

manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb, and property. (The particular analyses involved will determine whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(Ord. No. 112-81, Art. V, § 9, 6-2-81)

Sec. 28-123. Special agreements.

No statement contained in this division shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.

(Ord. No. 112-81, Art. V, § 10, 6-2-81)

Sec. 28-124. Sewage from septic tanks and portable toilets; charges.

(a) No unauthorized person shall discharge any sewage from septic tanks and portable toilets into any public sewer without first obtaining a written permit from the superintendent. The raw sewage collected from septic tank systems and portable toilets shall be discharged into special manholes designated by the superintendent and shall not contain any of the following described substances:

- (1) Sand, wire, rocks or lumber.
- (2) Waste from grease traps.
- (3) Substances prohibited under Sections 28-117 and 28-118.

(b) A charge of thirty dollars (\$30.00) per one thousand (1,000) gallons of sewage with a minimum charge of thirty dollars (\$30.00) per truck load shall be assessed by the superintendent for the privilege of discharging raw sewage into the public sewer system.

(Ord. No. 105-87, § 1, 3-5-87; Ord. No. 104-94, § 2, 2-15-94)

Secs. 28-125-28-140. Reserved.

DIVISION 4. RATES AND CHARGES

Sec. 28-141. Implementation of service charges.

(a) *Definitions.* The following words, terms and phrases used in this section shall have the meanings ascribed to them in this paragraph unless where the context clearly indicates a different meaning:

- (1) *Meter:* An instrument or apparatus for measuring and recording the quantity or flow of water passing through it.

- (2) *Premises:* Any dwelling, apartment, rooming or boarding house, motel, hotel, restaurant, shop, eating, commercial or industrial establishment, place of business, institution or building and all other such dwellings or establishments, whether specifically enumerated herein or not, together with the lot upon which same is situated.
- (3) *Wastewater:* A combination of water-carried waste from residences, business buildings, institutions, industrial establishments or other premises, together with such ground, surface and storm waters as may be present.

(b) *Service charge.* A wastewater disposal service charge shall be paid by the owner or tenant of each premises which shall discharge sanitary or industrial wastewater originating from or on such premises into any sanitary sewer served by the sewer system of the city. Said wastewater disposal service charge shall be computed, as herein provided, on the basis of demand, and on the rate of water consumption upon the premises so served by the sewer system of the city.

(c) *Demand charge.* Except as provided herein, a monthly demand charge, according to the size of the water meter serving each premises, shall be computed and assessed against each customer discharging effluent from such premises, as follows:

<i>Size of Meter (inches)</i>	<i>Monthly Demand Charge</i>
$\frac{5}{8}$ and $\frac{3}{4}$	\$ 11.11
1	28.43
1½	63.97
2	113.72
3	255.87
4	454.88
6	1,023.47
8	1,819.50

(d) *Water consumption charge.* In addition to the demand charge as computed in paragraph (c) above, a consumption charge established from the meter readings of the water system serving such premises for the preceding billing period shall be computed and assessed against each customer discharging effluent from such premises, at a rate of one dollar and twenty-eight cents (\$1.28) per one thousand (1,000) gallons of water consumed.

(e) *Review of system.* The city will review its service charge system annually to determine the wastewater contribution of users, the total cost of the operation and maintenance of the treatment works and the adequacy of its user charge rate.

(f) *Surcharges.* A surcharge shall be applied to all users of the sewer system whose wastewater discharge has total suspended solids (TSS) and/or biochemical oxygen demand (BOD) in excess of three hundred (300) parts per million (ppm), determined according to the following formula:

$$\text{Surcharge cost per 1,000 Gals.} = \frac{\{(B) - 300\} + \{(S) - 300\}}{1,000} \$11.11 \times 0.16$$

Where B = Average monthly user BOD in PPM.

Where S = Average monthly user TSS in PPM.

The surcharge cost will be multiplied by the user's metered water consumption (in one thousand (1,000) gallons). The calculated amount will then be added to the charges computed under the city's normal rate schedule to arrive at the user's total monthly bill.

(g) *Cost for additional expenses.* Any user which discharges any toxic pollutants that cause an increase in the cost of managing the effluent or the sludge of the city's treatment works shall pay the cost of such additional expenses.

(Code 1964, § 13-27.1(a), (b); Ord. No. 117-83, § 1, 4-5-83; Ord. No. 108-87, § 1, 3-17-87; Ord. No. 124-87, § 1, 8-4-87; Ord. No. 104-94, § 3, 2-15-94; Ord. No. 109-99, § 1, 4-6-99; Ord. No. 163-01, § 1, 10-2-01)

Sec. 28-142. Deposits, delinquency fees, etc.

The billing agency charged with the duty to collect the sewage disposal charge shall be vested with the authority to set reasonable schedules of charges for deposits, delinquent fees and reconnection or service charges.

(Code 1964, § 13-27.1(c))

Sec. 28-143. Collection and billing procedures.

(a) Bills for sewage disposal service shall be rendered to the occupant of the premises connected with the sewer system of the city, but the obligation to pay such bills shall be that of the owner of the premises as well as that of the occupant. As between the owner and the occupant, the occupant shall be responsible for all sewer charges unless otherwise provided by lease or other agreement.

(b) In the event that any sewage disposal charge is not paid within sixty (60) days after the same shall have become due and payable, it shall be the mandatory duty of the president of the governing body to cause appropriate action to be initiated and concluded to collect such charge from the owner or occupant of the premises, or against both the owner and the occupant; and the reasonable expenses incurred by the city in collecting or attempting to collect such charge shall be an additional obligation of the owner and the occupant of the premises in respect to which the sewer service charge is delinquent and shall be added to the amount of and become part of any judgment against any owner or occupant.

(c) If the owner of any premises served by the sewer system fails to pay his sewer bill within fifteen (15) days after the rendition thereof, the connection of such premises to the electric system of the city shall be cut off until such time as all past due bills, together with a reconnection charge as set by the billing agency, shall have been paid.
(Code 1964, § 13-27.1(d)—(f))

Sec. 28-144. Procedure for refund of sewer charges.

(a) Any person who through any error has paid sewage disposal service charges that were not due of such person shall be entitled, upon making proof of such payment as herein provided, to have such charges refunded to him(her).

(b) In order to procure the refunding of the amount erroneously paid for such sewage disposal charges, the claimant shall file a petition directed to the mayor or her(his) designee setting forth in the facts relied on to procure the refunding of the money so erroneously paid. Except as otherwise specifically provided by law, all claims for refunds of sewage disposal service charges must be presented to the mayor or her(his) designee within three (3) years from the date of overpayment or will be barred.

(c) Where the amount claimed to be erroneously paid for sewage disposal service charges does not exceed the sum of five hundred dollars (\$500.00), the mayor shall examine said petition and the records of the city; and if the facts set forth in the petition are such as to entitle the petitioner to the refunding of the money as prayed [paid] for, (s)he shall so certify to the treasurer, stating the amount to be refunded by the city. The treasurer shall then draw a warrant from the sewer fund of the city in favor of the petitioner in such amount as the certificate of the mayor shows should be refunded.

(d) Where the amount claimed to be erroneously paid for sewage disposal service charges exceeds the sum of five hundred dollars (\$500.00), the mayor shall likewise certify her(his) findings and shall present the same to the city council; and, if the city council is satisfied with the proof of the claim made by the petitioner, the city council shall, by resolution, determine the amount of such charges to be refunded and the treasurer shall draw a warrant on the sewer fund of the city in favor of the petitioner in such amount as allowed by the city council.

(e) The mayor and treasurer shall maintain all records relating to the refunding of sewage disposal service charges and such records shall be open to inspection by the public.
(Ord. No. 101-90, § 1, 1-2-90; Ord. No. 132-00, § 1, 12-5-00; Ord. No. 124-02, § 1, 8-20-02)

Secs. 28-145—28-169. Reserved.