's responsibility to replace, reinstall or relocate and at the owner's expense after work has been completed.

ARTICLE VIII - USER SERVICE FEES

Section 1. Rate Categories.

The sewer service fees for the use of the City sanitary sewerage system shall be in accordance with the following:

- (a) There shall be two basic fees, one being a volumetric charge and the other being a surcharge for excessive strength of wastewater. These fees shall apply to all users of the city sanitary sewerage system. Volumetric charge will be determined by water meter reading, or at the user's option, the user may furnish metering devices approved by the Superintendent for measuring wastewater discharged into the city sewer system. This will apply to those users of the city sanitary sewerage system who purchase all water from the City of Cleveland.
- (b) Those users having private wells or other sources of water supply shall install either water meters on the wells or other sources of water supply or approved metering devices for measurement of wastewater discharged to the city sewers.
- (c) Users will be classified as residential, or commercial-industrial, or government and public buildings according to criteria established by the City of Cleveland.

Section 2. Determination of Sewer Service Fees.

- (a) The basic sewer service fee shall be determined per thousand gallons of metered water or wastewater and shall be determined by order of the Mayor and Board of Aldermen without further ordinance therefore.
- (b) The rates charged to users of the City of Cleveland's sewerage works within or without the corporate limits shall be on an equitable basis, as provided by said ordinance and future order of said Board.
- (c) Provided, however, a user may, at his own expense, and with the Superintendent's approval, install a secondary meter or meters on that portion of his water supply system which serves only his lawn sprinkling load or water used in manufacturing processes so as to measure directly the amount of water that does not enter the public sewers.

Section 3. Excessive Wastewater Surcharge.

The user service fee for excessive wastewater strengths shall be in addition to the basic volumetric charge and shall be determined using the following constraints:

- (a) Surcharges shall be assessed for all wastewaters discharging into the wastewater system having strengths in excess of the following:

| | |
|---------------------------------|----------|
| Biochemical Oxygen Demand (BOD) | 250 mg/l |
| Suspended Solids (SS) | 250 mg/l |
| Total Kjeldahl Nitrogen (TKN) | 25 mg/l |

- (b) The amount of waterborne waste in excess of the limits in (a) shall be calculated by the following formula:

$$C = B \times Bc + S \times Sc + T \times Tc$$

Where:

C = Surcharge in dollars

B = BOD from user in excess of limitations expressed in pounds

Bc = Cost per pound of BOD treated by wastewater treatment facility

S = Suspended Solids from user in excess of limitations expressed in pounds

Sc = Cost per pound of suspended solids treated by wastewater treatment facility

T = TKN from user in excess of limitations expressed in pounds

Tc = Cost per pound of TKN treated by wastewater treatment facility

The surcharge calculated shall be added to the user's volume charge to complete his charges for the billing period.

- (c) All users subject to sewer service surcharge shall at the request and with the approval of the Superintendent and the Regulatory Agencies:
1. Install and maintain a suitable flow measuring device.
 2. Provide and maintain an accessible sampling manhole in the user's wastewater discharge line or lines.
 3. Report average monthly flow, Biochemical Oxygen Demand, Suspended Solids, and Kjeldahl Nitrogen. All analytical results shall be made by a laboratory approved by the Superintendent.
 4. Provide instrumentation for and report results of any characteristics of the wastewater which are required in order to be in compliance with this ordinance.
 5. Provide flow regulation to limit the maximum hourly flow to two (2) times the average hour for the average twenty-four (24) hour flow of the individual user.

Section 4. Billing.

The sewer service fee shall be included each month on the bills rendered by the City of Cleveland in accordance with their standard billing practices. Failure to pay the sewer service fee upon the due date of the utility statement shall be grounds for terminating all utility services by the city as provided by the

procedures established by the Mayor and Board of Aldermen. When service commences or ceases applicable fees may be prorated for the billing periods.

Section 5. Service Payments.

The fees based on metered measurement of volume discharged to the sewer system, and/or surcharge based on wastewater strength, shall be paid monthly and in a manner prescribed by the City of Cleveland. Penalty for late payment will be assessed on the same basis as penalties charged by the serving utility.

Section 6. Customer Responsibilities.

The sewer service fees are applicable to every person, firm, partnership, association or corporation, inside and outside of the corporate limits of the City of Cleveland, whose sewage and wastewater empties into the city's collection and treatment systems.

Section 7. Connection Fee.

The fee for connecting a user to the sewerage system shall be approved by order of the Mayor and Board of Aldermen of the City of Cleveland and may be adjusted from time to time by said Board. It shall include all material and labor from the city's sewer main to the user's nearest property line.

ARTICLE IX – VIOLATIONS AND PENALTIES

Section 1. Notice of Violation.

Any person found to be violating any provision of this ordinance except Article V, Section 3, and Article VI shall be served by the City of Cleveland, Mississippi 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 2. Continued Violation.

Any person who shall continue any violation beyond the time limit provided for in Article IX, Section 1(a) above, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each twenty-four (24) hour period in which any such violation shall continue shall be deemed a separate offense.

Section 3. Violator's Liability.

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

ARTICLE X - SEVERABILITY

That if any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional by any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this ordinance, the Mayor and Board of Aldermen of the City of Cleveland, Mississippi hereby declaring that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

ARTICLE XI – REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed, namely that certain ordinance adopted on October 4, 1983 and entitled “AN ORDINANCE REGULATING USE OF THE WASTEWATER TREATMENT FACILITIES, ESTABLISHING USER SERVICE CHARGES FOR USERS OF THE CITY’S SYSTEM AND PROVIDING FOR THE COLLECTION THEREOF IN THE CITY OF CLEVELAND, MISSISSIPPI, INCLUDING THE DEFINING OF CERTAIN TERMS, PROVIDING CLASSIFICATION OF USERS, PROVIDING FOR SPECIAL SERVICES AT ADDITIONAL FEES, AND THE RESPONSIBILITY FOR CHARGES, THE CHARGES PROVIDING FUNDS FOR WASTEWATER TREATMENT SYSTEM TO FUND OUTSTANDING BOND ISSUES FOR WASTEWATER TREATMENT FACILITIES, TO PAY CONSTRUCTION, OPERATION AND MAINTENANCE EXPENSES OF WASTEWATER TREATMENT FACILITIES AND TO FUND ALL FUTURE BOND ISSUES FOR WASTEWATER TREATMENT FACILITIES, AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.”

ARTICLE XII - EFFECTIVE DATE

This ordinance shall be in full force and effect thirty (30) days from and after its passage, approval, recording, and publication as provided by law.

ORDAINED, ADOPTED and APPROVED this the 3rd day of February, 2015.

APPROVED:

BILLY NOWELL, Mayor

(seal)

ATTEST:

FARAE WOLFE, Interim City Clerk