

PART II - CODE OF ORDINANCES
Chapter 32 UTILITIES

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Chapter 32 UTILITIES

ARTICLE I. IN GENERAL

Sec. 32-1. Utility fees and billings in general.

All fees and charges in connection with any customer's use of the city's sanitary sewer system, the city's water system, or the operation of the city's collection and disposal of refuse and garbage are billed in accordance with applicable rates set by the city council or the municipal authority. All fees and charges owing for any of these utility services shall be billed on one monthly bill submitted to the customer each month. The utility bills submitted under the terms of this section shall be payable on or before the post due date which is printed on the bill.

(Code 1984, § 17-101)

Sec. 32-2. Failure to pay utility bills; penalty and disconnection of service.

Upon failure of a customer to pay any part of a utility bill submitted to customer by city for any utility service, the following actions and penalties may result:

- (1) A penalty may be added to any utility bill which is not paid on or before the due date printed on the bill;
- (2) The city may terminate utility services to a customer for nonpayment of all or any part of utility bills, charges, or penalties within ten days of the date of the final notice as provided in subsections (3) and (4) of this section;
- (3) Prior to the termination of utility services for nonpayment, the customer shall be notified by final notice that:
 - a. If the bill is not paid in full within ten days of the date of final notice, the utility service will be terminated; and

- b. That the customer is entitled to a pre-termination of service hearing with the mayor regarding the proposed termination of utility service upon the customer's written request submitted to the mayor;
- (4) The final notice as provided in subsection (3) of this section shall be given to the customer by certified mail with return receipt requested at the address shown by the customer's application for service or posting the final notice on the premises affected; or
- (5) If any utility service is discontinued or disconnected pursuant to this section, the city shall not reconnect or re-establish service until a reconnection fee and the full amount of any outstanding utility bills, penalties or charges have been paid.

(Code 1984, § 17-102; Ord. No. 9-19-88, 9-19-1988)

Sec. 32-3. Utility taps and connections; fees; utility deposits.

- (a) The city shall approve any request for a water tap and connection or a sewer tap. Prior to granting approval by the city, the customer shall have paid the connection or tap charge as applicable and set by ordinance, resolution or motion of the council. The deposit shall serve as a guarantee for the payment of charges for utility service and other amounts owed to the city in connection with the utility service. It shall be held in trust by the city. When a customer's utility service is disconnected, the deposit or any part of such amount deposited which remains after all such charges and amounts due the city have been satisfied, shall be returned to the customer.
- (b) A fee for reconnection of utility service where the service has been turned off or a meter has been disconnected by the city for any reason shall be as set by the city council by motion, resolution or ordinance.
- (c) Upon written request, the digging for sewer taps which are at a depth of 12 feet or more may be performed by the city. The digging for sewer taps services performed by the city shall be billed at the rate of \$100.00 per hour. Prior to the commencement of any work under this section by the city, a deposit of \$200.00 shall be paid to the city. The deposit shall be applied to the charges incurred under this section. The actual sewer tap shall be performed by a properly licensed plumber.

(Code 1984, § 17-103; Ord. No. 110-060611, § 1, 6-6-2011)

Sec. 32-4. Other utility fees or charges.

The city council or municipal authority from time to time by motion or resolution shall have the power to establish rates and charges governing all aspects of the city utility services, including monthly service fees, connection fees and charges, and deposits.

(Code 1984, § 17-104)

Sec. 32-5. Lease of systems to municipal authority, regulations.

The city council has leased its water and sanitary sewer system for operation and maintenance to the municipal authority. The authority has the power to establish rules and regulations regarding operation and use of these systems by motion or resolution.

(Code 1984, § 17-105)

Sec. 32-6. Mandatory connection required to city utilities.

All facilities requiring service by city utilities, constructed within the city with funds furnished in whole or in part by the state department of commerce economic development CDBG financing program shall connect to the city sewer, water and gas utility systems.

- (1) All developers, except low and moderate income developers, of commercial and manufacturing properties that connect to infrastructure improvements financed in whole or in part by the state department of commerce economic development CDBG financing program shall pay for their own utilities, yard lines, hook-ups and other expenses in connecting to the city's utility systems in the area served by the improvements;
- (2) Should an entity or person (household) that is connecting to the city's utility system that has been constructed from funds provided by the CDBG economic development program be determined as an entity or person (household) that is defined as a low income household (under the guidelines of the U.S. Department of Housing and Urban Development LMI income definition) such connection shall be paid for by the city; and
- (3) Each entity connecting to the city's utility services that have been constructed in whole or in part from funds provided by the CDBG economic development financing program shall provide employment and beneficiary information as requested by proper governmental agencies on a quarterly basis for a minimum period of three years after final total close-out to the applicable project.

(Code 1984, § 17-106; Ord. No. 5-9-94)

Secs. 32-7—32-30. Reserved.

ARTICLE II. WATER SYSTEM

Sec. 32-31. Application for water service.

Any person desiring to secure water from the city system shall make an application therefor. The applicant shall give such reasonable information as may be requested.

(Code 1984, § 17-201)

Sec. 32-32. Deposit for water service.

Every applicant for water service shall make a deposit to serve as a guarantee for the payment of charges for water service and other amounts owed in connection with the service. When the customer's service is discontinued, the deposit or any part of such amount deposited which remains after all such charges and amounts due have been satisfied, shall be returned to the customer.

(Code 1984, § 17-202)

Sec. 32-33. One premises to a meter; subsidiary connection not allowed.

Not more than one premises or living unit may be connected to any one water meter. No customer shall make or permit to be made any subsidiary connection of another's premises with his water service.

(Code 1984, § 17-203)

Sec. 32-34. Turning on water.

It is unlawful for any person to turn the water on to any premises from the water system, except by permission of the city or authority. The city or authority will see that the water is turned on when all requirements for service have been complied with.

(Code 1984, § 17-204)

Sec. 32-35. Water may be cut off.

Water may be cut off and service discontinued for any user for any of the following reasons:

- (1) Violation of any ordinance provision relating to the water system, or violation of any ordinance provision or any provision of any code adopted by reference relating to water and sanitary plumbing;
- (2) Failure to pay all or a part of any water bill, charge or penalty in connection with section 32-2 or in connection with the water system or the sewer use fee by the time specified; and
- (3) Any act or omission in regard to the water system or sanitary sewer system, the use of water, or the disposal of liquid wastes, which jeopardizes the public health or safety, creates a public nuisance, or interferes with the rights of others.

(Code 1984, § 17-205; Ord. No. 9-19-88A, 9-19-1988)

Sec. 32-36. Turning water on again.

When a customer's water service has been cut off because of delinquency or act or omission of the customer, as provided by ordinance, it may be turned on again when all charges have been paid or other change in the conditions justify it. A charge shall be made for turning the water on again.

(Code 1984, § 17-206)

Sec. 32-37. Not responsible for water stoppage.

Neither the city nor the authority shall be responsible for any damages due to stoppage or interruption of water service.

(Code 1984, § 17-207)

Sec. 32-38. No service connection until bills have been paid.

A person owing a water bill or other charges in connection with the water system shall not be extended water service until such bills and charges have been paid.

(Code 1984, § 17-208)

Sec. 32-39. Personnel may inspect private premises.

Authorized personnel in the service of the water system may enter any private premises served by the water system at any reasonable times and inspect the water pipes and fixtures on the premises.

(Code 1984, § 17-209)

Sec. 32-40. Interference with fire hydrants; damage of water system.

- (a) It is unlawful for any person, except one duly authorized by city personnel, to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant belonging to the city.
- (b) It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing, or in any other manner.
- (c) It is unlawful for any person to damage, destroy, or tamper with any pipes, meters, or other equipment or property which is a part of the water system.
- (d) Every person violating any provisions of this section shall be deemed guilty of an offense and upon conviction thereof shall be fined and punished as provided in section 1-8.

(Code 1984, § 17-210; Ord. No. 3-4-96, §§ 1, 2)

Sec. 32-41. Water shortages; declaration of emergency.

- (a) Whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure of equipment or material, the mayor is hereby authorized to restrict or prohibit the use of water from the city's water system.
- (b) An emergency exists whenever the mayor reasonably determines that the city's water system is unable or will within 60 days become unable to supply the full commercial and domestic needs of the users thereof, including adequate fire protection.

(Code 1984, § 17-211)

Sec. 32-42. Restriction on water use in emergency.

- (a) Upon the determination that such an emergency exists the mayor shall issue a proclamation declaring the emergency and setting out with particularity an order restricting use of water from the city system. The order may:
 - (1) Restrict water usage during certain periods of the day or week or according to any orderly and nondiscriminatory scheme; and
 - (2) Prohibit usages not essential to public health and safety. The order may be revised from time to time as the mayor deems necessary.
- (b) A duly proclaimed emergency shall continue and the terms of the proclamation shall be in force for 30 days or until such time as the mayor shall cause to be published a proclamation that the emergency has ended, whichever is shorter, unless the board by resolution approved by a majority of all its members votes to terminate the emergency and proclamation upon a different date.

(Code 1984, § 17-212)

Sec. 32-43. Proclamation and notice of emergency.

- (a) The proclamation required by the preceding section shall be published in a newspaper of general circulation in the city or, if there is no such newspaper in which the proclamation may be published within 24 hours after the emergency arises, publication shall be by posting a copy of the proclamation in ten prominent places in the city. The emergency shall be in full force and effect upon publication. Substantial compliance with this section is sufficient to effect the emergency.

- (b) Whenever a sudden or unexpected event so reduces the availability of water or water pressure as to create an immediate threat to public health or safety the notice of the proclamation may be given by any reasonable means, including electronic means. The emergency shall be in full force and effect upon such notice. However, if any means other than that required in subsection (a) of this section is used, the proclamation shall be republished in accordance with subsection (a) of this section within 24 hours of the first notice.

(Code 1984, § 17-213)

Sec. 32-44. Grievances with water restrictions.

Any person feeling aggrieved by a proclamation of the mayor shall have the right to present the matter to the next regular or special meeting of the city council or to any emergency session called to discuss the water emergency. The board may exempt such aggrieved person, wholly or in part, from compliance with the proclamation order upon a showing that compliance creates an immediate threat to the person's health or safety. The ruling of the council by a majority vote of all its members shall be final and binding as to the continuance of any terms of the proclamation. Until and unless the action of the mayor is modified or revoked by action of the council all water users shall be bound by the proclamation.

(Code 1984, § 17-214)

Sec. 32-45. Penalties.

Any person who in any manner directly or indirectly violates or permits others under his supervision, custody or control to violate any term of a duly published proclamation shall be guilty of a misdemeanor. Any violation of the provisions of the mayor's proclamation or action of the board shall be punishable by a fine or imprisonment as provided in section 1-8.

(Code 1984, § 17-215)

Secs. 32-46—32-63. Reserved.

ARTICLE III. SANITARY SEWER SYSTEM

Sec. 32-64. Sewer use fee.

For the purpose of providing funds for the maintenance of the sanitary sewer system of the city and for other purposes, there shall be a system of fees and charges for the use of the sanitary sewer system as established by motion or resolution of the city council or authority. In addition, those fees and charges currently in force in the city shall remain in force until changed by motion, resolution, or ordinance.

(Code 1984, § 17-301)

Sec. 32-65. Prohibited discharges.

- (a) No person may discharge to public sewers any waste which by itself or by interaction with other wastes may:
- (1) Injure or interfere with wastewater treatment processes or facilities;
 - (2) Constitute a hazard to humans or animals; or
 - (3) Create a hazard in receiving waters of the wastewater treatment plant effluent.

- (b) All discharges shall be prohibited except those that meet the criteria for Domestic Wastewater. BOD concentration shall not exceed 210* mg/l. SS shall not exceed 200* mg/l.
- (c) All industrial discharges are prohibited: At the present time there are no industrial users in the city. If an industrial user should desire to locate in the city and make use of the sewerage system, an industrial cost recovery system will be initiated in accordance with EPA and state regulations at that time to compensate for his use of the system.
- (d) Any new connections from inflow sources into the sanitary sewer portions of the sewer system shall be prohibited.

Maximum limit for average domestic wastewater.

(Code 1984, § 17-302)

Sec. 32-66. New sewers and connections.

- (a) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the city.
- (b) When a public sewer becomes available within 200 feet, the building sewer shall be connected to the sewer within 60 days.

(Code 1984, § 17-303)

Sec. 32-67. Interceptors required.

- (a) For the purposes of this section, the term "interceptor" means a device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal waste and permit normal sewage or liquid waste to discharge into the sewer system by gravity.
- (b) In any building, establishment, house, garage or place where vehicles are washed or where sand, dirt, gravel, oil, gasoline, grease, or other grainy, deleterious or insoluble matter is washed or discharged into the sanitary sewer system of the city, the drain into which such materials are discharged shall be equipped with a sand trap or interceptor which shall be so designed and constructed as to be readily accessible for cleaning and inspection and that part of the discharge line which is within the trap or interceptor leading from such interceptor to the sewer, shall at all times be equipped with a water seal or vertically downward turned elbow of 90 degrees and of not less than ten inches in length below the bottom of the outlet of such interceptor.
- (c) Whenever in the judgment of the water superintendent of the city, there is reason to believe that this section is being violated, the water superintendent or any of the employees of the water department on orders of the water superintendent, shall have the right and duty at all reasonable times during daylight hours to enter such place for the purpose of inspecting the same to determine whether in fact this section is being violated. The refusal to admit the water superintendent or any employee of the water department into any such place for the purposes above mentioned by any owner, tenant, manager, or occupier of any such place shall be considered a violation of this section.

(Prior Code, ch. 4, art. A; Code 1984, § 17-304)

Sec. 32-68. Right of entry.

Authorized personnel in the service of the sewer system may enter any private premises or property served by the sanitary sewer system at any reasonable time and inspect the pipes, lines and fixtures on the premises.

(Code 1984, § 17-305)

Sec. 32-69. Penalty.

- (a) A person who continues prohibited discharges is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 for each act of violation and for each day of violation.
- (b) In addition to proceeding under authority of subsection (a) of this section the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.
- (c) The city reserves the right to terminate service to any customer that fails to pay bills when due or discharges any prohibited wastes into the sewer system.

(Code 1984, § 17-306)

Secs. 32-70—32-96. Reserved.

ARTICLE IV. REFUSE; COLLECTION AND DISPOSAL

Sec. 32-97. Containers.

The council or authority shall prescribe the size and kinds of containers in which garbage and other refuse shall be placed, and the location where such containers are to be placed for pick-up.

(Prior Code, ch. 13, as amended; Code 1984, § 17-401)

Sec. 32-98. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dry refuse includes, but is not limited to, such items as feathers, coffee grounds, tin or other cans, paper and paper boxes, glass, ashes, cinders, rocks, old clothes, shoes, broken dishes and utensils, metals and all kinds of junk and useless material and waste.

Wet garbage means all vegetable or animal matter such as waste material from kitchens, grocery stores, butcher shops, restaurants, cafes, hotels, rooming and boardinghouses, and includes, but is not limited to, scraps of meat, bread, bones, peelings of fruit and vegetables.

(Prior Code, ch. 13, as amended; Code 1984, § 17-402)

Sec. 32-99. Accumulations of garbage and other refuse.

No person shall permit garbage or other refuse to accumulate on premises occupied by him in such manner that the garbage or other refuse becomes a hazard to the health or safety of others. Such an accumulation of garbage or other refuse is hereby declared to be a nuisance, and may be abated as such.

(Prior Code, ch. 13, as amended; Code 1984, § 17-403)

Sec. 32-100. Garbage cans to be provided.

Every owner, occupant, tenant, lessee, or other legal entity occupying a residence, building, house, or structure within the corporate limits of the city shall utilize the polycarts or bins provided by the city or its contractor for garbage, refuse, or rubbish.

(Prior Code, ch. 13, as amended; Code 1984, § 17-404; Ord. No. 45-100404, § 1)

Sec. 32-101. Lids to be kept on cans.

The lids or covers of all polycarts or bins shall at all times be kept on and closed so that flies and vermin may not have access to the contents. The lids or covers of all polycarts or bins shall only be opened for the placement or removal from the polycarts or bins of garbage, refuse, or rubbish.

(Prior Code, ch. 13, as amended; Code 1984, § 17-407; Ord. No. 48-100404, § 1)

Sec. 32-102. Where cans are to be kept.

- (a) Every owner, occupant, tenant, lessee, or other legal entity shall at all times store all polycarts, except as provided in subsection (b) of this section within three feet of the house, residence, building, or structure occupied by the owner, occupant, tenants, lessee, or other legal entity.
- (b) On those days which the city has designated as the day which the trash, garbage, refuse, or rubbish will be collected, every owner, occupant, tenant, lessee, or other legal entity shall place the polycart within three feet of the street or such other location as determined by the city or contractor.
- (c) By 8:00 a.m., on the day following the day the trash, garbage, refuse, or rubbish is collected by the city's contractor, every owner, occupant, tenant, lessee, or other legal entity shall return the polycart to a location set forth in subsection (a) of this section.
- (d) In the event the polycart has not been returned as required by subsection (c) of this section, an assessment of \$10.00 shall be placed on the next utility bill applicable to the house, residence, building, or structure where the polycart is located.

(Prior Code, ch. 13, as amended; Code 1984, § 17-408; Ord. No. 49-100404, § 1)

Sec. 32-103. Inspection, enforcement.

The agents or employees of the city or authority may make, or cause to be made, inspections to determine.

- (1) Whether garbage, refuse, or rubbish is being properly disposed of; and
- (2) Whether polycarts have been or are properly located.

(Prior Code, ch. 13, as amended; Code 1984, § 17-409; Ord. No. 50-100404, § 1)

Sec. 32-104. Burning trash prohibited.

It is unlawful for any person to burn trash or garbage within the city limits.

(Prior Code, ch. 13, as amended; Code 1984, § 17-410)

Sec. 32-105. Use of municipal refuse service required.

All residents of the city who are served by the city water or use the city sanitary sewer facilities are required to use the city refuse service or such service as shall be designated by the city or municipal authority, and shall pay the required fee for such service as determined by the city or municipal authority. Each day of violation hereof shall constitute a separate offense.

(Code 1984, § 17-411; Ord. No. 85-04, 4-15-1985)

Sec. 32-106. Dumping on property without owner's consent prohibited.

No person shall dump or place any garbage, refuse or material of any kind upon any premises or in any container or dumpster located on any premises without the consent of the owner of such premises.

(Code 1984, § 17-412; Ord. No. 9-5-89)

Sec. 32-107. Penalty.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-8. Each day of violation hereof shall constitute a separate offense.

(Code 1984, § 17-413; Ord. No. 9-5-89)