

**Sec. 28-76. Prohibited water uses.**

When a water shortage emergency is declared and notice thereof is published as provided in section 28-75 above, it shall be unlawful for any user of the public water supply to use or to allow water to be used for any of the following purposes:

- (a) The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground cover, plants, vines and gardens.
- (b) The operation of any outdoor ornamental fountain or other structure using water with or without a recirculating system.
- (c) The washing of automobiles, trucks, trailers, mobile homes, campers, boats or any other type of mobile equipment, except at commercial establishments or at a business enterprise established for such purpose.
- (d) The filling of swimming pools.
- (e) The washing of sidewalks, driveways, porches, exterior of homes, apartments or other exterior surfaces.

(Ord. No. 116-86, § 4, 7-15-86; Ord. No. 126-86, § 1, 11-4-86)

**Sec. 28-77. Penalties.**

Violation of any provision of this division shall be subject to the following penalties:

- (a) For the first violation—A fine of fifty dollars (\$50.00).
- (b) For the second violation—A fine of two hundred dollars (\$200.00).
- (c) For the third and subsequent violations—A person shall be punished as provided in Section 1-8 of the Code of Ordinances.

(Ord. No. 116-86, § 5, 7-15-86)

**Secs. 28-78--28-80. Reserved.****ARTICLE IV. SEWERS AND SEWAGE DISPOSAL\*****DIVISION 1. GENERALLY****Sec. 28-81. 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:

*BOD (denoting Biochemical Oxygen Demand)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius expressed in milligrams per liter.

\*Cross references—Plumbing, § 5-151 et seq.; theft of services, § 19-191 et seq.  
Supp. No. 26

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

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

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

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

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

*Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

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

*Properly shredded garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half-inch (1.27 centimeters) in any dimension.

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

*Sanitary sewer* shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

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

*Sewage treatment plant* shall mean any arrangement of devices and structures used for treating sewage.

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

*Sewer* shall mean a pipe or conduit for carrying sewage.

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

*Storm drain (sometimes termed storm sewer)* shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

*Superintendent* shall mean the superintendent of sewage works and/or of wastewater division of the city, or his authorized deputy, agent, or representative.

*Suspended solids* shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

*Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 112-81, Art. 1, §§ 1—22, 6-2-81)

**Sec. 28-82. Use of public sewers required.**

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

(b) It shall be unlawful to discharge to any natural outlet or storm sewer within the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

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

(d) The owner of any house, building, or property constructed after June 2, 1981, and used for human occupancy, employment, recreation, or other purposes situated within the city and abutting on any street, alley, or right-of-way in which there is located a public sanitary sewer of the city is hereby required, at his expense, to install suitable toilet facilities therein, and to connect facilities directly with the property public sewer in accordance with the provisions of this article, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

The owner of such property shall comply with the above prior to any human occupancy or within ninety (90) days after receiving proper notice that he is being requested to provide a connection to the public sewer.

(e) Whenever any privy, privy vault, septic tank, cesspool, or other private facility intended or used for the disposal of sewage is declared to be unsanitary or a hazard to public health, the county health officer, or his duly authorized representatives, may require the owner of such facilities to connect such facilities directly with an available public sewer in accordance with the provisions of this ordinance, provided such public sewer is within one hundred (100) feet (30.5) meters of the property line. (Ord. No. 112-81, Art. II, §§ 1—5, 6-2-81; Ord. No. 108-91, §§ 2, 3, 4-16-91)

**Sec. 28-83. Private sewage disposal.**

The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local county and state law. The disposal of sewage by private disposal

systems shall be permissible only in those instances where service from the available sanitary sewage system is not available and said system is approved by the county health department. (Ord. No. 112-81, Art. III, § 1, 6-2-81)

**Sec. 28-84. Damaging, etc., sewers.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. (Ord. No. 112-81, Art. VI, § 1, 6-2-81)

**Sec. 28-85. Inspections and entry powers of inspectors.**

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

(b) While performing the necessary work on private properties referred to in subsection (a), the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 28-121 of this Code.

(c) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 112-81, Art. VII, §§ 1—3, 6-2-81)

**Sec. 28-86. Violations.**

(a) Any person found to be violating any provision of this article except section 28-84 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) shall be guilty of a misdemeanor.

(c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (Ord. No. 112-81, Art. VIII, §§ 1—3, 6-2-81)

**Secs. 28-87—28-95. Reserved.**

DIVISION 2. BUILDING SEWERS AND CONNECTIONS

**Sec. 28-96. Connection permit.**

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent. (Ord. No. 112-81, Art. IV, § 1, 6-2-81)

**Sec. 28-97. Connection costs and liability for same.**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. No. 112-81, Art. IV, § 2, 6-2-81)

**Sec. 28-98. Reserved.**

**Sec. 28-99. Separate and independent building sewers required.**

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. No. 112-81, Art. IV, § 3, 6-2-81)

**Sec. 28-100. Use of old building sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article. (Ord. No. 112-81, Art. IV, § 4, 6-2-81)

**Sec. 28-101. Size, slope, etc., of sewers; trenches, etc.**

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. (Ord. No. 112-81, Art. IV, § 5, 6-2-81)

Supp. No. 26

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