

TITLE 13

Public Services

Chapters:

13.01 City Utility Franchise Fees

- 13.01.010 Franchise fees

13.04 Water

I. Water Regulations

- 13.04.010 Tapping of water mains
- 13.04.020 Meters; bypassing
- 13.04.030 Meters; interference with
- 13.04.040 Taking or turning on without permission prohibited
- 13.04.050 Prima facie evidence of certain violations
- 13.04.060 Unauthorized use
- 13.04.070 Polluting
- 13.04.080 Injury to and interference with waterworks equipment
- 13.04.090 Exclusive right of City to construct or extend water mains
- 13.04.100 Tapping of water mains; generally
- 13.04.110 Tapping of water mains; permit required
- 13.04.120 Stopcocks
- 13.04.130 Service pipes; connections or alterations under supervision of Utility Manager
- 13.04.140 Service pipes; maintenance by property owner
- 13.04.150 Right of entry of Utility Manager
- 13.04.160 Right of City to shut off water for repairs
- 13.04.170 Property owner responsible for payment of water bills
- 13.04.180 Wasting water
- 13.04.190 Violation; penalty

II. Water Conservation

- 13.04.300 Definitions
- 13.04.310 Waste of water prohibited
- 13.04.315 Procedure for declaring shortages
- 13.04.320 Stage I shortage
- 13.04.330 Stage II shortage
- 13.04.340 Miscellaneous provisions for Stage II shortages
- 13.04.350 Stage III shortage
- 13.04.360 Duration of water use restrictions
- 13.04.370 Alternative water management plans
- 13.04.380 Exceptions
- 13.04.390 Access to premises
- 13.04.400 Liability
- 13.04.410 Violations
- 13.04.415 Affirmative defenses

13.05 Cross Connection Control and Backflow Prevention Program

- 13.05.010 Legislative intent
- 13.05.020 Definitions
- 13.05.030 Responsibilities
- 13.05.040 General program requirements

- 13.05.050 Testing and maintenance
- 13.05.060 Right of entry
- 13.05.070 Violations
- 13.05.080 Record keeping requirements

13.08 Electricity

- 13.08.010 Electrician's license; required
- 13.08.040 Tapping of electric wires prohibited
- 13.08.050 Bypassing meter prohibited
- 13.08.060 Tampering with, injuring or altering meters
- 13.08.070 Prima facie evidence of certain violations
- 13.08.080 City Manager to have supervision of stringing and supporting of poles and wires
- 13.08.090 Appointment of deputy electrical inspectors
- 13.08.100 City Manager; duty to inspect lines; notice to repair; failure constitutes violation
- 13.08.110 City Manager; interpreter and promulgator of rules and regulations
- 13.08.120 Disconnection of wires in time of emergency
- 13.08.130 Electric wiring methods within the City

13.12 Sewers

I. Industrial Wastewater Discharge

- 13.12.010 Legislative intent
- 13.12.020 Definitions; abbreviations

II. Sewers

- 13.12.030 Connection; required
- 13.12.040 Connection; notice to owner; authority of City to do work
- 13.12.050 Owner to bear costs and indemnify City
- 13.12.060 Plumbing Code and Building Code applicable
- 13.12.070 Unsanitary disposal of wastes prohibited
- 13.12.080 Compound taps
- 13.12.090 Residential condominiums
- 13.12.100 Service connection permit required
- 13.12.110 Permits must be procured before starting work
- 13.12.120 Outhouses prohibited
- 13.12.130 Wastewater or septic tank haulers
- 13.12.140 Discharge of sewage
- 13.12.150 Clean water prohibited from sanitary sewers
- 13.12.160 Installation and maintenance
- 13.12.170 Existing building sewers
- 13.12.180 Building sewer elevation
- 13.12.190 Excavation protection required
- 13.12.200 Inspection of building sewer construction
- 13.12.210 Taps and manhole connections
- 13.12.220 Interference with sewers and appurtenances prohibited
- 13.12.230 Violation

III. Prohibitions and Limitations on Wastewater Discharges

- 13.12.250 Restricted discharges to sewers
- 13.12.260 Specific pollutant discharge limitations

IV. Control of Prohibited Wastes

- 13.12.270 Action resulting from deposit of deleterious wastes

- 13.12.280 Preemption by state or federal standards unless City standards more stringent
- 13.12.290 Dilution of discharge
- 13.12.300 Accidental discharges
- 13.12.310 Wastewater discharges into private sewer systems
- 13.12.320 Multi-jurisdictional and district agreements
- 13.12.330 Special agreements and contracts
- 13.12.339 IU permit requirements
- 13.12.340 Pretreatment
- 13.12.350 Interceptors and dilution tanks
- 13.12.360 Screens required
- 13.12.370 Pretreatment facilities maintained by owner
- 13.12.380 Control manholes
- 13.12.390 Septage and holding tank sewage
- 13.12.391 Liquid waste hauling regulation
- 13.12.400 Authority to require compliance with National Categorical Pretreatment Standards
- 13.12.410 Negotiated easement

V. Industrial Discharge Permit System

- 13.12.420 Wastewater classification survey
- 13.12.430 Classification of industrial users
- 13.12.440 Industrial wastewater discharge permit
- 13.12.450 Wastewater discharge permit modification
- 13.12.460 Cause for suspension or revocation of permit

VI. Industrial Wastewater Monitoring and Reporting

- 13.12.470 Reporting requirements for discharger
- 13.12.480 Preservation of records
- 13.12.490 Inspection and monitoring facilities
- 13.12.500 Measurement of flow; sampling and analysis
- 13.12.510 Confidential information
- 13.12.520 Public notification
- 13.12.529 Enforcement response plan

VII. Enforcement

- 13.12.530 Revocation of permit
- 13.12.540 Notification of violation; administrative adjustment
- 13.12.550 Show cause hearing
- 13.12.560 Right of appeal of administrative ruling
- 13.12.570 Judicial proceedings
- 13.12.580 Emergency suspension of service and discharge permits
- 13.12.590 Operating upsets
- 13.12.600 Recovery of costs incurred by the Authority
- 13.12.610 Civil fine pass through
- 13.12.620 Falsifying information
- 13.12.630 Penalty
- 13.12.640 Severance clause
- 13.12.650 Safety clause

VIII. Sewer Rates

- 13.12.660 General requirements for sewer taps
- 13.12.670 Schedule of sewer tap fees
- 13.12.680 Standard residential taps

- 13.12.690 Fee when due
- 13.12.700 Connection permit inspection fee
- 13.12.710 Charges; lien on property
- 13.12.720 Fees and charges
- 13.12.730 User charges
- 13.12.740 Rate determination
- 13.12.750 Surcharge rates for above domestic concentration
- 13.12.760 Calculation of BOD and TSS surcharge
- 13.12.770 Surcharge; computation
- 13.12.780 Surcharge; rates; revision
- 13.12.790 Industry standard and base level concentrations of pollutants
- 13.12.800 Business, commercial, industrial and other nonresidential sewer service charges
- 13.12.810 Repealer

CHAPTER 13.01

City Utility Franchise Fees

13.01.010 Franchise fees.

(a) The formula for the determination of franchise fees payable by the various city utility funds (water, electric, sewer and sanitation) to the City shall be as set forth herein.

(b) The franchise fee shall be calculated at six and one-half percent (6.5%) of the gross revenues of each respective enterprise fund, calculated on an annual basis based upon the most recent audited financial statement for each fund.

(c) For the purposes of these funds and the calculation of the franchise fees therein, *gross revenues* is defined as all revenues, from whatever source, less bond proceeds, less loan proceeds, less grants received and less any rental receipts from lease payment incomes to the respective fund.

(d) The City Finance Officer shall be obligated to make that calculation on or before January 1st of each year prior to the imposition of the fee.

(e) The fee shall be payable on a monthly basis during each calendar year. (Ord. 1290 §B, 2001)

CHAPTER 13.04

Water

I. Water Regulations

13.04.010 Tapping of water mains.

No person shall connect any pipe, tube, stopcock or other instrument, device or contrivances with any main, service pipe or other pipe conducting or supplying or intended to conduct or supply water to any house, store or other building, without the knowledge or consent of the La Junta Municipal Utilities, in such manner that any portion of such water may be taken therethrough. (Prior code §27-1)

13.04.020 Meters; bypassing.

No person shall connect any pipe, tube, stopcock or any other instrument, device or contrivance with any main, service pipe or other pipe conducting or supplying or intended to conduct or supply water from La Junta Municipal Utilities to any house, store or other building, without the knowledge and consent of the La Junta Municipal Utilities, in such manner as to conduct water therethrough, nor shall any person conduct such water around any meter intended to measure the water of any consumer. (Prior code §27-2)

13.04.030 Meters; interference with.

No person shall willfully injure, alter or obstruct or by any instrument, device or contrivance, in any manner interfere with or obstruct the action of any meter made or provided for measuring or regulating the amount or quantity of water passing through it and used to measure or regulate water supplied by the La Junta Municipal Utilities, without the knowledge and consent of the La Junta Municipal Utilities, nor shall a person owning the meter change the same so that it does not register correctly water supplied by La Junta Municipal Utilities. (Prior code §27-3)

13.04.040 Taking or turning on without permission prohibited.

No person shall take water from the water system of the La Junta Municipal Utilities without consent nor shall any person turn on water after the same has been shut off by the La Junta Municipal Utilities without the knowledge and consent of La Junta Municipal Utilities. (Prior code §27-4)

13.04.050 Prima facie evidence of certain violations.

Proof of the existence of any connection by pipe, tube, stopcock or any other device or any injury, alteration or obstruction of a meter, as provided in Sections 13.04.010 through 13.04.040, or that a person is taking water without being upon the books of the La Junta Municipal Utilities giving such service, shall be taken as prima facie evidence of the guilt of the persons in possession of the premises where such injury, connection, alteration, obstruction or unauthorized use is proven to exist. (Prior code §27-5)

13.04.060 Unauthorized use.

No person shall willfully use or permit to be used water supplied by La Junta Municipal Utilities on a lot or land other than the lot or land upon which the water is supplied and the flat rate charge therefor based by La Junta Municipal Utilities, without the knowledge and consent of the La Junta Municipal Utilities. (Prior code §27-6)

13.04.070 Polluting.

(a) It is unlawful for any person in any manner to pollute the water in any wells, reservoirs or mains in connection with the City waterworks or to cast into such wells, reservoirs or mains any garbage, offal or other substance or anything calculated to or which will make the water in such wells, reservoirs or mains impure.

(b) No person shall throw or deposit any dead animal or other foul or nauseous substance into any stream, river or ditch within the City or within two (2) miles thereof. (Prior code §27-7)

13.04.080 Injury to and interference with waterworks equipment.

It is unlawful for any person to break, cut or pull down or in any manner interfere with any gate or fence surrounding any wells or reservoirs of the City waterworks, meddle, interfere with or in any manner molest, injure or destroy any pumps, machinery, curbs, wells, reservoirs, pipes, mains, service pipes, tanks or other construction or machinery in or about the City waterworks or any part thereof. (Prior code §27-8)

13.04.090 Exclusive right of City to construct or extend water mains.

In addition to the existing water mains, the City is empowered, authorized and given the exclusive right to extend water mains upon, through, under and along all streets, avenues, alleys, parks and public places within the City where it may be necessary, requisite, proper or convenient for the purposes of supplying water to any person within or without the City. (Prior code §27-9)

13.04.100 Tapping of water mains; generally.

(a) The City shall have the exclusive right to tap all water mains used in connection with the City waterworks, dig all excavations and trenches and put in all service pipes from the tap to the intersecting line between the street or alley and the premises on which such service pipe is to extend; provided that the City shall have authority to delegate such rights to proper persons, such persons having first secured a license to do such work.

(b) The City shall be the sole and exclusive judge of who are proper persons to receive such licenses. No person shall assist, advise or procure any tap to be made or any service pipe to be put in contrary to this Chapter or shall cause any tap to be opened or water to be turned into any service pipe without the consent of the City Manager. (Prior code §27-10)

13.04.110 Tapping of water mains; permit required.

Any person who desires to obtain water from any water main by tapping the main shall make application to the Utility Manager on blanks furnished by him or her for that purpose and obtain a written permit to tap the main, subject to the provisions of this Chapter. (Prior code §27-11)

13.04.120 Stopcocks.

(a) A stopcock shall be inserted in each service pipe protected by a stop box with the word water marked thereon at the cost of the owner of the premises. The same shall be kept repaired by the owner of the property so that it can be used at any time by the Utility Manager in shutting off and turning on the supply of water. There shall be at least one (1) service pipe for each residence supplied with water. Such service pipe shall be three-quarters ($\frac{3}{4}$) of an inch in diameter for each fifty (50) feet front of residence property.

(b) Upon the failure of property owner to keep the stopcock mentioned in Subsection (a) above and stop box in repair, the Utility Manager shall shut off the supply of water until all necessary repairs are made. The stop box shall be located under the direction and supervision of the Utility Manager at a point in the street in front of the premises where the water is to be used at the curblin. The top of all stop boxes shall be at grade and visible.

(c) When more than one (1) hydrant or consumer is supplied by a single tap by means of branch pipes, each branch must have a stopcock, as provided in this Section, located at some point easily accessible. (Prior code §27-12)

13.04.130 Service pipes; connections or alterations under supervision of Utility Manager.

(a) All connections, disconnections or alterations made to service pipes on premises or at the intersection of pipes with the line between the street or alley and the premises upon which the pipe is used, all alterations, repairs, extensions, taps and all work upon the mains, service pipes or any other part of the City water plant shall be under the supervision of the Utility Manager as to the manner of doing work, kinds of pipe and other materials to be used in manner and sizes of connections and alterations to be made.

(b) When such work is completed, the person doing such work shall file with the Utility Manager a statement to this effect. (Prior code §27-13)

13.04.140 Service pipes; maintenance by property owner.

All service pipes and connections shall be kept in repair at the expense of the property owner. (Prior code §27-14)

13.04.150 Right of entry of Utility Manager.

The Utility Manager shall have the right to enter upon any premises at any reasonable hour to see that there is no leaking service pipe or waste of water. (Prior code §27-15)

13.04.160 Right of City to shut off water for repairs.

The City reserves the right, at any time, without notice, to shut off the water in the mains for the purpose of making repairs or extensions. (Prior code §27-16)

13.04.170 Property owner responsible for payment of water bills.

(a) In all cases, the property owner is held responsible for the payment of water bills.

(b) In case the supply has been shut off for nonpayment of the water bill, it will not be turned on again until all delinquent water bills have been paid. (Prior code §27-17)

13.04.180 Wasting water.

No person shall use or permit to be used leaking water connections, lines or other facilities nor irrigate without a sprinkling device or through and by an open hose nor use water for irrigation in such manner as to cause water to flow down streets and gutters, nor use or permit to be used water for irrigation at times forbidden by resolution of the Board of Public Utilities Commissioners of the City, nor otherwise waste water from the water supply and system of the City. (Prior code §27-18)

13.04.190 Violation; penalty.

Every person who violates the provisions of this Chapter shall, upon conviction, be fined in the sum of not less than fifteen dollars (\$15.00) nor more than three hundred dollars (\$300.00). (Prior code §27-19)

II. Water Conservation

13.04.300 Definitions.

Unless the context specifically indicates otherwise, the following terms, as used in Sections 13.04.300 through 13.04.415 inclusive, shall have the following meanings:

(1) *Drip irrigation* means low pressure, low volume irrigation applied slowly, near or at ground level, to minimize runoff and loss to evaporation, including the use of a bubbler, drip emitter, in-line tubing and soaker hose, but does not include micro-sprays.

(2) *Hand-watering* means the use, expenditure, or application of water supplied to a water customer through a hand-held hose connected to a piping system where the water is used for any exterior purposes or is otherwise expended outside any dwelling, building or structure.

(3) *Irrigate* means to apply or to expend water onto land, whether by channels, by flooding, by sprinkling or by any other means whatsoever, except hand-watering.

(4) *Landscape* means any combination of living plants, such as trees, shrubs, vines, ground cover, flowers or turf grass.

(5) *Pond* means an artificially constructed outdoor pond used for decorative or aesthetic purposes.

(6) *Projected demand* means the expected levels of water demand placed upon the water supply system assuming no additional restrictions. This projected amount is the City's best estimate based on an analysis of historic trends, current and expected weather conditions, snowpack levels, system modeling, engineering judgment, consumption and growth forecasts, as well as other relevant factors.

(7) *Turf grass* means continuous plant coverage of grasses that, when regularly mowed, form a dense growth of leaf blades and roots.

(8) *Water customer* means the person designated on the records maintained by the City as the person responsible for payment of charges incurred for the use of the water supply system at the premises being served, or any person of lawful age who uses water at the premises served.

(9) *Water feature* means any fountain or waterfall used for decorative or aesthetic purposes. (Ord. 1423 §§1, 2, 2006; Ord. 1348, 2003)

13.04.310 Waste of water prohibited.

(a) No water customer shall allow, permit or cause the waste of water, which shall include any use of water in violation of this Chapter.

(b) During any water shortage declared under this Chapter, no water customer shall be required, whether by public or private agreement, to retain existing turf grass, install new turf grass or to

irrigate existing turf grass in a manner inconsistent with this Chapter. (Ord. 1423 §§1, 2, 2006; Ord. 1348, 2003)

13.04.315 Procedure for declaring shortages.

(a) The City Council, sitting in open session, shall declare by resolution the appropriate level of water restriction provided herein as to any water shortage.

(b) The City Council shall consider, although not be bound by, any recommendations of the Board of Utility Commissioners concerning the appropriate level of water restrictions to be imposed. (Ord 1423 §§1, 2, 2006)

13.04.320 Stage I shortage.

A *Stage I shortage* may be declared when the City Council determines that proactive measures should be taken to avoid or reduce the severity of a shortage. During a Stage I shortage, the City will increase public communication and education efforts aimed at water conservation, will encourage the community to conserve water wherever possible and will evaluate the development of water rates that promote the efficient use of water. In addition, the following restrictions on the use of water by water customers shall be in effect during a Stage I shortage:

- (1) All City facilities will restrict irrigation of turf grass to Monday, Wednesday and Friday. From April 15 through October 15, no outdoor watering shall be allowed between 10:00 a.m. and 6:00 p.m.
- (2) These provisions shall not apply to the City cemetery or City golf course.
- (3) Outdoor watering by all users shall be prohibited from 10:00 a.m. to 6:00 p.m. (Ord. 1423 §§1, 2, 2006; Ord. 1370, 2004; Ord. 1348, 2003)

13.04.330 Stage II shortage.

A *Stage II shortage* may be declared when the City Council determines that proactive measures should be taken to avoid or reduce the severity of a shortage. In addition to the Stage I restrictions set forth above, the following restrictions on the use of water by water customers shall be in effect during a Stage II shortage.

- (1) Level A. Outdoor landscaping:
 - a. Outdoor landscape watering shall only be allowed three (3) days per week on designated days as follows:
 1. Residential users with even numbered addresses may only irrigate on Sunday, Wednesday and Friday;
 2. Residential users with odd-numbered addresses may only irrigate on Tuesday, Thursday and Saturday; and

3. Commercial users may only irrigate on Monday, Wednesday and Friday.

b. All City facilities less than five (5) acres in size will restrict irrigation of turf grass to Monday and Friday.

(2) Level B. Outdoor landscaping:

a. Outdoor landscape watering shall only be allowed two (2) days per week on designated days as follows:

1. Residential users with even-numbered addresses may only irrigate on Sunday and Wednesday;

2. Residential users with odd-numbered addresses may only irrigate on Tuesday and Saturday; and

3. Commercial users may only irrigate on Monday and Friday.

b. All City facilities less than five (5) acres in size will restrict irrigation of turf grass to Friday.

(3) Level C. Outdoor landscaping:

a. Outdoor landscape watering shall only be allowed one (1) day per week on designated days as follows:

1. Residential users with even-numbered addresses may only irrigate on Sunday;

2. Residential users with odd-numbered addresses may only irrigate on Saturday; and

3. Commercial users may only irrigate on Friday.

b. All City facilities less than five (5) acres in size will restrict irrigation of turf grass to the second and fourth Friday of the month.

(4) Level D. Outdoor landscaping:

a. Outdoor landscape watering shall only be allowed two (2) days per month on designated days as follows:

1. Residential users with even-numbered addresses may only irrigate on the second and fourth Sunday of the month;

2. Residential users with odd-numbered addresses may only irrigate on the second and fourth Saturday of the month; and

3. Commercial users may only irrigate on the second and fourth Friday of the month.

b. All City facilities less than five (5) acres in size will restrict irrigation of turf grass to the fourth Friday of the month.

(5) Level E. Outdoor landscaping:

a. Outdoor landscape watering shall only be allowed one (1) day per month on designated days as follows:

1. Residential users with even-numbered addresses may only irrigate on the second Sunday of the month;

2. Residential users with odd-numbered addresses may only irrigate on the second Saturday of the month; and

3. Commercial users may only irrigate on the second Friday of the month.

b. From October 1 to April 30, in the event there is inclement weather and outdoor landscape watering is precluded on a designated watering day, then outdoor landscape watering shall be allowed for the affected water customers as follows:

1. Residential users with even-numbered addresses may only irrigate on the fourth Sunday of the month;

2. Residential users with odd-numbered addresses may only irrigate on the fourth Saturday of the month; and

3. Commercial users may only irrigate on the fourth Friday of the month. (Ord. 1423 §§1, 2, 2006; Ord. 1348, 2003)

13.04.340 Miscellaneous provisions for Stage II shortages.

(a) Notwithstanding the foregoing, during a Stage II shortage, outdoor landscape watering shall not exceed:

(1) For residential users, three (3) hours each designated watering day; and

(2) For commercial users, twenty (20) minutes per zone or area for pop-up fixed spray sprinklers, and forty-five (45) minutes per zone or area for pop-up rotary-type sprinklers, (including but not limited to impact or gear drive).

(b) During a Stage II shortage, from April 15 to October 15, outdoor landscape watering shall only be allowed on designated days as set forth in this Section from midnight to 10:00 a.m. or from 6:00 p.m. to midnight.

(c) During a Stage II shortage, landscape irrigation with a drip irrigation system or hand-held container is allowed for trees, shrubs and plants (including vegetable and flower gardens, but excluding turf grass) at any time. Landscape irrigation with a hose with attached positive shutoff nozzle is allowed for trees, shrubs and plants (including vegetable and flower gardens, but excluding

turf grass) on a water customer's designated watering day from midnight to 10:00 a.m. or from 6:00 p.m. to midnight. *Irrigation with a hose* means holding in the hand a hose with attached positive shutoff nozzle, and does not include operating a hose with a sprinkler or manually operating an irrigation controller.

(d) During a Stage II shortage, if there is no street address associated with the premises, such as a parkway or median (private or public), the outdoor landscape watering schedule for commercial users shall be followed.

(e) During a Stage II shortage, no water customer shall:

(1) Apply water to any turf grass, sodded or landscape area resulting in the pooling or flowing of water across the ground or into drainage ways, including but not limited to, gutters and storm sewers;

(2) Fail to repair any irrigation system that is leaking; or

(3) Apply water intended for landscape irrigation to an impervious surface, such as a street, sidewalk, driveway, patio or deck.

(f) During a Stage II shortage, motor vehicles, trailers, boats and other types of equipment shall be washed only during a water customer's designated watering days as set forth above and only with a hand-held hose equipped with a positive shutoff nozzle for quick rinses or with a bucket; except that washing of vehicles, trailers, boats and equipment may be done by a commercial car wash if the outflows are routed through the City sanitary sewer system.

(g) During a Stage II shortage, there shall be no hose washing of sidewalks, walkways, patios, driveways, parking areas or other impervious surfaces, except to eliminate conditions that pose a threat to public health or safety or when required as surface preparation for the application of architectural coatings or painting.

(h) During a Stage II shortage, the use of water in all public and private water features is prohibited except those using recirculating water. The use of recirculating water in all public and private water features shall be limited to no more than twelve (12) hours per day. A sign shall be posted near the water feature stating designated operating hours and that it uses recirculating water. The foregoing shall not apply to the use of water essential to the support of existing exotic fish.

(i) During a Stage II shortage, ponds and pools shall be filled or refilled only during a water customer's designated watering day as set forth above, and only with a handheld hose equipped with a positive shutoff nozzle. The foregoing shall not apply to the use of water essential to the support of existing exotic fish. (Ord. 1423 §§1, 2, 2006; Ord. 1348, 2003)

13.04.350 Stage III shortage.

A *Stage III shortage* may be declared when the City Council determines that proactive measures should be taken to avoid or reduce the severity of a shortage. In addition to the Stage I and Stage II restrictions set forth above, the following restrictions on the use of water by water customers shall be in effect during a Stage III shortage.

- (1) No additional water connections will be allowed.
- (2) Outdoor watering shall be prohibited except for limited irrigation to sustain large trees with trunks of at least six (6) inches in diameter, measured at the base of the tree.
- (3) Washing of motor vehicles, trailers, boats and other types of equipment shall be prohibited, except that washing may be done by a commercial car wash.
- (4) The use of water in all public and private water features shall be prohibited.
- (5) Filling or refilling any pond or swimming pool shall be prohibited except so as to prevent damage to the structure. (Ord. 1423 §§1, 2, 2006; Ord. 1348, 2003)

13.04.360 Duration of water use restrictions.

The City Council (in concert with the Board of Utility Commissioners) will regularly evaluate the full supply and projected demand to determine whether it is necessary to continue the water use restrictions of a declared stage. Stages may be declared in accord herewith, and, if water supply conditions warrant, the City Council may either downgrade or withdraw a declaration of a stage. (Ord. 1423 §§1, 2, 2006; Ord. 1348, 2003)

13.04.370 Alternative water management plans.

(a) General. A water customer may request relief from applicable provisions of Sections 13.04.300 through 13.04.415, inclusive, by filing an alternative water management plan with the City Manager for consideration by the City Council. The City intends to provide water customers with the ability to design water management alternatives that give water customers flexibility in meeting the requirements of this Chapter while achieving maximum conservation goals. Additionally, the City intends to acknowledge previously implemented water conservation measures.

(b) Alternative Water Management Plan. Alternative water management plans shall contain proposed water reduction measures or otherwise demonstrate optimal use of water. In the event a water customer submits an alternative water management plan for irrigation, the water customer's plan shall be in accord with the City's irrigation criteria. Alternative water management plans for irrigation shall not be allowed during a Stage III shortage.

(c) Approval. No alternative water management plan shall be approved unless the water customer affirmatively demonstrates that:

- (1) Proposed water reduction measures achieve at least the same level of demand reduction as the applicable restrictions of Sections 13.04.300 through 13.04.415, inclusive;
- (2) Recently implemented water conservation measures achieve at least the same level of demand reduction or efficiency as the applicable restrictions of Sections 13.04.300 through 13.04.415, inclusive (shall not apply to the City, as it is committed to lead by example and has already implemented conservation measures); or

(3) The water customer has a critical need, which may include, but not be limited to, the watering of heavily used athletic or playing fields. Alternative water management plans must be reviewed and approved by the City Council in writing based on the then-current criteria established by the City before a water customer may implement any alternative water management plan. The water customer shall comply with the conditions of the approved alternative water management plan unless good cause exists for changes to the plan and the plan is amended accordingly and approved as set forth in this Section. Any water customer with an approved alternative water management plan shall post a notice of the existence of the plan on the premises so as to be visible from a public street at all times during the term of the plan. The City may withdraw or amend any approved alternative water management plan upon the movement to a different declared stage or outdoor landscape watering level.

(d) Violations. In the event a water customer violates any condition of an alternative water management plan approved under this Section, then the approval granted under this Section shall be withdrawn, and the City may add a charge to the water customer's bill equal to one hundred dollars (\$100.00) for a residential user and five hundred dollars (\$500.00) for a commercial user. (Ord. 1423 §§1, 2, 2006; Ord 1348, 2003)

13.04.380 Exceptions.

(a) Water customers may use water essential to protect general public health, safety or welfare.

(b) In a Stage II shortage, a water customer installing turf grass, by sod or seed, may irrigate the affected area at times other than as set forth herein if the water customer obtains a valid turf irrigation permit in accord with this Section. Applications for turf irrigation permits shall be submitted to the City on a form supplied by the City, and shall include all necessary supporting documentation. Applications shall be accompanied by a fifty-dollar permit fee. The applicant shall comply with the conditions of the turf irrigation permit. The turf irrigation permit shall be displayed on the premises so as to be visible from a public street at all times during the term of the turf irrigation permit. Notwithstanding the foregoing, turf irrigation permits shall not be issued during Levels D and E of a Stage II shortage.

(c) Irrigation systems may be operated at any time for cleaning and maintenance purposes, but this limited operation shall not exceed ten (10) minutes per zone per week. On a residential user's premises, an attendant must be on site and visible throughout the entire maintenance operation. On a commercial user's premises, an attendant must be on site and a sign indicating maintenance is being performed must be posted and visible from a public street throughout the entire maintenance operation. (Ord. 1423 §§1, 2, 2006; Ord. 1348, 2003)

13.04.390 Access to premises.

(a) Whenever necessary for the purpose of investigating any alleged violation of Sections 13.04.300 through 13.04.415, inclusive, the City shall have the power, upon the presentation of proper credentials, to enter and inspect at any reasonable time and in any reasonable manner the exterior of a water customer's premises.

(b) If entry to or inspection of the premises is denied or not promptly permitted, the City Manager and/or the City Attorney is authorized to make application to the Municipal Court for the

issuance of an inspection warrant. The application shall identify the premises upon which entry is sought and the purpose for which entry is desired, and shall state the facts giving rise to the belief that a condition which is dangerous to the public health, safety or welfare exists at the premises. Any warrant issued pursuant to the application shall command the owner or occupant to permit entry by the City Manager or his or her representative for the purpose stated. (Ord. 1423 §§1, 2, 2006; Ord. 1348, 2003)

13.04.400 Liability.

Each water customer shall be responsible for compliance with Sections 13.04.300 through 13.04.415, inclusive, with respect to the water customer's premises, and shall be responsible for applicable charges for noncompliance with Sections 13.04.300 through 13.04.415, inclusive. In the event of an alleged violation of Sections 13.04.300 through 13.04.415, inclusive, proof that the condition originated at any water customer's premises shall constitute a rebuttable presumption that the water customer is responsible for the violation. (Ord. 1423 §§1, 2, 2006; Ord. 1348, 2003)

13.04.410 Violations.

Violation of any of the provisions of Sections 13.04.300 through 13.04.415, inclusive, shall be punishable under the terms of fine and imprisonment as provided by other ordinances within the City and as more specifically set out in Section 1.01.110 of this Code. (Ord. 1423 §§1, 2, 2006; Ord. 1348, 2003)

13.04.415 Affirmative defenses.

(a) It shall be an affirmative defense to any person charged under any of Sections 13.04.300 through 13.04.415, inclusive, if all of the factors enumerated below exist at the time of the offense:

- (1) The cited violation is for violation of any provision of Sections 13.04.300 through 13.04.415, inclusive;
- (2) The person charged is eighty (80) years of age or older;
- (3) The person charged demonstrates by credible evidence the actual date of birth so charged;
- (4) The violation is for a time violation wherein the person charged has been charged with a violation of watering from 10:00 a.m. until 11:59 a.m. on the otherwise designated watering day;
- (5) The person charged with the offense was using a hand-held or lawn sprinkling device other than automated sprinklers as set forth in Subsection (4) above;
- (6) The violation is solely based upon a violation of allocated time.

(b) The Court, in making a determination that the affirmative defense applies, shall excuse all court costs associated with the legal action.

(c) The Court shall dismiss the action with prejudice. (Ord. 1423 §§1, 2, 2006)

CHAPTER 13.05

Cross Connection Control and Backflow Prevention Program

13.05.010 Legislative intent.

It is the intent of the City to protect the municipal water system from contamination or pollution by backflow from an owner's internal distribution system or private water system and to provide for the maintenance of a continuing program of cross connection control, which will systematically prevent the contamination or pollution of the municipal water system. (Ord. 1059 §1(A), 1992)

13.05.020 Definitions.

Definitions of terms used in this Chapter are those contained in the "Colorado Department of Health Cross Connection Manual." (Ord. 1059 §1(B), 1992)

13.05.030 Responsibilities.

(a) **Public Works Department.** The Public Works Department has the primary responsibility of preventing water from unapproved sources or any other substance from entering the public water supply system. This responsibility starts at the source of supply and includes all of the water distribution system, including service connections. The Public Works Department shall set up the cross connection control program for the municipal water system and maintain accurate records of all inspections, installations, tests and repairs on all backflow prevention devices.

(b) **Building Department.** The Building Department shall be responsible for review of building plans and specifications and inspection of the installation of plumbing within structures. This responsibility includes the task of preventing cross connections from being built into structures within the City. The Building Department's responsibility begins at a point that the service line enters private property (except for the water meter and appurtenances and backflow prevention devices connected to the main service). (Ord. 1059 §1(C), 1992)

13.05.040 General program requirements.

(a) An appropriate backflow prevention device shall be installed on the service line to new buildings and other new construction, which in the sole and exclusive discretion of the Director of Public Works, constitutes a potential hazard for backflow and ultimate contamination. The type of device and installation details shall be determined by the Public Works Director.

(b) Whenever a building undergoes remodeling, the Public Works Director may require installation of a backflow prevention device depending on the extent of remodeling and the potential for contamination to the public water supply.

(c) Whenever the Public Works Director becomes aware of an existing water connection that is not adequately protected by a backflow prevention device and if he or she determines that there is a reasonable risk of contamination to the public water supply, installation of an appropriate backflow prevention device may be required.

(d) Whenever a fire line or irrigation line is installed or remodeled, installation of an appropriate backflow prevention device may be required.

(e) The minimum backflow prevention protection shall be as follows:

(1) Domestic or general service tap for buildings up to three (3) stories high: double check valve.

(2) Domestic or general service tap for buildings four (4) stories or higher: reduced pressure zone backflow preventer.

(3) Fire protection line: double check valve.

(4) Irrigation services: pressure vacuum breaker or atmospheric device.

(f) Devices that offer a greater degree of protection may be required by the Public Works Director, depending on the specific application.

(g) Backflow prevention devices (except atmospheric devices) shall be tested by a certified technician immediately after installation of the device. Atmospheric devices shall be inspected by a certified technician. Testing and record keeping shall conform to Sections 13.05.050 and 13.05.080 of this Chapter.

(h) All costs for the design, installation, maintenance, repair and testing of backflow prevention devices shall be borne by the customer/owner. (Ord. 1059 §1(D), 1992)

13.05.050 Testing and maintenance.

(a) At least once per year, it will be the duty of the customer/user at any premises where any backflow prevention devices are installed to have a certified test made of these devices. In those specific instances where the Public Works Director deems the hazard great enough, certified inspections may be required at more frequent intervals.

(b) A backflow prevention device shall be repaired or replaced, as necessary, at the expense of the customer/user when said device is found to be defective.

(c) All backflow prevention devices shall be sealed by the certified technician performing the test at the completion of the test.

(d) The Public Works Department retains the right to test or otherwise inspect the installation and operation of any backflow prevention device, whenever deemed necessary by the Public Works Director. (Ord. 1059 §1(E), 1992)

13.05.060 Right of entry.

The Public Works Department representative assigned to inspect premises relative to possible hazards shall carry proper credentials reflecting that person's authority, and upon exhibiting such credentials that person shall have the right to enter during usual business hours and inspect any

backflow prevention device and inspect all buildings and premises for cross connections in the performance of his or her duties. This right of entry shall be a condition of water service in order to provide assurance that the health, safety and welfare of water consumers throughout the City's service area is adequately protected. (Ord. 1059 §1(F), 1992)

13.05.070 Violations.

(a) Failure of the customer/owner to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this Chapter shall be grounds for the discontinuation of water service to the premises.

(b) Water service to any premises may be discontinued by the Public Works Department, after written notification, if unprotected cross connections exist on the premises or if any defect is found in an installed backflow prevention device or if a backflow prevention device has been removed or bypassed. Service shall not be restored until such conditions or defects are corrected.

(c) Discontinuation of water service may be summary, immediate and without written notice whenever, in the judgment of the Public Works Director, such action is necessary to protect the purity of the public potable water supply or the safety of the water system and/or customers. (Ord. 1059 §1(G), 1992)

13.05.080 Record keeping requirements.

The customer/owner shall safely store and keep readily available at the subject premises, a copy of all correspondence with the City regarding backflow prevention findings or requirements, as well as all test reports and maintenance records of any backflow prevention devices covered by this Chapter for a period of at least three (3) years after the date of any such correspondence, test report or record. (Ord. 1059 §1(H), 1992)

CHAPTER 13.08

Electricity

13.08.010 Electrician's license; required.

All persons engaged in the business of installing electric wires or appliances inside of or on any building or buildings within the City for the purpose of transmitting or utilizing electric current for light, heat or power, house annunciators, burglar alarms, electric bells, electric signals systems, private telephone, telegraph or messenger call systems, lighting fixtures or installing electrical apparatus of any kind shall first procure a license therefor; provided that public telephone, light, power, telegraph and messenger call companies operating under a regular franchise granted by the City shall have the right to install their own apparatus. (Prior code §10-10)

13.08.040 Tapping of electric wires prohibited.

No person shall connect or change any wire, cord, socket, motor or other instrument, device or contrivance with any wire owned by La Junta Municipal Utilities transmitting or supplying or

intended to transmit or supply electricity to any house, store or other building, without the knowledge and consent of the La Junta Municipal Utilities, in such manner that any portion of such electricity may be transmitted or supplied to any globe, lamp, heating apparatus or other instrument by or at which electricity is consumed. (Prior code §10-1)

13.08.050 Bypassing meter prohibited.

No person shall connect or change any wire, cord, socket, motor or other instrument, device or contrivance with any wire owned by La Junta Municipal Utilities, transmitting or supplying or intended to transmit or supply electricity to any house, store or other building, without the knowledge and consent of the La Junta Municipal Utilities in such manner as to transmit or supply any such electricity to any globe, lamp, heating apparatus or other instrument by or at which electricity is consumed around or without passing through any meter. (Prior code §10-2)

13.08.060 Tampering with, injuring or altering meters.

No person shall willfully injure, alter or by any instrument, device, contrivance, in any manner interfere with or obstruct the action or operation of any meter owned by La Junta Municipal Utilities made or provided for measuring or registering the amount or quantity of electricity passing through it, without the knowledge and consent of the La Junta Municipal Utilities. (Prior code §10-3)

13.08.070 Prima facie evidence of certain violations.

Proof of the existence of any wire connection or of an injury, alteration or obstruction of a meter, as provided in Sections 13.08.010 through 13.08.060, shall be taken as prima facie evidence of the guilt of the person in possession of the premises where such connection, injury, alteration or obstruction is proven to exist. (Prior code §10-4)

13.08.080 City Manager to have supervision of stringing and supporting of poles and wires.

(a) The City Manager shall have general supervision over the arranging, supporting and stringing of all electric light, power, telephone, radio or other wires and locating and general inspection of all poles, lines and electrical appliances so as to prevent fires, accidents or injuries to persons or property.

(b) The City Manager shall cause all such lines and equipment to be maintained and guarded so as not to endanger life or property.

(c) All such lines and equipment now existing as well as those hereafter constructed shall be subject to such supervision. (Prior code §10-5)

13.08.090 Appointment of deputy electrical inspectors.

The City Manager may, upon the approval of the City Council, appoint one (1) or more deputy electrical inspectors, whose duties shall be as provided in this Chapter and who shall receive such compensation as may be provided by the City Council. (Prior code §10-6)

13.08.100 City Manager; duty to inspect lines; notice to repair; failure constitutes violation.

(a) It shall be the duty of the City Manager or the deputy electrical inspectors to make a thorough inspection of the outside lines of all companies owning wires in the City, at least once in each year. Where such lines are in dangerous condition, the City Manager or the deputy inspector shall notify the company or persons owning, using or operating them to immediately place them in a safe and secure condition.

(b) Any company or person failing or refusing within forty-eight (48) hours after such notice to begin necessary repairs or changes and have the work completed within ten (10) days after the receipt of such notice, shall be deemed guilty of a violation of this Chapter. (Prior code §10-7)

13.08.110 City Manager; interpreter and promulgator of rules and regulations.

(a) The City Manager shall be deemed the sole judge as to the proper interpretation of the rules and regulations of this Chapter pertaining to the electrical inspection and shall make such additional rules and regulations as may be deemed necessary for the proper carrying out of the provisions of this Chapter.

(b) Any such additional rules and regulations made by him or her shall be made in writing and filed with the City Clerk and a copy thereof shall be furnished to all licensed electrical contractors in the City; provided that the City Manager shall not make any rules or regulations that in any way modify or change the provisions of this Chapter. (Prior code §10-8)

13.08.120 Disconnection of wires in time of emergency.

Every person owning or controlling electrical wires and apparatus for the transmission of light, heat or power shall in time of fire or case of severe storm wherein lives or property of the citizens of the City may be endangered by the operation of such wires and apparatus, upon the request of the City Manager, Mayor or Director of Public Safety, disconnect such wires as are designated by such officials. (Ord. 1384 §§1—4, 2004; Prior code §10-9)

13.08.130 Electric wiring methods within the City.

(a) All electrical wiring used for transmission of electric current for light, heat or power, in or on any building located within the City limits, shall be installed and shall be of a type approved by the latest edition of the National Electrical Code.

(b) When service entrance conductors are run inside a building for a distance of greater than fifteen (15) feet, a disconnect shall be installed outside of the building, at the point nearest the entrance of those conductors.

(c) Fault current shall be calculated on all commercial services and such calculations shall be given to the City Manager or his or her appointee. (Ord. 1074 §§3, 4, 1992; prior code §10-13)

CHAPTER 13.12

Sewers

I. Industrial Wastewater Discharge

13.12.010 Legislative intent.

(a) This Chapter sets forth uniform requirements for direct and indirect discharges into the City wastewater collection and treatment system and enables the City to comply with all applicable federal and state laws. This Chapter is necessary to protect the health, safety and welfare of the residents of the City.

(b) The purposes of this Chapter are to:

(1) Provide for and promote the general health, safety and welfare of the citizens residing within the City and downstream water users;

(2) Prevent the introduction of pollutants into the wastewater utility that will pass through the system, inadequately treated, into receiving waters or the atmosphere or that would otherwise be incompatible with the system;

(3) Prevent the introduction of pollutants into the wastewater utility that will interfere with the operation of the system including interference with its use or disposal of sludge;

(4) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(5) Provide for equitable distribution of cost of the wastewater utility among users.

(c) The provisions herein provide for the regulation of direct and indirect contributors to the Publicly Owned Treatment Works (POTW) through the issuance of permits and through enforcement of general requirements for all users, authorize monitoring and enforcement activities, require user reporting and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein, and for enforcement. The provisions herein shall apply to all industrial, commercial and other users of the City wastewater utility and to all industrial, commercial and other users located outside the City who are, by contract or agreement, users of the City wastewater utility. (Ord. 898, 1984)

13.12.020 Definitions; abbreviations.

(a) The following terms used in this Chapter have the following meanings unless the context clearly indicates otherwise:

(1) *Act* or *the Act* means the Federal Water Pollution Control Act, Public Law 92-500, as amended, also known as the Clean Water Act.

(2) *Authority* or *Control Authority* means the City of La Junta, Colorado, the City Council, the Board of Public Utilities Commissioners of the City or its duly authorized deputy, agent or representative.

(3) *Authorized representative* or *industrial user* means either a principal executive officer of at least the level of vice president, if the industrial user is a corporation; a general partner or proprietor, if the industrial user is a partnership or proprietorship; or a duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which any direct or indirect discharge originates.

(4) *Average strength sewage* means sewage containing wastes in amounts less than or equal to two hundred (200) mg/l BOD or three hundred (300) mg/l COD and two hundred (200) mg/l TSS.

(5) *Biochemical Oxygen Demand (BOD)* means an empirical test in which standardized laboratory procedures are used to determine the relative oxygen requirements of wastewaters, effluents and polluted waters. The test measures the oxygen required for the biochemical degradation of organic material and the oxygen used to oxidize inorganic materials.

(6) *Categorical Pretreatment Standards* means National Pretreatment Standards which are established, from time to time, by EPA which specify quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into POTW by specific Industrial Dischargers and other users.

(7) *Chemical Oxygen Demand (COD)* means the measure of the oxygen equivalent to the portion of organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant under laboratory procedures.

(8) *Composite sample* means a representative flow-proportioned or time-proportioned sample collected within a twenty-four-hour period composed of a minimum of six (6) individual samples collected at equally spaced intervals and combined according to flow or in equal volumes. Samples must be taken during the period when industrial wastes are being discharged.

(9) *Contributor* means any person who contributes or causes the contribution of wastewater to the wastewater utility.

(10) *Director* shall mean the Director of Public Works of La Junta or his or her authorized deputy, agent or representative.

(11) *Discharger* means any person or user who discharges or causes the discharge of wastewater to the wastewater utility.

(12) *Domestic wastes* means liquid wastes (a) from the noncommercial preparation, cooking and handling of food, or (b) containing only human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

(13) *Environmental Protection Agency (EPA)* means the U.S. Environmental Protection Agency, or where appropriate, the administrator or other duly authorized official of the agency.

(14) *Excess user charge* means the rate system used to charge significant industrial users whose sewage strength is higher than average strength sewage.

(15) *Flow* means volume of wastewater.

(16) *Garbage* means putrescible animal or vegetable waste from the preparation, cooking and serving of food or the storage or sale of produce.

(17) *Grab sample* means a sample taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and without consideration of time.

(18) *Incompatible pollutant* means any waste product that cannot be easily or adequately treated by the City wastewater utility including without limitation, nonbiodegradable dissolved solids.

(19) *Industrial* means of or pertaining to industry, manufacturing, commerce, trade or business, as distinguished from domestic or residential.

(20) *Industrial category* means any of industrial groups designated by EPA under Section 307 of the Act.

(21) *Industrial user* means any nondomestic source of wastewater discharge that introduces pollutants into the POTW.

(22) *Industrial wastewater discharge permit* means the document issued to an industrial user by the City in accordance with the terms of this Chapter.

(23) *Interference* means any inhibition or disruption of the wastewater treatment plant processes or operations.

(24) *Mass limitations* means any limit expressed in units of mass.

(25) *National Pollutant Discharge Elimination System (NPDES)* means the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into navigable waters or the contiguous zone and the oceans pursuant to Section 402 of the Act.

(26) *National Pretreatment Standard, pretreatment standard* or *standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

(27) *Noncontact cooling water* means water to which the only pollutant added is heat.

(28) *Pass through* means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(29) *Person* means any individual, business entity, partnership, corporation, governmental agency or political subdivision, or any other legal entity or their legal representatives, agents or assigns.

(30) *pH* means the intensity of acid or base condition of the solution expressed as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

(31) *Pollutant* means any dredged soil, solids, incinerator residue, garbage, sewage, sewage sludge, biological waste or material, biological nutrient, chemical wastes, radioactive material, toxic substance, heat, malodorous substance, wrecked or discharged equipment, rock, sand, slurry, untreatable waste, or industrial, commercial, domestic or agricultural waste discharged into or with water.

(32) *Pretreatment* or *treatment* means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of the pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater utility, which may be obtained by physical, chemical or biological processes or other means not including dilution.

(32.5) *Pretreatment requirements* means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.

(33) *Priority pollutants* means any of the toxic compounds designated by EPA, pursuant to 307(a) of the Act, that can reasonably be expected in the discharges from industries.

(34) *Private sewage disposal system* means any system or facility for treating, neutralizing, stabilizing or disposing of sewage which is not a part of or connected to the POTW.

(35) *Publicly Owned Treatment Works (POTW)* means a treatment works as defined by Section 212 of the Clean Water Act, which is owned by one (1) or more of the political subdivisions of the State having statutory authority to collect and treat sewage. This definition includes any sewers that convey wastewater to the POTW treatment facilities, except building or lateral sewers. For the purposes of this Chapter, *POTW* shall also include any sewers that convey wastewater to the POTW from persons outside the City boundaries who are by contract or agreement with the POTW actual users of the POTW facilities.

(36) *Receiving waters* means lakes, rivers, streams or other watercourses that receive treated or untreated wastewater.

(37) *Service line* or *private sewer* means a sewer line commencing at and collecting wastewater from a structure or facility and intended for discharging wastewater into the City wastewater utility.

(38) *Significant change* means an increase or decrease in wastewater volume, concentration of materials or substance or changes in types of wastes.

(39) *Significant industrial user means* any industrial user of the City's wastewater disposal system as set forth below:

- a. Any industrial user subject to Categorical Pretreatment Standards; or
- b. Any other industrial user that:
 - 1. Discharges an average of twenty-five thousand (25,000) gallons per day or more process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - 2. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or
 - 3. Is designated as such by the Control Authority on the basis that the industrial user has reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(40) *Significant noncompliance.* An industrial user is in significant noncompliance if its violation meets one (1) or more of the following criteria:

- a. *Chronic violations of wastewater discharge limits*, defined here as those in which sixty-six percent (66%) or more of all the measurements taken during a six-month period exceed (by any magnitude the daily maximum limit or the average limit for the same pollutant parameter);
- b. *Technical Review Criteria (TRC) violations*, defined here as those in which thirty-three percent (33%) or more of all the measurements for each pollutant parameter taken during a six (6) maximum limit or the average limit multiplied by the applicable TRC (TRC-1.4 for BOD, TSS, fats, oil, grease and 1.2 for all other pollutants except pH).
- c. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- d. Any discharge of pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority of this Section to halt or prevent such a discharge;
- e. Failure to meet, within ninety (90) days after schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.
- f. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance; or

h. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment. (Ord. 1035, 1991)

(41) *Significant violation* as used in this Chapter is the same as *significant noncompliance*.

(42) *Slug* or *slug load* means any discharge of sewage or industrial waste that, in concentration or mass of any given constituent, exceeds for any one (1) period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour or normal working period concentration or mass.

(43) *Standard industrial classification (SIC)* means a classification pursuant to the most recent edition of the "Standard Industrial Classification Manual" issued by the Executive Office of the President - Office of Management and Budget.

(44) *State* means the State of Colorado.

(45) *Storm water* means any flow occurring during or following any form of normal precipitation and resulting therefrom.

(46) *Total suspended solids (TSS)* means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and that is removable by laboratory filtering in accordance with procedures set forth in EPA "Methods for Chemical Analysis of Water and Wastes."

(47) *Toxic pollutants* means any pollutant or combination of pollutants regulated under provisions of Section 307(a) of the Clean Water Act of 1977.

(48) *User* means any person who contributes, causes or permits the discharge of sewage or industrial wastewater into the POTW sewerage.

(49) *Wastestream* means the liquid or water-carried wastes from individual or combined sources from a residential, commercial, industrial or institutional establishment.

(50) *Wastewater* or *sewage* means the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

(51) *Wastewater classification survey* means the questionnaire that each industrial user must complete and have on file at the Director of Public Work's office.

(52) *Wastewater system, wastewater treatment system* or *wastewater utility* means any devices, facilities, structures, equipment or works owned or used by the City for the purpose of the transmission, storage, treatment, recycling or reclamation of wastewaters from within or without the City and includes land or sites that may be acquired or used, that will be an integral part of the treatment process, or that are used for ultimate disposal of residues resulting from such treatment.

(b) The following abbreviations have the following meanings:

(1) *BOD* means biochemical oxygen demand.

- (2) *CFR* means Code of Federal Regulations.
- (3) *COD* means chemical oxygen demand.
- (4) *EPA* means United States Environmental Protection Agency.
- (5) *L* means liter.
- (6) *Lbs* means pounds.
- (7) *LEL* means lower explosive limit.
- (8) *Mg* means milligrams.
- (9) *NPDES* means National Pollutant Discharge Elimination System.
- (10) *PCB* means polychlorinated biphenyl.
- (11) *POTW* means publicly owned treatment works.
- (12) *TOC* means total organic carbon.
- (13) *TSS* means total suspended solids. (Ord. 1189 §§1—6, 1997; Ord. 1035, 1991; Ord. 898, 1984)

II. Sewers

13.12.030 Connection; required.

(a) All premises located on the line of any street, alley or avenue within the City through which there is an established sewer or district sewer or located within four hundred (400) feet of an established sewer shall be equipped with a sink or drainage basin and a sanitary water flushed closet, in conformity with the Colorado Plumbing Code and laws, which water closet shall be equipped with a good and sufficient supply of running water. Whenever a closet known as the "frostproof" or "hopper type" closet is in a bad state of repair or is not equipped with a sufficient supply of running water, such closet shall be replaced by a sanitary water-flushed closet.

(b) All sewage and drainage from all water closets, bathtubs, sinks, basins and other plumbing fixtures shall be connected by the owners of such premises or by their agents, within such established sewer district, when required to do so by the City Council. (Ord. 898, 1984)

13.12.040 Connection; notice to owner; authority of City to do work.

(a) Whenever the City Council orders the owners of premises described in Section 13.12.030, to install a sink or sanitary drainage basin or water closet or the connection of any such appliances to the sewer line within such district, the Director or any other person designated by the Control Authority shall serve a written notice upon the owners or the agent thereof, requiring that such appliance be

installed and connected to the sewer. The notice shall specify the time in which the party is required to connect with the sewer or place any such appliances in usage, which time shall be not less than five (5) days after the service thereof and may be extended by the City Council to thirty (30) days from the date of service and such notice. It is unlawful, within the time specified, after having been served with such notice, to fail to either connect to the sewer or install any such appliances as directed. Any such appliance required in this Subsection or connection to be made to the sewer may be installed or the work done by the City and cost thereof collected from the owners of such property in any court of competent jurisdiction.

(b) If the notice provided for in Subsection (a) above cannot be served upon the owners or their agents of such property, then a copy of such notice shall be posted on the premises for a period of five (5) days before the commencement of such work by the City. If the post office address of the owner of such property is known, a copy of such notice shall be deposited in the post office to such owner at such address, postage prepaid. (Ord. 898, 1984)

13.12.050 Owner to bear costs and indemnify City.

All costs and expenses incident to the installation and connection of sanitary facilities and the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may, directly or indirectly, be occasioned by the installation of said facilities. (Ord. 898, 1984)

13.12.060 Plumbing Code and Building Code applicable.

The installation of all plumbing fixtures and of all sewer facilities shall be made in accordance with the Colorado Plumbing Code and the City Building Code. (Ord. 898, 1984)

13.12.070 Unsanitary disposal of wastes prohibited.

It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner, on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste. (Ord. 898, 1984)

13.12.080 Compound taps.

Compound usage taps shall not be permitted. A separate and independent sanitary sewer shall be provided for every building or complex of buildings under single ownership, except as provided for in Section 13.12.090 for residential condominium ownership. Where two (2) or more buildings on a property under single ownership are connected by a common building sewer, should any portion of the property be subdivided and sold separately or building be sold separately, then each property or building shall be provided with a separate and individual building sewer prior to the property transfer. (Ord. 898, 1984)

13.12.090 Residential condominiums.

Compound usage building sewers may be permitted for residential condominiums in the City if the owner of the realty projected for condominium development submits to the City prior to site plan approval a declaration containing a covenant running with the land and binding upon the owner's

heirs, successors and assigns, that a homeowner's association, consisting of the owners of each condominium unit, shall be responsible for the sewer user charges attributable to the development. All such charges shall be based on single-family rates as otherwise provided by ordinance. Discontinuance of service for nonpayment of such user charges by the association shall be imposed upon the entirety of the condominium development sharing the compound usage and a charge and lien for such sewer use charges shall attach to the individually owned condominium units as well as the general and limited common elements of the development in common use. In the event that the declaration containing the covenants described heretofore is not submitted to the City by the owner of the realty to be developed as condominium property, then each condominium unit shall be required to have a separate building sewer and no compound usage shall be permitted for such development. (Ord. 898, 1984)

13.12.100 Service connection permit required.

No person other than City personnel or other persons authorized by the City shall undertake maintenance and repair work on, uncover, open into, make service connections with, use, alter or disturb any portion of the City's POTW or manhole covers without first obtaining a City service connection permit. All service connections shall be at the permittee's expense, shall comply with all applicable provisions of this Chapter and all applicable City standards and specifications and provisions of this Code as may be adopted from time to time and shall be subject to all applicable fees and charges as may be established by the City. (Ord. 898, 1984)

13.12.110 Permits must be procured before starting work.

If any work requiring a permit is commenced without a permit first having been obtained therefor, the Director may immediately issue a stop work order until the proper permits are obtained and such an offender shall pay any additional penalties as determined and established by the Control Authority. (Ord. 898, 1984)

13.12.120 Outhouses prohibited.

No person shall erect or maintain any outhouse or privy within the City; except that chemical toilets shall be permitted at construction sites. (Ord. 898, 1984)

13.12.130 Wastewater or septic tank haulers.

Commercial wastewater or septic tank haulers shall not discharge any wastewater into the POTW without prior approval of the Director; provided, however, that recreational vehicles with a holding tank capacity of less than fifty (50) gallons may discharge into the POTW through designated discharge points. (Ord. 898, 1984)

13.12.140 Discharge of sewage.

All sewage shall be discharged to sanitary sewers through authorized connections. No person shall discharge any sewage from any premises within the City into or upon any stream, water course or public property or into any drain, cesspool or storm sewer. (Ord. 898, 1984)

13.12.150 Clean water prohibited from sanitary sewers.

No person shall discharge or cause to be discharged to a POTW sanitary sewer any storm water, surface water, ground water or unpolluted industrial process water from roof drains, area drains, underground drains, sump pump discharge lines, natural springs or seeps without written permission of the Director. In the event that the written permission of the Director is granted, then a minimum charge per month per each sewer connection shall be paid. (Ord. 898, 1984)

13.12.160 Installation and maintenance.

The owner of any property connecting to the POTW shall be responsible for the installation and maintenance of the service line from the public sewer to the structure to be served. The owner shall keep the service line for which he or she is responsible in good condition and shall replace at his or her expense any portions thereof which, in the opinion of the Director, have become damaged or disintegrated as to be unfit for further use or is in such condition to permit infiltration into the system. All repairs shall be completed within thirty (30) days after notification. The owner shall be responsible for returning the public right-of-way and the street to acceptable City standards. In the event that the owner shall fail or refuse to so complete the repairs, the Director may cause the repairs to be completed and charge owner for the costs thereof. (Ord. 898, 1984)

13.12.170 Existing building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the Director, to meet all requirements of this Chapter; otherwise, old building sewers shall be abandoned and plugged at the owner's expense. The plug in the old building sewer must be inspected and approved by the Director or his or her representative. (Ord. 898, 1984)

13.12.180 Building sewer elevation.

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 POTW sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 898, 1984)

13.12.190 Excavation protection required.

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. The permittee shall agree to assume responsibility for any public liability or property damage which may result from the work. Streets, sidewalks, parkways or other public property disturbed in the course of the work shall be restored in accordance with the City design standards and specifications currently in effect. (Ord. 898, 1984)

13.12.200 Inspection of building sewer construction.

The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the POTW sewer. The connection shall be made by and under the supervision of the Director or his or her agent. (Ord. 898, 1984)

13.12.210 Taps and manhole connections.

No tap larger than four (4) inches shall be made on a six (6) inch sewer main. Any sewer connection larger than four (4) inches must be made by means of a manhole. All manholes shall be constructed in accordance with City standard specifications. (Ord. 898, 1984)

13.12.220 Interference with sewers and appurtenances prohibited.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any property, structure, equipment or appliance, pipe, valve or appurtenance, which is a part of the POTW. No unauthorized person shall tap or make any connection with a building drain, building sewer, combined sewer or sanitary sewer without first having obtained a written permit from the Director. No person shall discharge wastewater into the POTW from any building other than the building for which the permit was obtained. (Ord. 898, 1984)

13.12.230 Violation.

Any person who shall violate any provision of this Chapter or other regulation adopted by reference by this Chapter, by doing any act prohibited or declared unlawful thereby, shall be guilty of a misdemeanor and shall be subject to such penalties as are provided for in this Code. (Ord. 898, 1984)

III. Prohibitions and Limitations on Wastewater Discharges

13.12.250 Restricted discharges to sewers.

(a) No person shall discharge or cause to be discharged into any POTW sewer the following described substances, materials, wastes or wastewaters, if it appears likely in the opinion of the Authority that such wastes can harm the sewers, wastewater treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb and public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastewaters, the Director will give consideration to such factors as the quantities of the subject wastes in relation to average sewage flows and velocities in the POTW sewerage, material of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, the degree of treatability of wastes in the sewage and other pertinent factors. In all cases the Authority shall require industrial users of the POTW to comply with all aspects of applicable National Categorical Pretreatment Standards as provided for in Section 13.12.400.

(b) Substances which are prohibited are:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (one hundred forty [140] degrees Fahrenheit) using the test methods specified in 40 CFR 261.21;

(2) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

(3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW or other interference with the operation of the POTW;

(4) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than five (5.0) or greater than nine (9.0), unless the works are specifically designed to accommodate such discharges;

(5) Pollutants which result in the presence of toxic gases, vapor or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(6) Heat in amounts which will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (one hundred four [104] degrees Fahrenheit);

(7) Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(9) Wastewaters with objectionable color not removed in the sewage treatment process, such as but not limited to, dye wastes, vegetable tanning solutions, printing inks and paint pigments.

(10) Waters and wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of its NPDES discharge permit or requirements of other agencies having jurisdiction over discharge to the receiving waters.

(11) Unusual wastewater flows or concentrations of wastes constituting *slugs*.

(12) *Holding tank sewage* in such quantities as to create a nuisance or impose a significant load on the wastewater treatment process. (Ord. 1035, 1991)

13.12.260 Specific pollutant discharge limitations.

No user of the wastewater utility shall discharge wastes or wastewaters containing pollutants in excess of the following specific pollutant limitations. The specific pollutant limitations apply to composite samples except where noted. The Director may also prohibit, by written notice, any pollutant discharged into the POTW sewers that is within the allowable concentration limitations but that interferes with or upsets a sewage treatment process at the POTW.

<u>Pollutant</u>	<u>Maximum Concentration, ug/L (Composite samples except where noted)</u>
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Arsenic	42.0
Benzene	50.0
Boron, mg/L	2.5
BTEX	750.0
Cadmium	28.0
Chloride, mg/L	5,674
Chromium (total)	918.0
Chromium (hexavalent)	143.0
Copper	905.0
Cyanide (total) (grab sample)	86.0
Lead	193.0
Mercury	<0.2 (MDL)
Molybdenum	177.0
Nickel	179.0
Oil, free (petroleum), mg/L	69.0
Selenium	68.0
Silver	463.0
Zinc, mg/L	2.3

(Ord. 1356 §§1, 2, 2003; Ord. 1116, §§1, 2, 1994; Ord. 1093 §2, 1993; Ord. 898, 1984)

IV. Control of Prohibited Wastes

13.12.270 Action resulting from deposit of deleterious wastes.

If any waters are discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Sections 13.12.250 and 13.12.260 of this Chapter, and which in the judgment of the Director may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewer.
- (3) Require control over the quantities and rates of discharge.
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing charges under any other provisions of this Chapter. (Ord. 898, 1984)

13.12.280 Preemption by state or federal standards unless City standards more stringent.

(a) If the federal government issues National Categorical Pretreatment Standards for an industrial category that are more stringent than the standards prescribed by this Chapter, such standards supersede the standards prescribed by this Chapter.

(b) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations as those contained herein.

(c) The Control Authority reserves the right to establish discharge limitations more stringent than federal and state requirements or limitations contained herein, if deemed necessary to comply with objectives of this Chapter.

(d) The Authority may impose mass limitations on discharges where the imposition of mass limitations is deemed appropriate. (Ord. 898, 1984)

13.12.290 Dilution of discharge.

No industrial user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any applicable limitations. The Control Authority, in consultation with the user, shall determine whether a dilution has occurred. (Ord. 898, 1984)

13.12.300 Accidental discharges.

Each industrial user shall provide protection from accidental discharge of materials or substances regulated herein. Facilities to prevent accidental discharge of such materials or substances shall be provided and maintained at the industrial user's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review and shall be approved by the Director before construction of the facility. All existing industrial users shall complete facilities and procedures in accordance with such a plan by December 31, 1984. No industrial user who commences contribution to the POTW after the effective date hereof shall introduce wastewater into the system until accidental discharge facilities and procedures have been approved by the Director. Review and approval of such plans and operating procedures shall not relieve the industrial user of the responsibility to modify the facility as necessary to meet the requirements hereof.

(1) In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions taken.

(2) Written notice. Within five (5) days following an accidental discharge, the industrial user shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to persons or property, nor shall such notification relieve the industrial user of any fines, civil penalties or other liability which may be imposed by this Chapter or other applicable law in addition to the amount of any fines imposed on the Authority on account thereof under state and federal law.

(3) Notice to employees. Each industrial user shall permanently post a spill prevention and notification procedure at each area of possible accidental discharge. Employers shall insure that all employees who may cause or suffer such accidental discharge to occur are advised of the emergency notification procedure including the proper telephone number of the Authority to be notified.

(4) Slug discharge determinations. The Control Authority shall evaluate, at least once every two (2) years, whether each such significant industrial user needs a plan to control slug discharges. For purposes of this Subsection, a slug discharge is any nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge. The plan shall contain, at a minimum, the following elements:

- a. Description of discharge practices, including nonroutine batch discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days;
- d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structure or equipment, measures for containing toxic organic pollutants (including solvents) and/or measure and equipment for emergency response. (Ord. 1035, 1991; Ord 898, 1984)

13.12.310 Wastewater discharges into private sewer systems.

All dischargers who discharge wastewater into a private sewer system shall comply with this Chapter including all monitoring requirements; provided, however, that flow measurement may be based on metered water consumption. Each discharger shall provide an agreement, signed by the owner of the sewer system, which authorizes the Authority's personnel to enter onto the owner's property for purposes of inspection and monitoring of discharger's premise, and for enforcement pursuant to the terms of this Chapter. (Ord. 898, 1984)

13.12.320 Multi-jurisdictional and district agreements.

Any sanitation district discharging wastewater into the POTW shall provide an agreement which requires full compliance of all users with the objectives of this Chapter and the requirements of the National Pretreatment Standards before introducing any pollutants into the City system. The district shall establish cooperation to facilitate the safe and efficient handling of industrial waste discharges. The district shall consult and cooperate with the City in the effort to identify industrial users and determine the character and volume of pollutants contributed to the POTW by these industrial users. (Ord. 898, 1984)

13.12.330 Special agreements and contracts.

No statement contained in this Chapter shall be construed as prohibiting special written agreements between the City and any industrial users allowing industrial waste of unusual strength or character to be admitted to the wastewater utility, if the user compensates the City for any additional costs of treatment. The Director may execute an agreement to exceed the specific pollutant limitations contained in Sections 13.12.250 and 13.12.260 only if the Director finds that:

- (1) The industrial user is making reasonable progress toward eliminating the violation;

(2) Compliance with the specific pollutant limitation during a time period agreed upon for installation of proper pretreatment equipment would impose undue hardship; and

(3) Acceptance of the discharge does not adversely affect the wastewater utility nor cause violation of the City's NPDES discharge permit and applicable federal and state laws. (Ord. 898, 1984)

13.12.339 IU permit requirements.

Any permit issued shall contain at a minimum, the following conditions:

- (1) Statement of duration which shall not exceed five (5) years;
- (2) Statement of nontransferability as defined by Section 13.12.440(g) of this Chapter.
- (3) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits and state and local law.
- (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on the applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits and state and local law.
- (5) Statement of applicable civil and criminal penalties (as outlined in Section 13.12.530 *et. seq.*) for violation of pretreatment standards and requirements as outlined in this Chapter, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond federal deadlines. (Ord. 1035, 1991)

13.12.340 Pretreatment.

Users shall provide necessary wastewater treatment as required to comply herewith. Any equipment and facilities required to pretreat wastewater to a level in compliance with this Chapter shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review and shall be approved in writing by the Director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce wastewater in compliance with the provisions of this Chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Director and must be approved by him or her prior to the user's initiation of the changes. (Ord. 898, 1984)

13.12.350 Interceptors and dilution tanks.

The following regulations shall govern admission of industrial wastes to the sewage works:

- (1) Grease, oil and sand interceptors and dilution tanks shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes, sand and other

harmful ingredients, except that such interceptors or tanks shall not be required for private living quarters or dwelling units.

(2) All interceptors shall be of a type and capacity approved by the Director and shall be located under cover and so as to be readily and easily accessible for cleaning and inspection. Interceptors shall not be located so as to receive rainwater or unpolluted runoff.

(3) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

(4) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times. Interceptors shall be cleaned at least once a week.

(5) Failure by the owner to properly clean and maintain these units shall be considered sufficient cause for disconnection of premises from the public sewer or punitive actions as provided for in this Chapter. (Ord. 898, 1984)

13.12.360 Screens required.

In plants processing fruits, vegetables and similar produce, screens shall be provided when, in the opinion of the Director, they are necessary to reduce the concentration of industrial wastes to acceptable levels. Screens shall be of a type and capacity approved by the Director and shall be located so as to be readily and easily accessible for cleaning and inspection. Failure by the owner to properly clean and maintain these units shall be considered sufficient cause for disconnection of premises from the public sewer or punitive actions as provided for in this Chapter. (Ord. 898, 1984)

13.12.370 Pretreatment facilities maintained by owner.

Where preliminary treatment or flow-equalization facilities are provided for any waters or waste, they shall be maintained continuously in satisfactory and effective operation by the user at his or her expense. (Ord. 898, 1984)

13.12.380 Control manholes.

When required by the Director, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole on the building sewer to facilitate observation and sampling of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times. (Ord. 898, 1984)

13.12.391 Liquid waste hauling regulation.

(a) Liquid waste haulers; disposal permit required. All liquid waste haulers wishing to deposit liquid waste or sewage in the designated disposal facilities of the City are subject to this Section.

Persons disposing of permitted wastes at the designated disposal facilities of the City shall obtain a *liquid waste hauler permit* as specified herein. There shall be and there is hereby established a liquid waste hauler permit charge of fifty dollars (\$50.00). Said permit fee shall be assessed annually. Such charge shall be payable by the applicant at the time the application is submitted. Checks shall be made payable to the City.

(b) Application. Persons seeking a permit to use the designated disposal facilities of the City shall complete and file with the Director an application on the form prescribed by the Director. In support of this application, the user shall be required to submit the following information:

- (1) Name and address of hauler.
- (2) Number, capacity and type of vehicles that will utilize the facility.
- (3) Types of materials pumped by the hauler and the specific disposal methods and location for said materials.
- (4) Other items as the Director deems appropriate to assure compliance with this Section.

(c) Fees. There shall be a disposal charge per load of permitted wastes discharged into the designated disposal facility. Such charge shall be payable on a monthly basis and shall be collected by the City.

(1) Accounting and billing of each load discharged will be accomplished by means deemed appropriate by the City.

(2) Each vehicle using the designated disposal site must have an authorization document issued by the POTW Department, which document shall identify the company, permit number, identification of vehicles and other items as appropriate or otherwise indicated in the liquid waste hauler permit.

(d) Permit restrictions. Permits to use the disposal facilities of the City are subject to all the provisions of this Section and all other regulations, charges and fees deemed applicable by the Board of Utility Commissioners.

(e) Permit conditions. The issuance of liquid waste hauler permits may contain the following conditions:

(1) Liquid waste hauler permits shall be issued for no longer than five (5) years. All terms and conditions of the permit may be subject to modification and change by the Director during the life of the permit.

(2) A liquid waste hauler permit may not be transferred, reassigned or sold.

(3) Liquid waste hauler permit renewal must be applied for and an updated permit application submitted to the Director at least thirty (30) days prior to the expiration date contained in the permit.

- (4) Conditions contained in the liquid waste hauler permit may include but are not limited to:
- a. Firm name, address, phone number;
 - b. Authorized representative information and signature;
 - c. Certification of permit condition acceptance;
 - d. Restrictions of hours of operation if applicable;
 - e. Conditions upon which permit revocation may occur;
 - f. Limitation on hydrocarbon or other pollutants;
 - g. Permit number;
 - h. Recordkeeping and reporting requirements;
 - i. Compliance with rules and regulations of the POTW Department and Health Department regarding proper cleanliness and sanitary conditions; and
 - j. Other conditions, limitations or prohibitions deemed appropriate by the Director.

(5) Requirements for manifesting each load showing origination by address, property or business owner's name and signature, type of waste and statement that waste is not hazardous.

(6) Liquid waste hauler truck contents shall be subject to sampling and analysis by POTW Department employees at any time.

(7) All reports and records required to be retained by this Section shall be retained for a minimum of three (3) years and shall be made available immediately upon request by the Director.

(f) Sampling requirements. Liquid wastes disposed of at the designated disposal facilities of the City shall be subject to sampling to determine compliance with all applicable provisions of this Code.

(g) Reporting of changes. Any significant change in the information provided by the permittee on the liquid waste hauler permit application form shall be reported to the Director as follows:

- (1) Fourteen (14) days prior to known date of a planned significant change.
- (2) Within seven (7) days after known date of an unplanned significant change.
- (3) For purposes of this Section, *significant change* shall mean:
 - a. Change in number of disposal vehicles operated by the permittee.
 - b. Replacement of a disposal vehicle operated by the permittee.

- c. Alteration of tank size of any disposal vehicle operated by the permittee.
- d. Other items as specified in the liquid waste hauler permit.

(h) Discontinuance. Any POTW Department employee shall have the authority to order the immediate discontinuance of the discharge from any liquid waste hauler truck into the designated disposal facilities of the City. Such order shall be based on the employee's best professional judgment that said discharge may be in violation of any applicable condition of this Code or may otherwise be deleterious to the operation of the City wastewater treatment facilities or the safety of its workers.

(i) Liquid waste hauler permit; denial of. The Director may deny the issuance of a liquid waste hauler permit on the following grounds:

- (1) The applicant knowingly falsified information on his or her application;
- (2) The applicant's previous or other liquid waste hauler permit is under suspension or probation or has been otherwise revoked and the condition upon which such action was taken still exists;
- (3) The applicant is not current on all disposal and permit related reports and charges;
- (4) Discharge to the POTW of permitted or otherwise prohibited wastes; or
- (5) Other items as the Director considers significant.

(j) Notification of denial. In the event an application for a liquid waste hauler permit is denied, the Director shall notify the applicant in writing of such denial. Such notification shall state the grounds for the applicant of the measures or actions which must be taken by the applicant prior to issuance of a permit.

(k) Liquid waste hauler permit, revocation, suspension, probation. All liquid waste hauler permits issued to any person may be revoked, suspended or entered into a probationary period upon a finding by the Director that any of the following conditions exist:

- (1) Such person has failed to pay disposal charges within thirty (30) days after such charges were due and payable;
- (2) Such person or representative thereof has improperly used and/or maintained the designated disposal facilities of the City in violation of requirements established by the Director;
- (3) Such person or representative therefore failed to display the authorization document upon request by a representative or employee of the POTW Department;
- (4) Such person or representative thereof has changed, altered or otherwise modified the face of a permit or authorization document without the permission of the POTW Director;
- (5) Such person or representative thereof violated any condition of the permit;

(6) Such person or representative thereof has falsified any application, records, reports or monitoring results required to be maintained, or has failed to immediately make available such items to the Director upon his or her request; or

(7) Such person or representative thereof failed to immediately halt the discharge from his or her truck into the designated disposal facilities of the City upon the order of any POTW Department employee.

Suspensions and periods of probation may be effected by the Director for any length of time up to one (1) year.

(l) Hearings. Upon receipt of notification of denial of a permit application, the applicant may request and shall be granted a hearing to be held by the Director. At such hearing the applicant shall have the burden of establishing that the conditions set out in this Section have been met and that the permit should be issued.

(m) Conduct of hearing. The Director may conduct the hearing and take the evidence or may designate a representative to:

(1) Issue in the name of the Director notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to the matter involved in such hearings;

(2) Take the evidence; and/or

(3) Transmit a report of the evidence and hearings, including transcripts and other evidence, to the Director together with recommendations for action thereon.

(n) Reinstatement. Any liquid waste hauler permit which has been revoked, suspended or entered into probation pursuant to this Section may be reinstated upon a finding by the Director that the condition which resulted in such revocation no longer exists.

(o) Violations. Upon determination of a Code or liquid waste hauler permit violation, any permittee shall be subject to the enforcement actions and penalties outlined in this Section, or as is otherwise contained in the liquid waste hauler permit as necessary to protect the POTW or environment. (Ord. 1356 §§3—5, 2003; Ord. 1106 §1, 1993)

13.12.400 Authority to require compliance with National Categorical Pretreatment Standards.

Upon promulgation of pretreatment standards for a particular industrial subcategory, as authorized by Section 307 of the Clean Water Act, the federal standard, if more stringent than the limitations imposed under this Chapter or in the industrial user's wastewater discharge permit or in the absence of applicable pretreatment limitations in this Chapter, shall become applicable. The Director shall promptly notify all affected industrial users of the reporting requirements contained in 40 CFR 403.12 and shall require that such reports be signed by a duly authorized representative of the industrial user who certifies as to the completeness of the report. In addition, the Director shall have authority:

- (1) To place all affected industrial users on compliance schedules.
- (2) To receive and analyze reports on progress toward compliance.
- (3) Insure that all applicable industrial users install the technology necessary to achieve the required level of treatment specified in the pretreatment standard on or before the deadline specified in the standard.
- (4) Apply those provisions delineated in paragraphs (1), (2) and (3) above to those industrial users who discharge substances to the POTW sewerage identified as prohibited discharges. (Ord. 898, 1984)

13.12.410 Negotiated easement.

The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds duly negotiated easement for the purpose of, but not limited to, inspection, sampling, measurement, observation, monitoring, repair and maintenance of any portion of the POTW sewerage lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 898, 1984)

V. Industrial Discharge Permit System

13.12.420 Wastewater classification survey.

(a) Prior to discharge into the City wastewater utility all nonresidential users shall complete and file a wastewater classification survey in the manner prescribed by the Director. The wastewater classification survey shall contain, as a minimum, the following information: business name and address; name of owner, operator or manager and address; type of business; description of processes or services provided by business; type and quantity of wastewater generated; method of waste disposal; raw material used by facility; any chemicals, oils, cleaners, solvents used or stored by the business; and any additional information deemed necessary by the Director for the purpose of classifying the wastewater discharge of the nonresidential user. All information shall be certified as complete and correct by the owner, manager or chief executive officer.

(b) All industrial users obtaining a building permit for initial construction or for building expansion or remodeling shall complete and submit the wastewater classification survey to the Public Works Director for review prior to approval of the building or remodeling permit.

(c) All industrial users shall update the wastewater classification survey on file with the Public Works Director whenever significant changes are made in the wastewater discharge. Significant changes include, without limitation, an increase or decrease in wastewater volume, concentration of materials or substances or changes in types of wastes that will last for a period exceeding normal wastewater production variations. If the normal quantity or quality of the discharge has changed, the user shall so notify the Public Works Director by letter. The Public Works Director may request a

new submittal of the wastewater classification survey as deemed necessary. (Ord. 1189 §§9, 10, 1997; Ord. 898, 1984)

13.12.430 Classification of industrial users.

(a) The Director will evaluate the completed wastewater survey and data furnished by the discharger and may require additional information, including submission of an industrial wastewater discharger permit application in accordance with Section 13.12.440 of this Code.

(b) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Chapter; the industrial user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional operational and maintenance activities and this declaration and schedule will be made a part of the user's wastewater discharge permit.

(1) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this Chapter including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction and all other acts necessary to achieve compliance with this Chapter.

(2) The time increments between milestone dates established shall be the shortest practicable for completion of the required work. Under no circumstances shall the Authority permit a time increment for a single step in the compliance schedule to exceed nine (9) months. The completion date in this schedule shall not be later than the compliance date established for applicable categorical pretreatment standards.

(3) Not later than fourteen (14) days following each milestone date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Authority, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine (9) months elapse between such progress reports to the Authority.

(c) Unless exempted by the Director, a significant industrial user shall provide monitoring facilities prior to approval of a permit application, to allow inspection, sampling and flow measurement at each discharge point. Each monitoring facility shall be located on the discharger's premises; except in the case where such location would be impractical or cause undue hardship to the discharger, the Authority may approve the placement of monitoring facilities in the public right-of-way. All monitoring equipment and facilities shall be maintained in a safe and proper operating condition at the expense of the discharger. Failure to provide proper monitoring facilities shall be grounds for denial of a permit application. (Ord. 1189 §§11—14, 1997; Ord. 898, 1984)

13.12.440 Industrial wastewater discharge permit.

(a) No significant industrial user shall discharge wastewater to the public sewers without having a valid industrial wastewater discharge permit issued by the Director. A permit may be required for any industrial user as deemed necessary by the Director of Public Works.

(b) Industrial users shall comply fully with the terms of their permits in addition to the provisions of this Chapter. Violation of a permit condition is deemed a violation of this Chapter.

(c) All significant industrial users shall apply for an industrial wastewater discharge permit within thirty (30) days after the effective date of this provision. Other persons proposing to connect to the sewer system and determined by the Director as requiring an industrial wastewater discharge permit shall apply at least ninety (90) days prior to commencing discharges to the public sewer. All permittees shall reapply for a new permit ninety (90) days prior to the expiration of the old permit.

(d) Industrial wastewater discharge permits are subject to all provisions of this Chapter and all other applicable regulations, user charges and fees established by the City. Permits may contain, without limitation, the following:

(1) Limits on the average and maximum concentration or mass of wastewater constituents and characteristics;

(2) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

(3) Schedules for installation of pretreatment equipment to bring discharge into compliance with applicable regulations;

(4) Requirements for installation and maintenance of inspection and sampling facilities;

(5) Specifications for monitoring programs that include sampling locations; frequency of sampling; number, type and standards for tests; and reporting schedules.

(6) Requirements for submission of technical reports, discharge reports and compliance progress reports;

(7) Requirements for maintaining and retaining records relating to wastewater discharge as specified by the City and affording City access thereto;

(8) Requirements for notification of slug loads;

(9) Requirements for notification of the City of the new introduction of wastewater constituents or any change in character of the wastewater constituents or average volume being introduced into the wastewater utility; and

(10) Other conditions as deemed necessary by the Authority to enforce the provisions of this Chapter.

(e) The Control Authority shall issue industrial wastewater discharge permits for a specified time period not to exceed five (5) years. The industrial user shall apply for permit reissuance at least ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Control Authority during the term of the permit if limitations or requirements are modified, if necessary to meet requirements of the City's NPDES discharge permit or if there is other good cause. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) An applicant for a wastewater discharge permit shall pay the fees prescribed by the Authority.

(g) A wastewater discharge permit may not be sold, traded, assigned, sublet or otherwise transferred. A new significant industrial user must obtain a wastewater discharge permit regardless of whether a permit previously existed for the same premises.

(h) A wastewater discharge permit shall contain, without limitation, the following:

(1) The requirement that the industrial users shall notify the City, the State Health Department and the Environmental Protection Agency, through its Waste Management Division Director, in writing, of any discharge with hazardous waste to the pretreatment water program which, if otherwise disposed of, would be hazardous waste as defined by the terms of 40 CFR.

(2) Notification shall contain the information known and readily available to the industrial user to include the identification of the hazardous constituents contained in the waste, an estimation of the mass and concentration of said constituents in the waste stream discharged and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.

(3) All notifications must take place within one hundred eighty (180) days after the discharge of the hazardous waste by the industrial user. (Ord 1042, 1991; Ord. 1035, 1991; Ord. 898, 1984)

13.12.450 Wastewater discharge permit modification.

(a) Wastewater discharge permits may be modified for just cause upon thirty (30) days' written notice by the Director. Just cause shall include but not be limited to:

(1) Promulgation of new applicable National Categorical Pretreatment Standards.

(2) Changes in the requirements of this Chapter.

(3) Changes in processes used by the permittee or changes in discharge volume or characteristics.

(4) Changes in available capacity or process design of the POTW facilities.

(5) Changes necessary to meet requirements of the City's NPDES discharge permit.

(b) The Authority reserves the right to amend any wastewater discharge permit issued hereunder in order to assure compliance by the Authority with applicable laws and regulations. Within nine (9) months after the promulgation of a categorical pretreatment standard or within nine (9) months after approval by EPA of the Authority's pretreatment program where categorical pretreatment standards are promulgated before EPA approval of the Authority's pretreatment program, the wastewater discharge permit of each discharger subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards.

(c) All categorical pretreatment standards promulgated and adopted by the EPA after the promulgation of this Chapter shall automatically become a part of this Chapter. Where a discharger, subject to a categorical pretreatment standard, has not previously submitted an application for wastewater discharge permit as required by this Chapter, the discharger shall apply for a wastewater discharge permit from the Authority within ninety (90) days after the promulgation of the applicable categorical pretreatment standard by the EPA. In addition, the discharger with an existing wastewater discharge permit shall submit to the Authority within ninety (90) days after the promulgation of an applicable categorical pretreatment standard, the information required by Section 13.12.440 above. The discharger shall be informed of any proposed changes in his or her permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. (Ord. 898, 1984)

13.12.460 Cause for suspension or revocation of permit.

The Control Authority may suspend or revoke a wastewater discharge permit and terminate the POTW sewer service if the permittee:

- (1) Violates any condition stated in his or her wastewater discharge permit or provision of this Chapter.
- (2) Fails to report a discharge, accidental or otherwise, of a toxic or prohibited substance.
- (3) Increases the use of process water or attempts to dilute his or her discharge for the sole purpose of achieving compliance with any discharge limitation.
- (4) Fails to report accurately his or her wastewater constituents and characteristics.
- (5) Tampers with, disrupts, damages or renders inaccurate any wastewater monitoring device required by this Chapter.
- (6) Refuses reasonable access to the industrial user's premises for the purpose of inspection or monitoring.
- (7) Fails to pay fees or charges assessed for POTW services.
- (8) Makes any false statement, representation or certification, knowing it to be false, in any application, record, plan data or document filed or required to be maintained pursuant to this Chapter. (Ord. 898, 1984)

VI. Industrial Wastewater Monitoring and Reporting

13.12.470 Reporting requirements for discharger.

(a) Baseline report. Within ninety (90) days following the effective date for applicable pretreatment standards set forth in the Chapter or prior to commencement of the introduction of wastewater into the POTW by a new discharger, any discharger subject to a categorical pretreatment standard shall submit to the Authority a report (in a form provided by the Authority), indicating the nature and concentration of all prohibited or regulated substances contained in its discharge and the average and maximum daily flow in gallons. The report from existing dischargers shall state whether the applicable categorical pretreatment standards are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the discharger into compliance with applicable categorical pretreatment standards. In all cases this statement shall be signed by an authorized representative of the discharger; and if the discharger is a significant industrial user, then the report also must be certified to by a qualified engineer licensed in the State.

(b) Periodic compliance reports. Any discharger subject to a categorical pretreatment standard made a part of this Chapter, after the compliance date of such pretreatment standard, or in the case of a new discharger, after commencement of the discharge, shall submit to the Authority, in a form to be provided by the Authority, during the months of June and December of each year, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows which, during the reporting period, exceeded the average daily flow specified in the discharger's permit conditions. Flows shall be reported on the basis of actual measurement; provided however where cost or feasibility considerations justify, the Authority may accept reports of average and maximum flows estimated by verifiable techniques. The Authority, taking into consideration such factors as local high or low flow rates, holidays, budget cycles or other extenuating factors, may authorize the submission of said reports on months other than those specified above.

(c) Compliance date report. Within ninety (90) days following the date for final compliance by the discharger with applicable pretreatment standards set forth in this Chapter or ninety (90) days following commencement of the introduction of wastewater into the POTW by a new discharger, any discharger subject to this Chapter shall submit to the Authority a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements. In all cases this statement shall be signed by an authorized representative of the discharger; and if the discharger is a significant industrial user, then the report also must be certified to by a qualified engineer licensed in the State.

(d) Reports of discharges shall contain all results of sampling and analysis of the discharge, including the flow rate, the nature and concentration of the constituents, or the production and mass of the constituents, where required by the Authority. The frequency of monitoring by the discharger shall be as prescribed in the applicable categorical pretreatment standard made a part of this Chapter or more frequently as designated by the Authority. All sampling shall be done in accordance with 40 CFR, Part 136.

(e) The Control Authority is authorized to randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards.

(f) Inspection and sampling the effluent from each significant industrial user shall occur as often as the Control Authority deems necessary to insure compliance with this Chapter, but at least once a year.

(g) Reporting requirements for noncategorical SIU's. Significant noncategorical industrial users shall submit to the Control Authority at least once every six (6) months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. These reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the techniques described in 40 CFR, Part 136 and amendments thereto. This sampling and analysis may be performed by the Control Authority in lieu of the significant noncategorical industrial user. (Ord. 1035, 1991; Ord. 898, 1984)

13.12.480 Preservation of records.

All dischargers subject to this Chapter shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the Authority pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. (Ord 898, 1984)

13.12.490 Inspection and monitoring facilities.

(a) The Authority may inspect the facilities of any discharger to determine compliance with the requirements of this Chapter. The discharger shall allow the Authority or its representatives to enter upon the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling or examination of records. The Authority shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and metering or measuring operations. The inspectors, agents or representatives of the Authority charged with the enforcement of this Section shall be deemed to be performing a governmental function for the benefit and health and welfare of the general public and neither the Authority nor any individual inspector, agent or representative shall be held liable for any loss or damage, whether real or asserted, caused or alleged to have been caused as a result of the performance of such government function. The failure or refusal of such owners or occupants to comply with this provision shall be grounds for the disconnection of water and/or sewer service to the facility, pursuant to the enforcement and/or termination of service provisions of this Chapter.

(b) Whenever the Director finds it necessary, an industrial user shall provide and operate, at its expense, monitoring equipment and facilities sufficient to allow inspection, sampling and flow measurements of the private sewer or internal drainage system. Whenever required by the Director, any significant industrial user or user discharging prohibited substances or specific pollutants serviced

by a private sewer carrying nonresidential wastewater, shall install a monitoring facility for each separate discharge that the Director finds necessary to monitor. Each separate monitoring facility shall meet requirements set forth by the Director of Public works with safe and independent access for City personnel at all times. The industrial user shall maintain the facility it owns and operates and all sampling and measuring equipment at all times in a safe and proper operating condition at the industrial user's expense. (Ord. 898, 1984)

13.12.500 Measurement of flow; sampling and analysis.

(a) The volume of flow used in computing abnormal sewage surcharges shall be based upon metered water consumption or discharge as shown in the records of meter readings maintained by the Director of Public Works. Where it can be shown to the satisfaction of the Director that a substantial portion of the water as measured by the aforesaid meter does not enter the sanitary sewer system of the Authority, then the Director may require or permit the installation of additional meters at the owner's expense in such a manner as to measure the quantity of water actually entering the said sanitary sewage system from the lot, parcel or land, building or premises of such owner or occupant and the quantity of water used to determine the sewer service charge may be the quantity of water actually entering the sewage system as so determined, if the Director so elects.

(b) All significant industrial users as well as any discharger who procures any part or all of his or her water supply from sources other than the Public Works Department, all or part of which is discharged into the sanitary sewer, shall install and maintain at his or her expense an effluent meter or flow measuring device of the type approved by the Director for the purpose of determining the proper volume of flow to be used in computing sewer service charges. Such meters or measuring devices shall be read monthly. If the Director finds that it is not practicable to measure the quantity or quality of waste by the aforesaid meters or monitoring devices, he or she shall determine the quantity or quality of the waste in any manner or method he or she may find practicable in order to arrive at the percentage of water entering the sanitary sewage system of the Authority and/or the quality of the sewage to be used to determine the sewer service charge.

(c) All industrial users shall obtain the Director's approval for all sampling and measuring equipment prior to its installation or use. All measuring, tests and analyses and all sampling shall be at the expense of the industrial user. All industrial users shall make all measurements, tests, sampling and analyses required by this Chapter in accordance with 40 CFR, Part 136. The Director may direct an industrial user to save a sample split of any reported sample and to deliver the sample to the water quality laboratory for analytical verification.

(d) Samples shall be collected in such manner as to be representative of the character and concentration of the waste under operational conditions. The determination of the character and concentration of industrial waste shall be made at such times and on such schedules as may be established by the Authority. Should a discharger desire a determination of the quality of such industrial waste be made at some time or other than that scheduled by the Authority, such special determination may be made by the Authority at the expense of the owner or occupant discharging the waste. The Director shall determine the frequency of sampling, measuring and analyses and include them as conditions of the user's industrial discharge permit. The Director may impose mass limitations on industrial users that use flow equalization to meet standards or requirements or in other cases where imposition of mass limitations are appropriate. (Ord. 1035, 1991; Ord. 898, 1984)

13.12.510 Confidential information.

(a) All information and data submitted by a discharger to the POTW may be submitted to Environmental Protection Agency, pursuant to the Clean Water Act and the regulations promulgated by the EPA, governing the POTW. Such information shall be considered subject to public disclosure; provided, however, that the discharger may request that information not be subject to public disclosure, in accordance with 40 CFR Part 2, as follows:

(1) A discharger may assert a business confidentiality claim covering part or all of the information, in a manner described below and that information covered by such a claim will be disclosed only by means of the procedure set forth below.

(2) If no claim of business confidentiality is asserted, all information will be subject to public disclosure without further notice to the discharger.

(b) Method and time of asserting business confidentiality claim. A discharger which is submitting information to the Authority may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the Authority, a cover sheet, stamped or typed legend or other suitable form of notice employing language such, as *trade secret*, *proprietary*, or *company confidential*. Allegedly confidential portions of otherwise nonconfidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the Authority. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

(c) Nothing in this Section shall prevent the disclosure of information and data regarding the nature and content of a discharger's effluent and the frequency of discharge or a standard or limitation to be met by discharger, and this information shall be available to the public with no restrictions. The provisions of this Section shall be subject to any public disclosure requirements which may exist under local, state and federal law. (Ord 898, 1984)

13.12.520 Public notification.

The Authority shall annually publish in a newspaper of general circulation in the City a list of all users that significantly violated any provision of this Chapter during the twelve (12) previous months and a summary of any enforcement actions taken against such users during the twelve-month period. For purposes of this Chapter, significant violations are those remaining uncorrected forty-five (45) days after the date of the notice of noncompliance prescribed by this Chapter or that are part of a pattern of noncompliance over a twelve-month period or that involve a failure to report an accidental discharge to the Director of Public Works as required by this Chapter. (Ord 898, 1984)

13.12.529 Enforcement response plan.

The Control Authority shall maintain an enforcement response plan which shall be outlined in detail in the City Industrial Pretreatment Program. The enforcement response plan shall include the manner of investigation in noncompliance with any of the provisions of this Chapter. At a minimum, the response plan shall call for notification to the violator by the Control Authority for verification of noncompliance, review of control measures and appropriate action plan. The program shall also

contain specific adherence to the "City of La Junta Industrial Pretreatment Enforcement Response Guide" as may be amended from time to time. The Director or his or her designee shall be responsible for implementation of the enforcement response plan to include investigation, abatement of escalating responses and enforcement of applicable pretreatment requirements and standards as outlined in 40 CFR 403.8. (Ord. 1189 §§7, 8, 1997; Ord. 1035, 1991)

VII. Enforcement

13.12.530 Revocation of permit.

(a) The Authority may revoke the permit of any discharger which fails to: (1) factually report the wastewater constituents and characteristics of its discharge; (2) report significant changes in wastewater constituents or characteristics; (3) allow reasonable access to the discharger's premises by representatives of the Authority for the purpose of inspection or monitoring; or (4) fulfill the conditions of its permit, or this Chapter or to obey any final judicial order with respect thereto.

(b) Duration of suspension or revocation. If the Director finds cause for suspension or revocation of a wastewater discharge permit, under the terms of Section 13.12.460 or any other section of this Chapter, the Director shall determine whether to revoke the permit for the remainder of its term or to suspend it for any shorter period according to the severity of the violation, the effects on public health, safety and welfare and the time during which the violation can be remedied, if at all. (Ord. 898, 1984)

13.12.540 Notification of violation; administrative adjustment.

Whenever the Authority finds that any discharger has engaged in conduct which justifies revocation of a wastewater discharge permit, pursuant to Section 13.12.530 hereof, the Authority shall serve or cause to be served upon such discharger a written notice, either by personal delivery or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within twenty (20) days of the date of receipt of the notice, the discharger shall respond in person or in writing to the Authority, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof. (Ord. 898, 1984)

13.12.550 Show cause hearing.

Where the violation of Section 13.12.540 hereof is not corrected by means of administrative adjustment, the Authority may order any violating discharger to show cause, before the Authority or its duly authorized representative, why the proposed permit revocation action should not be taken. A written notice shall be served on the discharger by personal service, certified or registered, return receipt requested, specifying the time and place of a hearing to be held by the Control Authority regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action and directing the discharger to show cause before the Authority why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten (10) days before the hearing. Service may be made on any agent, officer or authorized representative of the discharger. The proceedings at the hearing shall be considered by the Authority which shall

then enter appropriate orders with respect to the alleged improper activities of the discharger. (Ord. 898, 1984)

13.12.560 Right of appeal of administrative ruling.

Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the Authority on any matter covered by this Chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this Chapter or deals with a wastewater discharge permit issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. (Ord. 898, 1984)

13.12.570 Judicial proceedings.

(a) Following the entry of any order by the Authority with respect to the conduct of a discharger contrary to the provisions of Section 13.12.530 hereof, the attorney for the Authority may, following the authorization of such action by the Authority, commence an action for appropriate legal and/or equitable relief including a petition in an appropriate court of competent jurisdiction for a restraining order and preliminary and permanent injunctions against the violation.

(b) Temporary restraining order. Nothing in any Section of this Chapter heretofore shall prevent the City from immediately seeking relief, in the nature of a temporary restraining order, where the violating conduct of a POTW user constitutes a nuisance involving an immediate threat to the public health, safety or welfare. (Ord. 898, 1984)

13.12.580 Emergency suspension of service and discharge permits.

(a) The Authority may, for good cause shown, suspend wastewater treatment service to the discharger's facility, when it appears to the Authority that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interfere with the operation of the POTW, violate any pretreatment limits imposed by this Chapter or any wastewater discharge permit issued pursuant to this Chapter. Any discharger notified of the suspension of the Authority's wastewater treatment service and/or the discharger's wastewater discharge permit, shall within a reasonable period of time, as determined by the Authority, cease all discharges. In the event of the failure of the discharger to comply voluntarily with the suspension order within the specified time, the Authority may commence judicial proceedings to compel the discharger's compliance with such order or may immediately disconnect such discharger's service line from the City water and/or sanitary sewer system. In the case of emergency disconnection of service, the Director shall make a reasonable attempt to notify the occupant or user of the premises where such illegal discharge is generated before disconnecting the service line and the party whose service has been disconnected shall have an opportunity for a hearing on the issue of the illegal discharge and the disconnection as soon as possible after such disconnection has taken place.

(b) The Authority may reinstate the wastewater discharge permit and/or the wastewater or water service upon proof by the discharger of the cessation of the noncomplying discharge or elimination of

conditions creating the threat of imminent or substantial danger as set forth above. The City water and/or wastewater service shall only be reconnected at the dischargers expense. (Ord. 898, 1984)

13.12.590 Operating upsets.

Any discharger which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this Chapter shall inform the Authority thereof within twenty-four (24) hours of first awareness of the commencement of the upset. Where such information is given orally, the Authority may at its discretion require a written follow-up report thereof to be filed by the discharger with the Authority within five (5) working days. The report shall specify:

- (1) Description of the upset, the cause thereof and the upset's impact on a discharger's compliance status.
- (2) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
- (3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance. (Ord. 898, 1984)

13.12.600 Recovery of costs incurred by the Authority.

Any discharger violating any of the provisions of this Chapter or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the Authority's wastewater disposal system, shall be liable to the Authority for any expense, loss or damage caused by such violation or discharge. The Authority shall bill the discharger for the costs incurred by the Authority for any cleaning, repair or replacement work caused by the violation or discharge. (Ord. 898, 1984)

13.12.610 Civil fine pass through.

In the event that a user discharges such pollutants which cause the POTW to violate any condition of its NPDES permit and the City is fined by the EPA or the State for such violation, such user shall be fully liable for the total amount of the fine assessed against the City by the EPA and the State. (Ord. 898, 1984)

13.12.620 Falsifying information.

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter, shall upon conviction be punished by the imposition of a fine of not more than two thousand dollars (\$2,000.00) for each offense. (Ord. 1042, 1991)

13.12.630 Penalty.

Any person who is found to have violated an order of the Control Authority or who willfully or negligently failed to comply with any provision of this Chapter and the orders, rules, permits and

regulations issued hereunder, shall be fined not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Chapter or the orders, rules and regulations issued hereunder. (Ord. 1042, 1991)

13.12.640 Severance clause.

If any article, section, paragraph, sentence, clause or phrase of this Chapter is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Chapter. The Control Authority hereby declares that it would have passed the ordinance codified herein and each part or parts thereof, irrespective of the fact that any one (1) part or parts be declared invalid or unconstitutional. (Ord. 898, 1984)

13.12.650 Safety clause.

The Control Authority hereby finds, determines and declares that this Chapter is necessary for the preservation of the public health, safety and welfare. (Ord. 898, 1984)

VIII. Sewer Rates

13.12.660 General requirements for sewer taps.

(a) Application shall be made on the prescribed form and shall include a description and street address of the property to be served.

(b) Tapping shall be performed by authorized Utility Department personnel only. Tapping by unauthorized personnel is a violation of these rules and the violator will be prosecuted. (Ord. 898, 1984)

13.12.670 Schedule of sewer tap fees.

(a) For each new tap for connection of service to the sewer system of the City, a fee will be charged for the right to service.

(b) The City will charge time and materials for tapping City sewer lines in addition to the tap fee. The tap will consist of cutting into the sewer line and installing a saddle or T-fitting.

(c) All other work incident to the tap will be done by the owner at his or her expense. (Ord. 898, 1984)

13.12.680 Standard residential taps.

All new taps for residential service shall be four (4) inches in size. (Ord. 898, 1984)

13.12.690 Fee when due.

The tap fee will be due and payable to the Utility Department upon application made for service and prior to installation of the proposed new tap. The applicant for service, at the time of making his or her application for a new tap, must either have a structure in being ready for service or a valid City building permit. A building permit which has been cancelled or allowed to expire from nonuse shall not be valid for the purpose of this paragraph. (Ord. 898, 1984)

13.12.700 Connection permit inspection fee.

(a) Every person shall be required to obtain from the City Clerk a permit to connect to the City sewer system, in addition to obtaining the permit required to make an opening in a street or alley and shall cause each sewer connection to be inspected and approved by the Director or his or her representative before filling the excavation.

(b) Such permit shall be issued by the City Clerk upon payment of a permit fee.

(c) The Director or his or her representative shall, upon making such inspection, place in writing upon the duplicate permit of the City, the exact location of the connection. (Ord. 898, 1984; prior code §23-6)

13.12.710 Charges; lien on property.

(a) All sewer charges shall constitute a lien upon any lots, land, buildings or premises served.

(b) In the event such charges are not paid when due, the service may be discontinued by the City without further notice, by shutting off the water supply from such premises or the City Clerk may certify the charges to the County Treasurer to be placed by him or her upon the tax list for the current and be collected in the manner as other taxes are collected, with ten percent (10%) added thereto, to defray the cost of collection.

(c) All laws of the State for the assessment and collection of general taxes, including all laws for sale of property for taxes and redemption thereof, shall apply. (Ord. 898, 1984; prior code §23-3)

13.12.720 Fees and charges.

(a) The Board of Public Utilities Commissioners shall establish rates for services provided by City-owned utilities.

(b) Fees. The Authority may adopt fees which may include but need not be limited to the following:

(1) Fees for all POTW costs, including maintenance and operation, debt service, depreciation and capital improvement.

(2) Fees for reimbursement of costs of establishing and operating the POTW's Pretreatment Program.

- (3) Fees for monitoring, inspections and surveillance procedures, including laboratory analysis.
- (4) Fees for permit applications.
- (5) Fees for connection, repairs and disconnection.
- (6) Fees for inspections, surveys, development and expansion.
- (7) Plant investment fees.
- (8) Other fees as the POTW may deem necessary to carry out the requirements contained herein. (Ord. 898, 1984)

13.12.730 User charges.

(a) Each user of the POTW sewerage utility shall be charged a monthly user charge as set forth in this Section:

- (1) Metered residential and commercial users discharging domestic concentration wastes will be assessed a flat monthly charge.
- (2) Metered residential and commercial users discharging domestic concentration wastes will be charged an additional gallonage charge based on average winter consumption. Commercial and industrial users discharging more than domestic concentration wastes will be assessed, in addition to a flat monthly charge, an additional gallonage charge based upon actual water consumption.
- (3) The rate to be paid for private sewer service through lines owned by an entity other than the City shall be established by contract.

(b) These sewer user fees shall apply to all users within the corporate limits of the City or to users outside the City who have signed or sign a utility service agreement or annexation agreement entitling said users to in-City user fees. Users outside the City other than those mentioned above will be charged two (2) times the rate unless separate agreements or contracts are negotiated with the City. (Ord. 898, 1984)

13.12.740 Rate determination.

The methods used for determining the sewer use charge shall be as follows:

- (1) Sewer rates. All sewer service as now exists or may exist shall be subject to a City sewer fee. This charge shall be computed as a percentage of the water charged based on water usage during the months of December, January and February. This sewer charge shall remain constant irrespective of water use during the remaining months or until the Utility Board adjusts the charge. If a new account has no consumptive use during the test months, that customer's rate will be set at a pre-set minimum until consumption for the first full billing month can be determined. (Ord. 898, 1984)

13.12.750 Surcharge rates for above domestic concentration.

Any commercial or industrial user discharging wastewater in which the average daily concentration of BOD is greater than two hundred (200) mg/l, COD greater than three hundred (300) mg/l or concentration of TSS is greater than two hundred (200) mg/l, shall be subject to a surcharge rate for discharging more than normal domestic concentrations. The surcharge shall be paid in addition to the normal sewer user charge computed according to the provisions of this Chapter. Additional surcharge rates may be imposed by the City at some future date for treatment of strong concentrations of other wastewater constituents including, but not limited to, COD, soluble BOD, metal salts ammonia nitrogen or strong chlorine demanding materials. (Ord. 898, 1984)

13.12.760 Calculation of BOD and TSS surcharge.

Calculation of the surcharge for POTW treatment of excess concentrations of wastewater constituents discharged to the POTW sewer by commercial, institutional or industrial users, in accordance with provisions of Section 13.12.750 shall be subject to, but not limited to, the following conditions.

(1) Industrial users whose wastewater discharge is regulated by a duly issued permit, shall use the concentration of BOD and TSS reported in their wastewater discharge monitoring reports required under provisions of this Chapter to determine the applicable surcharge.

(2) Commercial, institutional or industrial users of the POTW not issued an industrial wastewater discharge permit but due to the nature of their business activities discharge significant concentrations of pollutants to the POTW sewerage may be monitored by the POTW and assessed surcharges according to average quarterly concentrations of excessive pollutants discharged to the POTW sewerage as determined by the POTW wastewater management monitoring program or may be assessed an excessive pollutant discharge surcharge in accordance with established industry standard concentrations for wastewater constituents. Businesses potentially subjected to provisions of the paragraph shall include, but not be limited to, meat packing operations, slaughterhouses, dairy products processing, fruit and vegetable canning, grain mills, bakeries, sugar processing facilities, fats and oil processing facilities, rendering and tallow operations, beverage bottling, restaurants and fast food service, hotels, commercial and industrial laundries, hospitals and medical clinics. (Ord. 898, 1984)

13.12.770 Surcharge; computation.

The surcharge per user shall be determined as follows: The excess pounds of biochemical oxygen demand (BOD) and suspended solids will be computed by multiplying the user's sewage-flow volume in million gallons per billing period by the constant 8.345 and then multiplying this product by the difference between the user's concentrations of biochemical oxygen demand (BOD) and suspended solids and the *normal domestic* concentration in parts per million by weight. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge listed in this Chapter to determine surcharge. The *chemical oxygen demand* (COD) concentration can be substituted for the *biochemical oxygen demand* (BOD) concentration at the discretion of the Director. (Ord. 898, 1984)

13.12.780 Surcharge; rates; revision.

(a) The user rates, including rates of surcharge and any industrial rates, shall be reviewed annually by the Control Authority in order to determine whether or not they are sufficient to defray the debt service, the debt service coverage, the capital improvement program and the annual cost of operation as determined from the sewage treatment plant records.

(b) If the difference between the revenue derived from the rates of surcharge and any industrial rates and the total annual cost is sufficient to justify an increase or decrease in the rates, the Control Authority shall make the appropriate change. (Ord. 898, 1984)

13.12.790 Industry standard and base level concentrations of pollutants.

The Director of Public Works shall establish standard concentration values for wastewater constituents subject to surcharge rates according to industry classification and business type and with consideration of the treatability of pollutant by the procedures and processes employed by the POTW. The standard concentration values will be based upon data obtained from the POTW wastewater management sampling program or from nationally accepted industry standards. The standard concentrations shall be used in calculating the applicable surcharge for commercial, institutional and industrial POTW users whenever acceptable sampling and monitoring facilities are not available. Any POTW user subject to a surcharge for the discharge of excessive pollutants may, at his or her own expense and at no expense to the City, install suitable wastewater monitoring facilities in accordance with plans and specifications approved by the Director. When approved by the Director, sampling data obtained from an approved wastewater monitoring facility may be used in lieu of established industry standard concentrations to determine the applicable excessive pollutant surcharge provided for by this Chapter. (Ord. 898, 1984)

13.12.800 Business, commercial, industrial and other nonresidential sewer service charges.

Each business, commercial, industrial and other nonresidential account shall be assigned by the Director of Public Works to the most appropriate category listed in Table 13.12A below and incorporated herein by reference. Values for concentrations of BOD, COD and TSS will be as set forth in Table 13.12A, unless BOD, COD and TSS values are determined by the Director of Public Works based on actual sampling of the effluent. (Ord. 898, 1984)

TABLE 13.12A

#	Category Type	Excess		COD (mg/l)	Excess		TSS (mg/l)	Excess		
		BOD (mg/l)	BOD (mg/l)		BOD (lb/gal)	COD (mg/l)		COD (lb/gal)	TSS (mg/l)	TSS (lb/gal)
1	Meat Packing	848	648	.00541	1272	972	.00811	846	646	.00539
2	Slaughter Houses	1420	1220	.01018	1150	850	.00709	1367	1167	.00974
3	Dairy Prod. Process.	1127	927	.00774	3536	3236	.02701	445	245	.00204

4	Fruit & Veg. Canning	537	337	.00281	1309	1009	.00842	306	106	.00088
5	Grain mills	987	778	.00649	721	421	.00351	1406	1206	.01006
6	Bakeries	688	488	.00407	1032	732	.00611	620	420	.00351
7	Sugar Process.	395	195	.00163	999	699	.00583	274	74	.00062
8	Fats & Oil Process.	403	203	.00169	1222	922	.00769	343	143	.00119
9	Rendering Tallow	319	119	.00099	382	82	.00068	140	0	0
10	Beverage Bottling	536	336	.00280	804	504	.00421	192	0	0
11	Misc Food Mfg.	2961	2761	.02304	4354	4054	.03383	563	363	.00303
12	Pulp Product	157	0	0	293	0	0	477	277	.00231
#	Category Type	<u>BOD (mg/l)</u>	<u>Excess BOD (mg/l)</u>	<u>Excess BOD (lb/gal)</u>	<u>COD (mg/l)</u>	<u>Excess COD (mg/l)</u>	<u>Excess COD (lb/gal)</u>	<u>TSS (mg/l)</u>	<u>Excess TSS (mg/l)</u>	<u>Excess TSS (lb/gal)</u>
13	Inorganic Chemicals	89	0	0	134	0	0	3249	3049	.02544
14	Soap Mfg	156	0	0	2224	1924	.01606	230	30	.00025
15	Paint Mfg	487	297	.00240	4103	3803	.03174	1039	839	.00700
16	Photographic Process.	300	100	.00083	1000	700	.00584	25	0	0
17	Ink Mfg	412	212	.00177	618	318	.00265	156	0	0
18	Pharmaceutical Industry	430	230	.00192	683	383	.00320	45	0	0
19	Leather Tanning	2039	1839	.01525	5139	4839	.04038	1435	1235	.01031
20	Drum Cleaning	503	303	.00253	1226	926	.00773	974	774	.00646
21	Restaurants	820	620	.00517	1230	930	.00776	905	705	.00588
22	Hotels & Motels	310	110	.00092	465	165	.00138	121	0	0
23	Grocery Stores (with delicates- sens & garbage disposals)	400	200	.00167	600	300	.00250	400	200	.00167
24	Fast Food Service	400	200	.00167	600	300	.00250	450	250	.00209

25	Commercial Laundries	596	396	.00330	894	594	.00496	367	167	.00139
26	Laundromats	219	19	.00016	320	29	.00017	87	0	0
27	Industrial Laundries	1322	1122	.00936	1983	1683	.01405	1461	1261	.01052
28	Hospitals	231	31	.00026	347	47	.00039	266	66	.00055
29	Service Stations	385	185	.00154	578	278	.00232	30	0	0
30	Beauty Salons	100	0	0	150	0	0	100	0	0
31	Grocery Stores (without delicatessens or garbage disposals)	100	0	0	150	0	0	25	0	0
#	Category Type	<u>BOD (mg/l)</u>	<u>Excess BOD (mg/l)</u>	<u>Excess BOD (lb/gal)</u>	<u>COD (mg/l)</u>	<u>Excess COD (mg/l)</u>	<u>Excess COD (lb/gal)</u>	<u>TSS (mg/l)</u>	<u>Excess TSS (mg/l)</u>	<u>Excess TSS (lb/gal)</u>
32	Funeral Homes	300	100	.00083	450	150	.00125	275	75	.00063
33	Pet Shops, Grooming Kennels	350	150	.00125	525	225	.00188	350	150	.00125
34	Schools (kitchens for other Schools)	545	345	.00288	818	518	.00432	96	0	0
35	Car Washes	150	0	0	225	0	0	350	150	.00125
36	Metal Plating	8	0	0	27	0	0	36	0	0
37	Schools (kitchens for school use)	330	130	.00108	495	195	.00163	112	0	0
38	Domestic Waste	200	0	0	300	0	0	300	0	0
39	Irrigation	0	0	0	0	0	0	0	0	0
40	Other Categories	*	*	*	*	*	*	*	*	*

* Values to be determined as needed by the Director of Public Works.

(Ord. 898, 1984)

13.12.810 Repealer.

All ordinances or provisions of the this Code or parts thereof inconsistent herewith are hereby repealed to the extent only of such inconsistency. (Ord. 898, 1984)