

VILLAGE OF SOUTH POINT, OHIO

SEWER USE ORDINANCE

ORDINANCE NO. 78-14

AN ORDINANCE PROVIDING FOR THE RULES, REGULATIONS, AND CONDITIONS OF SERVICE OF THE VILLAGE OF SOUTH POINT, LAWRENCE COUNTY, OHIO, EXTENDED SANITARY SEWERAGE SYSTEM; REPEALING ORDINANCE NO. 152-A; AND DECLARING AN EMERGENCY.

WHEREAS, the Village of South Point, Lawrence County, Ohio, hereinafter called municipality, has undertaken to construct an extended sanitary sewerage system; and

WHEREAS, the municipality is financing the acquisition of the extended sanitary sewerage system pursuant to Bond Ordinance adopted January 13, 1977, and has adopted a schedule of rates and charges by a Rate Ordinance ~~adopted~~ No. 78-13 adopted MAY 2, 1978;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of South Point, Lawrence County, Ohio, as follows:

SECTION I - DEFINITIONS

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

- A. "Sewer District" shall mean the South Point Sewer District of Lawrence County, Ohio, as established and designated by the Board of County Commissioners of Lawrence County, Ohio, on the 2nd day of August, 1974.
- B. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- C. "Superintendent" shall mean the Board of Trustees of Public Affairs of the Village of South Point, Ohio.
- D. "Inspector" shall mean any person or persons duly authorized by the Superintendent to inspect and approve the installation of building sewers and their connection to the public sewer system.
- E. "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- F. "Sewer" shall mean a pipe or conduit for carrying sewage.
- G. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
- H. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- I. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

- J. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
- K. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- L. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- M. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- N. "Shall" is mandatory; "May" is permissive.
- O. "Biochemical Oxygen Demand", (BOD), is the quantity of oxygen used in the biochemical oxidation of organic matter in a specified time, at a specified temperature, and under specified conditions. A standard test used in assessing wastewater strength.
- P. "Suspended Solids", (SS), shall mean solids that either float on the surface of, or are in suspension in water or wastewater and which are largely removable by laboratory filtering.
- Q. "Natural Pollution Discharge Elimination System", (NPDES), was established by PL 92-500 as the enforcement mechanism for achieving water quality standards. The permit to discharge is regulated by the NPDES as established by 40 CFR 125 and published in Federal Register Volume 38, Number 98, May 22, 1973.
- R. "Storm Sewer" shall mean a sewer which is intended for storm or surface water only and in which sewage water is not permitted.
- S. "Sanitary Sewage" or "normal domestic sewage" shall be defined as that waste from a residence, business building, institution, or industrial building which is primarily human waste but may include wastewater introduced from other domestic sources such as sinks, bathtubs, washing machines, etc. The quality limitation for sanitary sewage has been established at 250 mg/l BOD₅ and 300 mg/l SS at the point of discharge into the sanitary sewer. Commercial wastewater from office buildings and small businesses shall be permitted to include water from cleaning and minor processes.
- T. "Residential" shall mean a single dwelling which is place of residence for a single family or a single dwelling which is a place of residence for two single families, eg., a duplex. In the case of multiple dwelling units, the residential classification is applied to dwelling units in groups of two or fraction thereof.
- U. "Commercial" shall mean a dwelling used for other than residential occupancy. This shall include small businesses, institutions, office facilities of industrial plants, etc.
- V. "User Charge" shall mean a charge levied on users of the sewage works for the cost of operation and maintenance of such works pursuant to Section 204(b) of PL 92-500.
- W. "Industrial" shall mean any non-governmental user of publicly owned sewage works identified in the Standard Industrial Classification (SIC) Manual, 1972, Office of Management and Budget, as amended and supplemented.
- X. "Maintenance" shall mean the act of keeping existing structures and equipment in a state of repair so that operations proceed as intended.
- Y. "Operation" shall mean the performing of work pertaining to the daily procedures of the sewage treatment works.

SECTION II - USE OF PUBLIC SEWERS REQUIRED

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Village of South Point, Ohio, or in any area under jurisdiction of the Sewer District, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.
- B. It shall be unlawful to discharge to any natural outlet within said Village, or in any area under the jurisdiction of said Sewer District, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities intended or used for the disposal of sewage.
- D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village or within any area under the jurisdiction of the Sewer District and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance within thirty (30) days after date of official notice to do so, provided that said public sewer is within one hundred (100') feet of the property line.
- E. The Village shall install and maintain at its expense that portion of the service from the main to the lot or easement line, and the customer shall install and maintain at its expense that portion of the service from said lot or easement line to his premises. The size and slope of the building sewers shall be subject to the approval of the authorized personnel of the Village, but in no event shall the diameter be less than four (4") inches. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

SECTION III - PUBLIC SEWAGE DISPOSAL

- A. Where a public sanitary or combined sewer is not available under the provisions of Section II-D, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the local Board of Health.
- B. At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section II-D, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned.
- C. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Village.
- D. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any agency, department or office of any governmental unit having jurisdiction of sanitary sewerage conditions of the Village.

SECTION IV - BUILDING SEWERS AND CONNECTIONS

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof, without first obtaining a written permit from the Superintendent. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the Village of South Point and deposited with the Village Treasurer a corporate surety in the sum of \$100.00 conditioned that he will perform faithfully all work with due care and skill, established under the authority or any ordinances of the Village of South Point pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Village of South Point and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of two years except that on such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.
- B. There shall be two (2) classes of building sewer permits: (1) for sanitary sewage, and (2) for service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a special form supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. The Superintendent shall have the right to refuse new connections to the sewer lines should there be a lack of sufficient capacity in all downstream facilities. The inspector shall determine capacity of the facilities and report to the Superintendent. A permit and inspection fee of Five Dollars (\$5.00) for a residential or commercial building sewer permit and Twenty-Five Dollars (\$25.00) for an industrial establishment sewer permit to be paid to the Village Treasurer at the time the application is filed. These charges shall be in addition to any tap-in charge imposed by Ordinance No. 78-13 adopted MAY 2, 1978.
- C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify said Village of South Point from any loss or damage that may directly or indirectly be occasioned by said installation.
- D. 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 construed to the site 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. Other exceptions will be allowed only by special permission granted by the Superintendent.
- E. Old building sewer or portions thereof may be used in connection with new buildings only when they are found on examination and test by the said inspector to meet all requirements of this Ordinance.
- F. The building sewer shall be constructed of either Vitrified Clay Sewer Pipe and Fittings meeting the current A.S.T.M. Specifications for Standard or Extra Strength Clay Sewer Pipe, Asbestos Cement, plastic P.V.C. Pipe and Fittings meeting the current A.S.T.M. Specifications, Extra Heavy Cast Iron Soil Pipe meeting the current A.S.T.M. Specifications or the Department of Commerce Commercial Standards for Extra Heavy Cast Iron Soil Pipe and Fittings or Concrete Sewer Pipe and Fittings meeting the current A.S.T.M. Specifications for Standard or Extra Strength Concrete Sewer Pipe. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay

F. (Continued)

pipe or concrete pipe, may be accepted if laid on a suitable improved bed or cradle as approved by said inspector.

- G. All joint and connections shall be made gas tight and water tight. Vitrified clay sewer pipe shall be fitted with factory made Resilient Compression Joints meeting the A.S.T.M. Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C425). Concrete sewer pipe joints shall be of the rubber ring, flexible compression type, similar and equal to joint specified for vitrified clay pipe.

Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer as recommended by the pipe manufacturer shall be applied to the bell and spigot mating surfaces just before they are joined together. The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces. Joint for cast iron soil pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead well caulked, not less than one inch deep. No paint, varnish or putty will be allowed in the joints until they have been tested and approved. Joints for cast iron soil pipe may also be of an acceptable compression type.

Asbestos-Cement pipe joints shall be made with sleeves and rubber sealing rings. Plastic P.V.C. pipe joints shall be made with sleeves and/or rubber sealing rings.

- H. The size and slope of the building sewers shall be subject to the approval of the said inspector, but in no event shall the diameter be less than four (4") inches for residential buildings and six (6") inches for commercial buildings. The slope of such four (4") inch and six (6") inch pipe shall not be less than one-eighth (1/8") inch per foot. A slope of one-fourth (1/4") inch per foot shall be used wherever practical.
- I. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said inspector. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification (Designation C12) except that no backfill shall be placed until the work has been inspected by the inspector or his representative.
- J. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.
- K. The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the said inspector.
- L. The applicant for the building sewer shall notify the said inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said inspector or his representative.

- M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in manner satisfactory to the said Village of South Point.
- N. The Village shall in no event be held responsible for claim made against it by reason of the breaking of any mains or service pipes or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.
- O. The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the Village.

SECTION V - USE OF THE PUBLIC SEWERS

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. No person shall discharge or cause to be discharged to any public sewer, any harmful waters or wastes, whether liquid, solid, or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works or other interference with the proper operation of the sewage works or which may cause the Village to violate the requirements of its NPDES Permit. If it is determined that substances are being discharged into the sewage works that are harmful or that inhibit the normal operation of the sewage works, then the Superintendent shall have the authority to prohibit the continuance of such discharge and assess the party determined to be responsible for such discharge for any expenses incurred because of the discharge.
- C. Applications may be cancelled and/or sewer service discontinued by the Village for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:
 - 1. Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system;
 - 2. Non-payment of bills; and
 - 3. Improper or imperfect service pipes and fixtures or failure to keep same in suitable state of repair.
- D. The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Superintendent who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the Superintendent, the Owner shall provide at his expense, such pretreatment as may be necessary to treat these wastes prior to discharge to the public sewer. Any pretreatment required shall be consistent with the requirements of 40 CFR 128, entitled "Pretreatment Standards" published in the Federal Register dated November 8, 1975, or any subsequent State or Federal regulation which shall require pretreatment. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the said Superintendent and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, there shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.

- E. When required by the Superintendent, the Owner of any property served by a building sewer carrying other than sanitary sewage shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. All measurements, tests, and analysis of the characteristics of waters and wastes shall be determined in accordance with 40 CFR 136 entitled "Guidelines Establishing Test Procedures for Analysis of Pollutants" as published in the Federal Register dated October 16, 1973, and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
- F. Grease, oil, and sand interceptors shall be provided when, in the opinion of the said inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount or any flammable wastes, sand, and other harmful ingredients except that such interceptor shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner at his expense in continuously efficient operation at all times.
- G. In addition to the rates established by Ordinance No. 78-13 dated MAY 2, 1978, the Superintendent is authorized to surcharge any customer whose discharge has either excessive volume or strength which results in increased treatment costs to the Village. The Superintendent shall be responsible for determining when the flow or strength is excessive.
- H. The Superintendent shall be allowed to contract with any customer for the purposes of establishing volume, and strength limitations and in order to establish a contract period. Contracts may be required when excessive volume or strength is anticipated, or as determined by the Superintendent.

SECTION VI - PROTECTION FROM DAMAGE

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 South Point extended sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

SECTION VII - POWERS AND AUTHORITY OF INSPECTORS

The Superintendent, inspector, and other duly authorized employees of the Village of South Point, bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Ordinance.

SECTION VIII - PENALTIES

- A. Bills and notices relating to the conduct of the business of the Village will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the Superintendent; and the Superintendent shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.
- B. Bills for sewer service are due and payable at the business office of the Village or to any designated agent on their date of issue. The past due date shall be the tenth (10th) day of the month after the period of service. Bills will be dated and mailed each month.

All bills not paid on or before the past due date shall be termed delinquent, and the Village shall serve on the customer a written final notice of said delinquency. If a delinquent bill is not paid within thirty (30) days after date due, the water and/or sewer service to the user will be subject to discontinuance, or other measures as state law will allow.

- C. Where the water and/or sewer service supplied to a customer has been discontinued for nonpayment of delinquent bill, the Superintendent reserves the right to request a nominal sum be placed on deposit with the Village for the purpose of establishing or maintaining any customer's credit. The reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the Superintendent have been paid.
- D. The Superintendent shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs will endeavor to reestablish service with the shortest possible delay. Whenever the service is interrupted for purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.
- E. Any violation of the rules and regulations after written notice to cease and desist shall constitute misdemeanors.
- F. Any person found to be violating any provision of this Ordinance, except Section VI, shall be served by the Village or its Superintendent 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.
- G. Any person who shall continue any violation beyond the time limit provided for in Section VIII-A, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount of no less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- H. Any person violating any of the provisions of this Ordinance shall become liable to the Village of South Point for any expense, loss or damage occasioned the Village of South Point by reason of such violation.

SECTION IX - VALIDITY

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION X - ORDINANCE IN FORCE

This Ordinance is hereby declared to be an emergency measure necessary for the peace, health, safety and welfare of the inhabitants of the Village of South Point, and for the further reason that it is immediately necessary to place these measures in effect in order to complete the financing of the construction of the extended sanitary sewerage facilities, and this Ordinance shall be in full force and effect upon its adoption and approval by the Mayor.

PASSED AND ADOPTED by the Council of the Village of South Point, Ohio, on MAY 2, 1978, and approved by the Mayor on MAY 2, 1978.

Robert Boyd
President of Council

(SEAL)

ATTEST:

APPROVED:

James R. Pack
Clerk

Robert Boyd
Mayor

CERTIFICATE

The undersigned Village Clerk of the Village of South Point, Lawrence County, Ohio, hereby certifies the above to be a true copy of an Ordinance No. 78-14 duly adopted on the 2nd day of MAY, 1978, and entered in the Minutes of said Village.

James R. Pack
Village Clerk