

CHAPTER 14
SEWER, WATER AND SOLID WASTE
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CHAPTER 14
SEWER, WATER AND SOLID WASTE COLLECTION AND DISPOSAL

SUB-CHAPTER A. SEWER

Article I. Administration

14.005. Definitions and abbreviations.

For the purposes of this Chapter, and unless the context specifically indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section;

Act or “the Act”: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

Approval authority: The Director in an NPDES state with an approved state pretreatment program and the appropriate regional administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

Availability of sewers: An owner or occupant of property shall have sewers available whenever the property or premises is located in a sewer district established by the ordinance of the City, or whenever public sewers are available to the property or premises and the City has notified the owner or occupant of the property to connect his premises to same.

Biochemical Oxygen Demand B.O.D.: The quantity of dissolved oxygen required for biochemical oxidation of organic matter under standard laboratory procedure, in a period of five (5) days at a temperature of twenty degrees centigrade (20, expressed in milligrams per liter Mg/L) by weight and concentration. Such B.O.D. shall be determined as described under the heading, “Biochemical Oxygen Demand” in the Standard Methods for the Examination of Water and Wastewater as published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Building sewer: A sewer conveying wastewater from the premises of a user to the POTW or other place of disposal.

Categorical standards: National Categorical Pretreatment Standards or Pretreatment Standard.

Combined sewer: A sewer receiving both surface runoff and wastewater.

Commercial or industrial establishment: Any building, structure or property used or occupied for any purpose other than human residential occupancy, except such building,

structure or property used or occupied for any purpose defined by this section as a “governmental establishment.”

Compatible pollutant: Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus additional pollutants identified in the publicly-owned treatment works NPDES permit, where the publicly-owned treatment work is designed to treat such pollutants and in fact, does treat such pollutants to the degree required by the POTW’s NPDES permit.

Control authority: The term “control authority” shall refer to the “approval authority” defined herein above; or the director of public works if the City has an approved pretreatment program under the provisions of 40 CFR 403.11.

Cooling water: The water discharge from any use such as air conditioning cooling or refrigeration; or to which the only pollutant added is heat.

Direct discharge: The discharge of treated or untreated wastewater directly to the waters of the State of Missouri.

Domestic waste: Any combination of waters from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, household garbage grinders, bars, soda fountains, cuspidors, refrigerator, dryers, drinking fountains and all other liquid and water carried wastes except industrial wastes and cooling water.

Drainage channel: Shall mean any natural or artificially constructed open channel, ditch, swale, or flume, whether lined or underlined for the drainage of storm, surface or ground water.

Dwelling Unit: One or more rooms in a dwelling forming a single habitation for a family as defined herein, with facilities for living, sleeping and cooking.

Environmental Protection Agency or EPA: The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Fundamentally different factors: Factors relating to a User which are different from those factors considered during development of a categorical pretreatment standard as defined in 40 CFR 403.13.

Garbage: Solid wastes from the preparation of; cooking and dispensing of food, and from the handling, storage and sale of produce.

Governmental establishment: Any building, structure or property owned, used or occupied by any agency, branch, bureau, commission, department, division, office, unit or instrumentality of the government of the United States of America or of the state, or of

any municipality or any county or any other political subdivision or political corporation of any kind whatsoever.

Grab sample: A sample which is taken from a waste stream on a onetime basis with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump vehicles.

Incompatible pollutant: All pollutants other than compatible pollutants as defined elsewhere in this section.

Indirect discharge: The discharge or the introduction of pollutants from any non-domestic source regulated under section 307 (1), (c), or (d) of the Act (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system).

Industrial user: Shall mean a source of Indirect Discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to section 402, of the Act. (33 U.S.C. 1342).

Industrial Wastes: Shall mean the liquid wastes from industrial manufacturing processes, trade, or other business as distinct from sanitary sewage.

Interference: The inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use of disposal which is a cause of or significantly contributes to either a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II more commonly referred to as the Resource Conservation and Recovery Act RCRA) and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, and the Toxic Substances Control Act. An industrial user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with the above-cited authorities whenever such user:

- A. Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by the federal, state or local law:
- B. Discharges wastewater which substantially differs in nature or constituents from the user’s average discharge; or
- C. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or

prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the POTW's selected method of sludge management.

National Categorical Pretreatment Standard or Pretreatment Standard: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (1) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 403.5.

National Pollutant Discharge Elimination System or NPDES Permit: A permit issued pursuant to section 402 of the Act.

National Prohibitive Discharge Standard or Prohibitive Discharge Standard: Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.

Natural Outlet: Any outlet into a watercourse, stream, creek, river, pond, lake, or any other body of surface or ground water.

New Source: Any building, structure, facility, or installation from which there is or may be a Discharge, the construction of which commenced:

- A. After promulgation of Pretreatment Standards under Section 307 (c) of the Act which are applicable to such source; or
- B. After proposal of Pretreatment Standards in accordance with section 307 (c) of the Act which are applicable to such source, but only if the Standards are promulgated in accordance with section 307 (c) within 120 days of their proposal.

Non-domestic wastewater: All discharges other than cooling water and domestic waste.

Normal Domestic Wastewater: Shall mean wastewater that has a BOD concentration of not more than 250 mg/l and a suspended solids concentration of not more than 300 mg/l.

Operation and Maintenance: Shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

Pass through: The discharge of pollutants through the POTW into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). An Industrial user significantly contributes to such permit violation where it:

- A. Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by Federal, State, or local law;

- B. Discharges wastewater which substantially differs in nature and constituents from the User's Discharge;
- C. Knows or has reason to know that its Discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or
- D. Knows or has reason to know that the POTW is, for any reason, violating its final effluent, limitations in its permit and that such Industrial User's Discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's violations.

pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pollutant: Anything causing pollution.

Pollution: The man-made or man-induced alteration of chemical, physical, biological, and radiological integrity of water.

Pretreatment: Shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR, Section 403.6 (d).

Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR, Section 403.6 (e).

Pretreatment Requirements: Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

Private well: Any well owned by any person for his private use.

Properly shredded garbage: Garbage which has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the POTW with no particle greater than one-half inch in any dimension.

Public Works Director: The person designated by the City to supervise the operation of the city owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

Publicly Owned Treatment Works (POTW): A treatment works as defined by section 212 of the Act, which is owned in this instance by the City of Ashland. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. For the purposes of this section, “**POTW**” shall also include any sewers that convey wastewater to the POTW from persons outside the City limits of Ashland who are by contract or agreement with the City, users of a City POTW, even though the sewers may not have been constructed or may not be maintained by the City.

POTW treatment plant: That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

Records: Such term includes books, documents, papers, apparatus, data, readings, records of analysis, plans and graphs.

Residential Contributor: Shall mean any contributor to the City’s treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

Residential establishment: Any building, structure or property designed, constructed or used for human residential occupancy on a housekeeping or light housekeeping basis, except such building structure or property used or occupied for any purpose defined by this chapter as a “governmental establishment.”

Sanitary sewer: Shall mean a sewer designed and intended to receive and convey only wastewater as defined herein, together with such ground water infiltration as cannot be avoided.

Sewer: Shall mean a pipe or conduit for carrying sewage.

Slug Discharge: Any discharge of water or wastewater which in concentration of any constituent or in quantity of flow causes interference with the operation and performance of the POTW.

SS or Solid Substances: Shall mean the solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

Standard Industrial Classification (SIC): A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

Storm drain or storm sewer: A pipe or conduit which carries storm water, surface water, and cooling water, but excludes wastewater.

Storm water: Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended solids: The dry weights of the solids physically suspended in a flow of water or wastewater, as determined by the method of determining suspended matter described under the heading “Suspended Matter” in the Standard Methods for the Examination of Water and Wastewater as published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and expressed in parts per million by weight.

The Board of Public Works: All of those powers, rights, duties, obligations, money, accounts receivables, accounts owing interests in litigation, interests in real estate and personal property, and all other concerns and objects held by said Board of Public Works shall be exercised by the City of Ashland, Missouri, on the effective date of the passage of ordinance. All references to the Board of Public Works in this Code of Ordinances of the City of Ashland shall be read to mean the City of Ashland.(amended Ordinance 944 April 2, 2013)

Toxic pollutants: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of WA 307 (1a) of the Act or other Acts.

Treatment works: Shall mean any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, or liquid industrial wastes. These include interceptors sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

Unpolluted water: Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the POTW.

Useful life: Shall mean the estimated period during which the treatment works shall be operated.

User: The owner or occupant of property or premises that is connected directly or indirectly or has available to said property or premises the facilities of the POTW of the City of Ashland.

User Charge: Shall mean that portion of the total wastewater sewer charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

Wastewater: The liquid and water-carried industrial or domestic wastes from dwellings, commercial establishments, industrial facilities, and institutions together with any groundwater, surface water and storm water that may be present whether treated or untreated, which is contributed into or permitted to enter the POTW.

Watercourse: Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Water Meter: Shall mean a water volume measuring and recording device, furnished/or installed by the City of Ashland or furnished and/or installed by a user and approved by the City of Ashland.

Water Utility: The water utility operated by the City, a Public Water Supply District, or any private water company operating within the City.

Waters of the State: All streams, lakes, pond, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

The following abbreviations shall have the designated meanings:

- B.O.D.-Biochemical Oxygen demand
- C.F.R.- Code of Federal Regulations
- C.O.D.- Chemical oxygen demand
- E.P.A. - Environmental Protection Agency
- L- Liter
- Mg - Milligrams
- Mg/l-Milligrams per liter
- NPDES-National Pollutant Discharge Elimination System
- POTW-Publicly Owned Treatment Works
- S.I.C.-Standard Industrial Classification
- SWDA-Solid Waste Disposal Act, 42 U.S. C., 6901 et. seq.
- U.S.C.-United States Code
- T.S.S.-Total Suspended Solids

14.010. Violation; fine

Violation of this Ordinance shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00). Each day of violation shall be considered a separate offense.

14.015. Liability for damages

Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

14.020. Inspection of drains and attachments; repairs to be made when necessary.

- A. Authorized agents of the City, with proper credentials and identification, shall have the right to enter upon the premises drained and connected with any public, district, joint district or private sewer, at all reasonable hours, to ascertain whether the provisions of this article have been complied with. If such inspector shall find that such drain or its attachments do not conform thereto, he shall notify the owner of the premises or his agent of this fact. It shall thereupon be the duty of such owner or agent to cause such drain or its attachments to be so altered, repaired or reconstructed as to make such drain or attachments conform to the requirements of law in regard thereto, within fifteen (15) days from the time of receiving such notice.

- B. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurements of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with the plan's approval by the Public Works Director. The manhole shall be installed and maintained as to be accessible and safe, at the owner's expense.

14.025. Damage to or destruction of sewer system structures, appurtenance, etc.

No person shall maliciously, willfully or negligently break, destroy or damage, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the City's POTW.

Article II. Design and Construction

14.030. Construction of sewer lines

- A. All sewer lines which connect to City lines or to City facilities shall be constructed according to the specifications adopted by the Board of Aldermen of the City, or if none have been adopted, according to the specifications as may be adopted, required by the Public Works Director, and as amended from time to time.
- B. Installation of all sewer lines which connect to City lines or to City facilities shall be done under the supervision of the Public Works Director, his designated representative, or an inspector selected by the City. All costs of such inspection shall be born by the developer or land owner according to a schedule of costs adopted by the City. The developer or landowner shall notify the designated inspector 24 hours in advance of construction being commenced. Prior to construction, the developer or landowner will provide the inspector with a complete copy of the plans and specifications of the lines.
- C. Tracer line shall be installed according to specifications set forth by the Public Works Director on all new sewer lines. Tracer lines shall be installed on all existing sewer lines whenever they are exposed for maintenance, repair or upgrading.
- D. Each manhole and reach of sewer shall meet the requirements of the following acceptance tests:

Air Test

Air testing shall be conducted on each reach of sewer pipe between manholes or structures. Air testing shall comply with ASTM C828.

Leakage shall not exceed 0.003 cfm per sq. ft of internal pipe wall at an average pressure of 3 psi. The time elapsed for a one psi drop in air pressure shall not be less than:

$$t = 0.472d \quad \text{where} \quad \begin{array}{l} t = \text{time in minutes} \\ d = \text{pipe in diameter in inches} \end{array}$$

Leaks shall be located by air testing short sections of pipe. Leaks shall be repaired and each reach of sewer retested.

Deflection Test

Not less than thirty days after backfilling is complete and prior to acceptance of work, all flexible pipe shall be tested by the use of a mandrel to insure that no pipe deflection has occurred greater then 5% of the inside diameter of the pipe. This test shall be performed without mechanical pulling devices. Pipe with a deflection

exceeding 5% of the inside diameter shall be uncovered and the bedding backfill replaced to prevent excessive deflection. Repaired pipe shall be retested.

Vacuum Test

A vacuum test shall be performed on each manhole to assure water-tightness in accordance with the following procedures:

1. Each manhole shall pass 2 tests; the first test shall be after assembly but prior to backfilling and the second test shall be after backfilling.
2. The vacuum test shall include testing of the seal between the cast iron frame and the concrete cone slab or grade rings.
3. Plug all pipes entering the manhole at least 8 inches into the sewer pipe. The plug must be inflated at a location past the manhole/pipe gasket.
4. Brace all plugs to prevent the plug or pipe from being dislodged and drawn into the manhole.
5. A vacuum of at least 10 ½ inches of mercury shall be drawn on the manhole. Shut valve on vacuum line to manhole and disconnect vacuum line and adjust vacuum to 10 inches of mercury.
6. The pressure gage shall be liquid filled having a 3.5 inch diameter face with a reading from 0 to 30 inches of mercury. The test equipment shall be capable of having two gages connected. The gage supplied with the test shall match the reading of a gage furnished by the Public Works Department.
7. The time elapsed for the vacuum reading to drop from 10 inches of mercury to 9 inches must not be less than the following times for the manhole to be considered as passing the vacuum test:

<u>Manhole Depth</u>	<u>Time (minutes)</u>
10 feet or less	2
10.1 to 15 feet	2.5
15.1 to 25 feet	3

8. If a manhole fails the vacuum test, the manhole shall be uncovered and patched on the exterior of the manhole; retested prior to backfilling when the leak has been patched and then retested after backfill is completed.
- E. Before any sewer line shall be accepted by the City, the developer or landowner shall prepare deeds granting an easement to the City or in the alternative, shall

provide a plat with language dedicating easements to the City and signed by the developer.

- F. All lines must be tested using the tests and procedures set forth by the Public Works Director. In the event that the Public Works Director has not adopted testing procedures, the lines shall, at a minimum, be pressure or vacuum tested.
- G. Before any sewer line shall be accepted by the City, the developer or landowner shall provide a written warranty to the City, in a form acceptable to the City, warranting the line and its installation against defects of workmanship or materials for one year after the date of acceptance by the City.

14.035. Supervision, inspections, etc.

All connections with the public, district or joint district sewer, the laying and backfilling of private sewers, as well as all other requirements of this Article, shall be done under the supervision and subject to the inspection and acceptance of the City.

14.040. Disconnection of nonconforming sewers

Any work done without a permit as provided by this article, or which was done without inspection by the authorized agent of the City, shall be treated as defective work, and may be uncovered and disconnected from the public, district, joint district or private sewer, or if the authorized agent of the City so elects, reconstructed at the expense of the owner of the property drained. Any unpaid assessments against the property for district or joint district sewers may be considered as a part of the damage done and may be collected by suit in the name of the City against the owner of the property.

Article III. Connections

14.045. Connections to public sewer required

- A. The owner of all houses, buildings, or properties which are used for human occupancy, employment, recreation, or other purposes and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a sanitary sewer of the City, is hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sanitary sewer in accordance with the provisions of this Chapter within ninety (90) days after the date of official notice to do so; provided that such sanitary sewer is within one hundred (100) feet of the property line.

- B. No person shall construct or maintain any privy, privy fault, septic tank, cesspool, open sewer or other facility intended or used for the disposal of sewage where public systems exist. No foundation drain connections shall be made to the City POTW.

14.050. Connection to system, approval, fee

- A. No person shall hook up to or tap in to any City sewer line or treatment facility without first obtaining a permit from the City and paying the applicable fee. The fee for a permit shall be as follows:
 - 1. Inspection Fee. For inspection of the actual sewer connection a fee as set forth in Appendix C-1, shall be paid to the City. The property owner shall be responsible for installing all lateral lines and making the actual connection. The specifications for any such connection shall be as established by the City Public Works Director.

 - 2. Treatment Impact Fee-Residential. Any person or property owner who connects or causes to be connected, a dwelling unit or any property to the City Sewer system, shall pay a Treatment Impact Fee as set forth in Appendix C-1, any property with more then one dwelling unit the owner shall pay a treatment impact fee for each.

 - 3. Treatment Impact Fee-Other than Single Family Residential. Any person or property owner who connects or causes to be connected, any property to the City Sewer system a building other than a single family residence, shall pay a Treatment Impact Fee in the amount determined by Appendix C-1.

 - 4. Collection System Fee- Residential. Any person or property owner who connects or causes to be connected, a dwelling unit or any property to the City Sewer system, shall pay a Collection System Fee in the amount determined by Appendix C-1, any property with more then one dwelling unit the owner shall pay a Collection System Fee for each.

5. Collection System Fee- Other than Single Family Residential. Any person or property owner who connects or causes to be connected, any property to the City Sewer system a building other than a single family residence, shall pay a Collection System Fee in the amount determined by Appendix C-1:

6. On-Site Wastewater Systems- All on-site wastewater systems will be constructed in accordance with the City of Columbia/Boone County Health Department regulations being Chapter IV, Small On-site Wastewater Regulations which are set out in Appendix C-4 and Section 6.8 of the Columbia/Boone County Health Department Regulations Public Health Hazards and Nuisances which are set out in Appendix C-5. (amended 2-20-07 Council Bill No. 2007-004)

- B. Any person who connects to the City Sewer System without the advance permission of the City, will be guilty of an Ordinance Violation and, upon conviction, shall pay a fine of not less than five hundred dollars (\$500.00) in addition to reimbursing the City for the costs of disconnection. Each connection shall constitute a separate offense. If a property owner is connected to the City sewer system in violation of this ordinance, without his knowledge or consent, and that property owner chooses to remain connected, he shall pay all applicable fees for such a connection, however any reimbursement actually paid to the City by the offender, excluding fines, shall be applied, pro rata, to the property owner's fees.

14.055. Separate connections required

Every building shall have a separate and independent sewer connection with a public, district, joint district or private sewer, when such sewer is accessible.

14.060. Building sewers that are abandoned

When the use of a building sewer is abandoned, the owner of the property shall disconnect the building sewer line from the City sewer line. The owner shall also properly seal the City sewer line where the building sewer line was disconnected. If the owner of the property refuses or fails to disconnect the abandoned building sewer line and properly seal the City sewer line, the City may disconnect the line and seal the City sewer line and the owner shall reimburse the City for the cost of disconnection and sealing. (amended 3-07-2017, Ordinance No. 1108)

Article IV. Regulation of Discharge

14.080. Interceptors

Grease, oil and sand interceptors shall be provided at the user's expense when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and other

harmful ingredients except, that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Public Works Director and shall be so located as to be readily accessible for cleaning and inspection. 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 abutted in place shall be gas-tight and watertight. Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his expense, in continuously efficient operations.

14.085. Discharge of certain effluences prohibited

- A. The following general restrictions apply to all such users of the POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements:
- B. No person shall contribute or cause to be contributed, directly or indirectly any pollutant or wastewater which acting alone or in conjunction with other substances present in the POTW interfere with the operation or performance of the POTW. A person shall not contribute substances to the POTW which may:
 - 1. Create a fire or explosion hazard including, but not limited to gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solids or gases.
 - 2. Cause corrosive damage or hazard to structures, equipment or personnel of the POTW. In no case shall the discharges have a pH lower than 5.5 or higher than 9.5
 - 3. Cause obstruction to the flow in the POTW or other interference with the operation of the wastewater facilities due to accumulation of solid or viscous material such as but not limited to; grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, wood, paper plates, cups, rags, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, either whole or ground by garbage grinders.
 - 4. Constitute a rate of discharge sufficient to cause interference with the operation and performance of the POTW.
 - 5. Contain heat in amounts which will accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the sanitary sewer or inhibit biological activity in the POTW

Treatment Plant. In no case shall the temperature of the discharge waste exceed 150° F or the temperature of the influent to the POTW Treatment Plant to exceed 104° F.

6. Contain any garbage that has not been properly shredded.
7. Contain more than one hundred parts per million of fat, oil or grease, whether emulsified or not, which may solidify or become viscous at temperatures between 32-150 degrees Fahrenheit or 0-65 degrees Celsius.
8. Contain any, toxic, poisonous, or noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or to cause entry into the sewers for maintenance and repair to be hazardous, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged into the public sewer.
9. Contain radioactive waste or isotopes of such half life or concentration as may exceed limits defined by applicable state and federal regulations.
10. Contain any odor, or color producing substances exceeding concentration limits which maybe established by the director of public works for the purpose of meeting the City's NPDES permit.
11. Contain any substances which may cause the POTW's effluent or any product of the POTW such as residues, sludge or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program.
12. Contain toxic pollutants in sufficient quantity to injure or interfere with the wastewater treatment process, constitute a hazard to humans or animals or create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in an applicable categorical pretreatment standard.
13. Contain suspended solids of such quantity that unusual attention or expense is required to handle such materials at the POTW treatment plant.
14. Contain any strong acid, iron pickling wastes or concentrated planting solutions, whether neutralized or not.
15. Contain any phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the POTW treatment plant as necessary, after treatment of the composite sewage, to

meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

- C. No person shall place, deposit, or permit to be deposited in any unsanitary manner or public or private property within the City, or in any area under the City jurisdiction, any human or animal excrement, garbage, or other objectionable wastes.
- D. No person shall discharge into any natural outlet 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 for in accordance with the subsequent provisions of this ordinance.

14.090. Specific pollutant limitations

No person shall discharge or cause to be discharged wastewater to the POTW containing concentrations in excess of the limitations as set forth for the following substances:

<u>Pollutant</u>	<u>Daily Maximum (mg/l)</u>	<u>Monthly Average (mg/l)</u>
Total Arsenic	0.10	0.05
Total Cadmium	0.50	0.17
Total Chromium	10.00	5.00
Total Copper	5.00	1.70
Total Lead	1.00	0.33
Total Mercury	0.10	0.05
Total Nickel	5.00	2.50
Total Zinc	5.00	1.70
Total Cyanide	2.00	
Phenols	0.50	

14.095. Federal categorical pretreatment standards

No person shall discharge or cause to be discharged to the City’s facilities, wastewater containing substances subject to an applicable Federal Categorical Pretreatment Standard promulgated by EPA in excess of the quantity prescribed, unless otherwise provided in this section.

14.100. Discharge of Stormwater and Unpolluted Drainage Water

No person shall discharge any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drainage, other sources of surface runoff or groundwater, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discarded to such sewers as are specifically designated as combined sewers, storm

sewers, or to a natural outlet approved by the Public Works Director. Industrial cooling waters or unpolluted process waters may be discharged on approval of the Public Works Director, to a stormwater, combined or natural outlet.

14.105. Measurements and Analysis

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided or upon samples taken at said control manhole. In the event that no special control manhole has been required, the control manhole shall be considered the nearest downstream manhole in the public sewer to the point at which the public 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 to life, limb and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls or a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are determined from period grab samples.)

14.110. Fees for services, Sewer

Each user shall pay a fee for the services provided by the City based on their use of the POTW as determined by a water meter or meters acceptable to the City as set out in Appendix C-1.

14.115. Billing and collection procedures (Sewer)

- A. All sewer service charges shall be paid to the City, or its authorized agent, at the location or locations designated by the City. Sewer service charges shall be paid within fifteen (15) days of the date of their billing.
- B. Every sewer service charge specified in this section remaining unpaid after the 15th of each month shall be increased by ten (10) percent. (amended 5-01-07 Council Bill No. 2007-017)
- C. Sewer services shall be deemed to be furnished to both the occupant and owner of all residential, commercial or industrial, and governmental establishments receiving sewer service, occupant and owner of such establishments shall be severally and jointly liable for the payment of the charges for such service rendered on or to premises upon which such establishments are located. If any bill for such service is not paid within fifteen (15) days from the date of such bill, the City may sue the occupant, the owner, or both, of the establishments, such service, or for which such service has been made available, and receive any sums for such services plus a reasonable attorney's fees to be fixed by the court and the costs of suit. Such suit shall be instituted by the City Counselor upon the order of

the Mayor or Board of Aldermen of the City. In addition, the City may use such other means now or hereafter available to it under the statutes of Missouri and the ordinances of the City to effect collection of any bill for sewer service remaining unpaid upon the expiration of fifteen (15) days from the date of such bill.

14.116. Responsibility of sewer service customers

1. Each user/customer of the City of Ashland sewer system shall be responsible for construction, alteration, or maintenance of all sanitary sewer lines up to their connection into the main line.
 2. If repairs to the sanitary sewer line are to be performed on public right-of-way an excavation permit and performance bond or acceptable substitute for the performance bond will need to be posted with the Utility Clerk to guarantee proper repair of the right-of-way. The amount of the bond will be set by the Public Works Director. This bond will be refunded after all work has been completed satisfactorily and no settlement in the work area is observed or anticipated.
 3. The main sewer line shall be the property of the City of Ashland.
 4. The City will use reasonable efforts to determine whether any stoppage or defect in the sewer system is within the main line.
 5. The City shall not be liable for any damage due to stoppage in the main line.
 6. The City shall have exclusive control for the repair, alteration, or maintenance of the main sewer line.
- (added by Ordinance No. 889, 6-21-2011)

SUB-CHAPTER B. WATER

Article I. Administration

14.120. Definitions and abbreviations

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

Community Water System: shall mean a public water system which serves at least fifteen (15) service connections or regularly serves at least twenty-five (25) residents on a year-round basis.

Cross-connection: shall mean any actual or potential connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the public water system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is

supplied. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices and any other temporary or permanent devices through which or because of which, backflow can or may occur are considered cross-connections.

Hearing Board: shall mean that Board appointed according to provision or Article.

Person: shall mean any individual, firm, company, association, society, corporation, or group.

pH: shall mean the negative logarithm of the concentration of hydrogen ions in an aqueous solution.

Public Water System: shall mean a system for provision to the public of piped water for human consumption, if the system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty days out of the year. The system includes any collection, treatment, storage or distribution facilities used in connection with the system. A public water system is either a community water system or a non-community water system.

Public Works Director: shall mean the Director of Water Works, who is in responsible and in charge of the operation and maintenance of the public water supply serving the City.

Sanitary Sewer: shall mean a sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

Service Connection: shall mean each individual connection of a user to a water main or pipe for the purpose of conveying water to a point of use.

Service Line: shall mean any water line or pipe connected to a public water supply's distribution main or pipe that conveys water to a point of use. Each service line is owned and maintained by the customer at that service connection and such line being at the customer's side of the meter.

Shall: is mandatory; "May" is permissive.

The Board of Public Works: All of those powers, rights, duties, obligations, money, accounts receivables, accounts owing interests in litigation, interests in real estate and personal, and all other concerns and objects held by said Board of Public Works shall be exercised by the City of Ashland, Missouri, on the effective date of the passage of ordinance. All references to the Board of Public Works in this Code of Ordinances of the City of Ashland shall be read to mean the City of Ashland. (added Ordinance No. 944, April 2, 2013)

Water Distribution System: shall mean all piping, conduits, valves, hydrants, storage facilities, pumps and other appurtenances, excluding service connections, which serve to deliver water from a water treatment plant or source to the public.

Water Main: shall mean any water main line or pipe which conveys water to a point of use from a water treatment plant, source, or water storage facility. Water mains are owned and maintained by the City.

Water Meter: shall mean a water volume measuring and recording device, furnished and/or installed by the City or furnished and/or installed by a user and approved by the City. Each individual service connection shall have a water meter.

Water Treatment Plant: shall mean a facility which uses specific processes such as sedimentation, coagulation, filtration, disinfection, aeration, oxidation, ion exchange, fluoridation, or other processes which serve to add components or to alter or remove contaminants from a water supply source.

14.125. Release of Water

In the event that any water from the City system is released through a water line connected to the City System, which said water line is not owned by the City, the person releasing such water shall reimburse the City for the water released at the current rate. A release of water shall include, but not be limited to, flushing or testing of lines and line breaks.

14.130. Measurement of water consumption

A. The metered water consumption records of the City Water Company, or its successor, as shown by its monthly water bills, shall be used to determine the amount of water consumption of all residential, commercial or industrial establishments and governmental establishments supplied with water by the City Water Company, or its successor, for the purpose of computing sewer service charges under the provisions of this division.

B. All residential, commercial or industrial, and governmental establishments supplied with water from sources other than the City Water Company, or its successor, shall furnish evidence satisfactory to the City, of the monthly quantity of water consumption by such establishments from such other sources and in such cases the monthly sewer service charges shall be based upon such evidence; otherwise the City shall estimate the monthly water consumption of such establishments, and such computation shall constitute the basis for the monthly sewer service charge for such establishments

Article II. Construction and Design

14.135. Construction of Water Mains

A. All water lines which connect to the City lines or to City facilities shall be constructed according to the specifications adopted by the Board of Aldermen of the City, or if none have been adopted according to the specifications as may be adopted required by the Public Works Director, as amended from time to time.

- B. Installation of all water lines which connect to City lines or to City facilities shall be done under the supervision of the Public Works Director, his designated representative, or an inspector selected by the City. All costs of such inspection shall be born by the developer or land owner according to a schedule of costs adopted by the City. The developer or land owner shall notify the designated inspector 24 hours in advance of construction being commenced. Prior to construction the developer or land owner will provide the inspector with a completed copy of the plans and specifications of the lines.
- C. Tracer line shall be installed according to specifications set forth by the Public Works Director on all new water lines. Tracer line shall be installed on all existing water lines whenever they are exposed for maintenance, repair or upgrading.
- D. Before any water line shall be accepted by the City, the developer or land owner shall prepare deeds granting an easement to the City or in the alternative provide a plat with language dedicating easements to the City signed by the developer.
- E. All water main installation shall meet the requirements of the following acceptance test:

Tapping

All tapping of existing City mains shall be performed under the supervision of the Public Works Department. Notify the City at least 24 hrs in advance.

Disinfection

During construction calcium hypochlorite granules shall be placed at the upstream end of the first section of pipe, at the up stream end of each branch main and at 500 ft intervals.

Pipe Diameter Inches	Calcium Hypochlorite granules oz. *
4	0.5
6	1.0
8	2.0
12	4.0

* Concentration of chlorine residual shall not be less than 25 mg/L

Filling and Contact

When installation has been completed the main shall be filled with water at a rate such that water within the main will flow at a velocity no greater than 1 ft/s. Precautions shall be taken to assure all air pockets are eliminated. This water shall remain in the pipe for at least 24 hrs . Valves shall be positioned so that the strong chlorine solution in the treated

main will not flow into water mains in active service. Hydrant valves shall be opened to allow for chlorine solution to enter and remain.

Pressure

All newly laid pipe or any valved section thereof shall be subject to a hydrostatic pressure of 150-200 psi (approximately 150% maximum operating pressure) for a period of 1hr.

Sampling

After all testing and final flushing and before the main can be placed into service , a sample or samples shall be collected from the end of the line and shall be tested for bacteriological quality in accordance with Standard Methods for the Examination of water and wastewater. At least one sample shall be collected from the new main and one from each branch. Results will be sent to the City.

Samples for bacteriological analysis shall be collected in sterile bottles treated with sodium thiosulfate.

Before any water line shall be accepted by the City, the developer or land owner shall provide a written warranty to the City, in a form acceptable to the City, warranting the line and its installation against defects of workmanship or materials for one year after the date of acceptance by the City.

14.140. Lead Ban General Policy

A. Purpose. The purpose of this ordinance is:

1. To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and
2. To protect city residents from lead contamination in the city's public drinking water system of the City of Ashland.

B. Application. This ordinance shall apply to all premises served by the public drinking water system of the City of Ashland.

C. Policy. This ordinance will be reasonably interpreted by the water purveyor. It is the purveyors' intent to ban use of lead based material in the construction or modification of the city's drinking water system or private plumbing connected to the city's system. The cooperation of all consumers is required to implement to the lead ban.

If, in the judgment of the water purveyor or his authorized representative, lead base materials have been used in new construction or modifications after January 4, 2014, due notice shall be given to the consumer. The consumer shall immediately comply by

having the lead base materials removed from the plumbing system and replaced with lead free material. If the lead base materials are not removed from the plumbing system, the water purveyor shall have the right to discontinue water service to the premises.

14.145. Definitions.

- A. The following definitions shall apply in the interpretation and enforcement of this ordinance.
1. “Consumer” means the owner or person in control of any premises supplied by or in any manner connected to a public water system;
 2. “Lead base materials” means any material containing lead in excess of the quantities specified in Section 14.145 (A) (3);
 3. “Lead free” means:
 - (A) When used with respect to solder and flux, refers to solders and flux containing not more than 0.2 percent (0.2%) lead; and
 - (B) When used with respect to pipes, pipe fittings, plumbing fittings and fixtures refers to pipes, pipe fittings and fixtures containing not more than a weighted average of 0.25 percent (0.25) lead.
 4. “Public drinking water system” means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources; and
 5. “Water purveyor” means the owner, operator, or individual in responsible charge of a Public Water System.

Exemptions

- A. “pipes, pipe fittings, plumbing fittings or fixtures, including backflow preventers, that are used exclusively for non-potable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption;” (SDWA 1417 (a) (4) (A))
- B. “toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, fire hydrants, shower valves, service saddles, or whatever distribution main gate valves that are 2 inches in diameter or larger.” (SDWA 1417 (a) (4) (B))

14.150. Lead Banned from Drinking Water Plumbing

- A. No water service connection shall be installed or maintained to any premises where lead base materials were used in new construction or modifications of the drinking water plumbing after January 4, 2014.

- B. If a premises is found to be in violation of Section 14.150.A. water service shall be discontinued until such time that the drinking water plumbing is lead free. (amended Ordinance No. 1083, 7-19-2016)

Article III. Connections

14.155. Connection to water system required

A. The owner of all houses, buildings, or properties used for human employment, recreation, residence or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located access to a public water system within 100 feet of the property line, is hereby required to connect to such facilities in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so.

B. Before commencement of construction of a privately owned public water system in the city's jurisdiction, the owner shall first obtain a written permit signed by the Public Works Director. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Public Works Director. A permit and inspection fee of two hundred dollars shall be paid to the City at the time the application is filed.

C. When a public water system becomes available, customers that connect must physically disconnect from the existing private system (well), in accordance with the city's cross-connection prevention ordinance. The well shall then be properly plugged in accordance with guidelines established by the Missouri Department of Natural Resources Division of Geology and Land Survey (DGLS) and outlined in state regulation 10 CSR 23 – 3.110 as amended, unless the owner wants to keep it functional for uses other than providing drinking water. A well may only be kept if it remains physically disconnected from the public water supply's distribution system, has a functional pump, is connected to an electrical service, and is pumped at least once in a twelve month period.

Upon connecting to the public water system, the appropriate DNR Regional Office shall be notified, in writing, that the connection(s) have been completed.

D. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public water system or appurtenance thereof without first obtaining a written permit from the Public Works Director.

E. All costs and expenses incident to the installation of the service line and connection to the public water system 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 water service.

F. A separate and independent service connection shall be provided for every building.

G. The size, alignment, material used in the construction of new or the replacement of the existing public water system, 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 most recent edition of the Missouri Department of Natural Resources (MDNR), Public Drinking Water Program, Design Guide for Community Public Water Supplies. A Permit to Construct, issued by MDNR, will be received prior to construction, alteration or extension of the water system.

14.160. Inspections

- C. The applicant for a public water system connection permit shall notify the Superintendent when service line is ready for inspection and connection to the water system. The connection shall be made under the supervision of the Superintendent or his representative.
- D. All excavations for public water system improvements, replacements or repairs 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 a manner satisfactory to the City.
- E. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the public water system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- F. The Public Works Director 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 ordinance.

14.165. Violations

A. While performing the necessary work on private properties referred to above, the Public Works Director 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.

B. The Public Works 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 a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the public water system 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.

C. Any person found to be violating any provision of this ordinance except section B, 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.

D. Any person who shall continue any violation beyond the time limit provided for in section B, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding five hundred dollars (\$500.00) for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.

Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

14.170. Connection Fees

A. No person shall hook up to or tap in to any City water system without first obtaining a permit from the City and paying the applicable fee. The fee for a permit shall be as follows:

1. Inspection Fee. For inspection of the actual water connection a fee as set forth in Appendix C-2, shall be paid to the City. The property owner shall be responsible for installing all service lines and making the actual connection. The specifications for any such connection shall be as established by the City Public Works Director.
2. Impact Fee-Residential. Any person or property owner who connects or causes to be connected, a dwelling unit or any property to the City Water system, shall pay an Impact Fee as forth in Appendix C-2, any property with more than one dwelling unit the owner shall pay a treatment impact fee for each.
3. Impact Fee-Other than Single Family Residential. Any person or property owner who connects or causes to be connected, any property to the City Water system a building other than a single family residence, shall pay a Impact Fee in the amount determined by Appendix C-2:
4. Distribution System Fee- Residential. Any person or property owner who connects or causes to be connected, a dwelling unit or any property to the City Water system, shall pay a Distribution System Fee in the amount as set forth in Appendix C-2, any property with more then one dwelling unit the owner shall pay a Distribution System Fee for each.

5. Distribution System Fee- Other than Single Family Residential. Any person or property owner who connects or causes to be connected, any property to the City Water system a building other than a single family residence, shall pay a Distribution System Fee in the amount determined by Appendix C-2:
- B. Any person who connects to the City Water System without the advance permission of the City, will be guilty of an Ordinance Violation and, upon conviction, shall pay a fine of not less than five hundred dollars (\$500.00) in addition to reimbursing the City for the costs of disconnection. Each connection shall constitute a separate offense. If a property owner is connected to the City sewer system in violation of this ordinance, without his knowledge or consent, and that property owner chooses to remain connected, he shall pay all applicable fees for such a connection, however any reimbursement actually paid to the City by the offender, excluding fines, shall be applied, pro rata, to the property owner's fees.

14.175. Water Deposits

The water deposits established for all customers are set forth in Appendix C-3.

14.180. Separate connections required.

Every building shall have a separate and independent water service connection with a public, district, joint district or private water company, when such water service is accessible.

14.185 Responsibility of water service customers

- A. The following shall be the responsibility of water service customers who are provided water service by the City of Ashland with said customers to bear the cost of same:
 1. Any necessary replacement of water lines from the customer's side of the water meter to the point of use.
 2. Said water line replacement shall include parts, piping, fill, concrete, asphalt, meter tile, and other associated parts and labor needed to accomplish the replacement of any existing service line.
- B. All work done in relation to water service shall be in accordance with all applicable ordinances, laws, and guidelines set forth by any local, State, or Federal government agency to include but not limited to the Missouri Department of Natural Resources and the Ashland Water Department.
- C. The City will provide labor and materials to make repairs to the water lines from the service connection from the main to the water meter or five feet inside of the property line, whichever is closest to the main. The City's responsibility will include the meter and the meter pit as well if needed. The City reserves the right to relocate water meters at any time.

D. The City will maintain the main lines of the City of Ashland water system.
(added by Ordinance No. 888, 6-21-2011)

14.190. Cross Connection Control-General Policy

A. Purpose. The purpose of this ordinance is:

1. To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
2. To promote the elimination, containment, isolation, or control of existing cross connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures, and industrial-process systems.
3. To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. Application. This ordinance shall apply to all premises served by the public potable water system of the City of Ashland.

C. Policy. This ordinance will be reasonably interpreted by the water purveyor. It is the water purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

The water purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water serve connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The water purveyor and consumer are jointly responsible for preventing contamination of the water system.

If, in the judgment of the water purveyor or his authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his own expense; and failure, refusal, or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided.

Section II. Definitions

- a. The definitions listed in Appendix A shall apply in the interpretation and enforcement of this ordinance.

Section III. Cross Connections Prohibited

- a. No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public potable or consumer's water system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the water purveyor and as required by the laws and regulations of the Missouri Department of Natural Resources.
- b. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless, such auxiliary water supply and the method of connection and use of such supply shall have been approved by the water purveyor and the Missouri Department of Natural Resources.
- c. No water service connections shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the water purveyor as necessary for the protection of health and safety.

Section IV. Survey and Investigations

- a. The consumer's premises shall be open at all reasonable times to the water purveyor, or his authorized representative, for the conduction of surveys and investigations of water use practices within in the consumer's premises to determine whether there are actual or potential cross connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
- b. On request by the water purveyor or his authorized representative, the consumer shall furnish information on water use practices within his premises.
- c. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on premises to determine whether there are actual or potential cross connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system.

Section V. Type of Protection Required

- a. The type of protection required by this ordinance shall depend on the degree of hazard which exists, as follows:

1. An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
2. An approved air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
3. An approved air gap separation or an approved reduced pressure principle backflow prevention assembly or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard not dangerous to health.

Section VI. Where Protection is required

1. An approved backflow prevention assembly shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
2. An approved air gap separation or reduced pressure; principal backflow prevention assembly shall be installed at the service connection or within any premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:
 - a. Premises having auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the water purveyors and the Missouri Department of Natural Resources.
 - b. Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connection exist.
 - c. Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.
 - d. Premises having a repeated history of a cross connections being established or re-established.

- e. Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
 - f. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 - g. Premises where materials of a toxic or hazardous nature are handled such that if back-siphonage or backpressure should occur, a serious health hazard may result.
3. The types of facilities listed in Appendix B fall into one or more of the categories of premises where an approved air gap separation or reduced pressure principle backflow prevention assembly is required by the water purveyor and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water purveyor and the Missouri Department of Natural Resources.

Section VII. Backflow Prevention Assemblies

- A. Any backflow prevention assembly required to protect the facilities listed in Appendix B shall be of a model or construction approved by the water purveyor and the Missouri Department of Natural Resources.
 - 1. Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.
 - 2. A double check valve assembly or a reduced pressure principle backflow prevention assembly shall be approved by the water purveyor, and shall appear on the current “list of approved backflow prevention assemblies” established by the Missouri Department of Natural Resources.
- B. Existing backflow prevention assemblies approved by the water purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this ordinance so long as the water purveyor is assured that they will satisfactorily protect the water system. Whenever the existing assembly is moved from its present location, or requires more than minimum maintenance, or when the water purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention assembly meeting the requirements of this ordinance.

Section VIII. Installation

- A. Backflow prevention assemblies required by this ordinance shall be installed at a location and in a manner approved by the water purveyor and shall be installed at the expense of the water consumer.
- B. Backflow prevention assemblies installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connections.
- C. Backflow prevention assemblies shall be located so as to be readily accessible for maintenance and testing, protected from freezing. No reduced pressure principle backflow prevention assembly shall be located where it will be submerged or subject to flooding by any fluid.

Section IX. Inspection and Maintenance

- A. It shall be the duty of the consumer at any premises on which backflow prevention assemblies required by this ordinance are installed to have inspection, tests, and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
 - 1. Air gap separations shall be inspected at the time of installation and at least every twelve months thereafter.
 - 2. Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter.
 - 3. Reduced pressure principle backflow prevention assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter.
- B. Inspections, tests, and overhauls of backflow prevention assemblies shall be made at the expense of the water consumer and shall be performed by a State of Missouri certified backflow prevention assembly tester.
- C. Whenever backflow prevention assemblies required by this ordinance are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
- D. The water consumer must maintain a complete record of each backflow prevention assembly from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspections, tests, repairs, and overhauls shall be made available to the water purveyor upon request.

- E. Backflow prevention assemblies shall not be bypassed, made inoperative, removed, or otherwise made ineffective.

Section X. Violations

- A. The water purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention assembly required by this ordinance is not installed, tested, and maintained in a manner acceptable to the water purveyor, or if it is found that the backflow prevention assembly has been removed or bypassed, or if an unprotected cross connection exists on the premises.
- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this ordinance to the satisfaction of the water purveyor.

14.200. Water Rates

The water rates established for all customers are set forth in Appendix C-2.

14.205. Billing and collection procedures (Water)

- A. All water service charges shall be paid to the City, or its authorized agent, at the location or locations designated by the City. Water service charges shall be due on the 15th day of each month.
- B. Every water service charge specified in this section remaining unpaid after the 15th of the month shall be increased by ten (10) percent. If charges have not been paid by the 25th of the month at 5:00 p.m. a notice of disconnect will be issued and an additional ten dollar (\$10.00) charge shall be added to the water service charges remaining unpaid. If the 25th falls on a weekend or City holiday, the charge is assessed on the next business day. All fees must be paid by 5:00 p.m. on the date listed on the disconnect notice of the customers will be disconnected. Service will not be reconnected until all fees and a seventy-five (\$75.00) reconnection fee have been paid. Reconnections will not be done outside of normal work hours for City public works employees, unless deemed an emergency situation by the city water superintendent. The fee for reconnections made outside of normal work hours shall be one hundred fifty dollars (\$150.00) (amended 6-16-15 Ordinance No. 1027)
- C. Water services shall be deemed to be furnished to both the occupant and owner of all residential, commercial or industrial, and governmental establishments receiving water service, and the occupant and owner of such establishments shall be severally and jointly liable to the City for payment of the charges for such service rendered on or to premises upon which such establishments are located.

If any bill for such service is not paid within fifteen (15) days from the date payment is due, the City may sue, the occupant, the owner, or both, of the establishments receiving such service, or for which such service has been made available, and receive any sums due for such services plus a reasonable attorney's fees to be fixed by the court and the costs of such suit. Such suit shall be instituted by the City counselor upon the order of the Board of Aldermen of the City. In addition, the City may use such other means now or hereafter available to it under the statutes of Missouri and the ordinances of the City to effect the collection of any bill for water service remaining unpaid.

Nothing contained herein shall in any way forgive or avoid any payment to the City as outlined in this chapter for water services. Upon receipt of any protest, the City Administrator or designee shall respond to the recipient of the service. The City Administrator, or designee, will determine if an adjustment is warranted and to what extent an adjustment will be made, if warranted. An appeal can be made to the Board of Aldermen by the party responsible for payment to the City if that person believes the adjustment offered, or the lack of an adjustment offer, was not a fair decision by the City Administrator or designee. (amended Ordinance No. 1095, 11-15-2016)

Article IV. Annual Procedures

14.210. Annual Review

The City shall review the user charge system annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement costs among users and user classes.

14.211. Annual Inflation Adjustment

It shall be mandatory to review the rates, which fund operations and maintenance of the water and sewer systems, each February so that rates shall be revised every May to reflect the annual inflation rate as stated by the most current Consumer Price Index as published by the Federal Government. Rates as stated in Appendix C-1 or C-2 and all other rate revisions shall not have a bearing on or be used in lieu of the annual rate review. (added by Ordinance No. 887, 6-21-2011)

14.215. Annual Review (amended Ordinance No. 847, 5-18-2010)

The City shall notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance including replacement of the POTW.

ARTICLE V. EMERGENCY USE RESTRICTIONS

14.300. PROCLAMATION-GENERALLY

Whenever the water supply of the City is low, or whenever the pressure maintained in the water storage facilities or water mains of the City is low, due to conditions of drought or other emergencies which may arise, it shall be the duty of the Mayor to issue a proclamation stating the facts and prohibiting any person from using City water for any purpose other than for essential health, safety and welfare needs.

14.305. PROCLAMATION-FORMS OF PROCLAMATIONS

As provided in Section 14.300, the Mayor shall implement provisions of this Article to the extent and for such periods as he/she deems necessary for the protection of human life and safety. Such proclamations shall be in effect for periods at the Mayor's discretion. In his/her proclamation the Mayor may provide for a scheduled implementation of restrictions of water use, or he/she may direct such immediate and total restrictions as are provided for in this Article. The Mayor may issue proclamations amending any previously issued by him/her under this Article. The Mayor may rescind or revoke any proclamations made by him/her should the emergency causing such action be resolved.

14.310. NOTICE

Any proclamation issued by the Mayor within the purview of this Article shall be posted in at least two (2) public places within the City and shall also be published at least once in a newspaper generally circulated within the City.

14.315. EFFECTIVE DATES OF PROCLAMATIONS

Any proclamation issued by the Mayor within the scope of this Article shall take effect immediately upon its being posted and published, and shall be in full force and effect until rescinded or revoked by the Mayor.

14.320. ENFORCEMENT OFFICIALS

All employees of the Board of Public Works, Water Department and all Police Officers are empowered to enforce the provisions of this Article. Also, the Board of Aldermen shall have the power to appoint any number of persons necessary to enforce the provisions of this Article, who shall themselves have the power of special Policemen with the authority to make arrests for any violations of this Article.

14.325. COORDINATION WITH GOVERNMENT AGENCIES

During times of water emergencies proclaimed by the Mayor, it shall be the duty of the Mayor and Superintendent of the Board of Public Works to maintain close coordination with the State's Department of Natural Resources and such other agencies of the Federal, State, or other local governments as may have the ability to assist the City during its period of emergency.

14.330. APPLICATION OF ARTICLE

The provisions of this Article shall apply to all persons using water both within and outside the corporate limit of the City, and regardless of whether any person, firm, corporation, or institution using water shall have a contract for water service with the City.

14.335. CERTAIN USES PROHIBITED

In times of emergency proclaimed as provided in this Article, the following uses and withdrawals of water by any person shall be prohibited.

1. Watering yards, namely, the sprinkling, watering, or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, and any other vegetation.
2. Washing mobile equipment, namely, the washing of automobiles, trucks, trailers, trailer-houses, railroad cars, and any other type of mobile equipment.
3. Cleaning outdoor surfaces, namely, the washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces.
4. Cleaning buildings, namely, the washing of the outside of dwellings and of the inside or outside of office and other commercial buildings.
5. Cleaning equipment and machinery, namely, the washing and cleaning of any business or industrial equipment and machinery.
6. Swimming pools, namely, swimming and wading pools not employing a filter and re-circulating system.
7. Ornamental fountains, namely, the operation of any ornamental fountain or other structure making a similar use of water.
8. "Escape through defective plumbing", namely, the escape of water through defective plumbing, which shall mean the knowing permission for defective plumbing to remain out of repair.
9. Sale to bulk haulers, namely, the sale of water to non-metered customers hauling the same to out of town consumers.
10. Sale to out of town consumers, namely, all bulk or tank sale, coin-operated facilities where water is sold to persons hauling the same for their own use.
11. Automatic or commercial car washes, namely, commercial coin-operated car wash or any other type of mobile equipment commercial washing operation.
12. Cooling water, namely, water used for cooling machinery, air conditioning, or heating unless such water is recycled within a closed system.
13. Dust control, namely, water used for the control of dust.
14. Flushing mains, namely, flushing of water mains by Board of Public Works employees except to alleviate specific customer complaints.
15. Use from a fire hydrant, namely, use of water from a fire hydrant except for fighting fires, human consumption, or use in connection with animals.

14.340. CONSERVATION PLAN REQUIRED OF LARGE COMMERCIAL, INDUSTRIAL, INSTITUTIONS, GOVERNMENTAL SUBDIVISION, WATER DISTRICTS

It is mandatory that within forty-eight (48) hours after the posting of the Mayor's proclamation under this Article all customers with a two (2) inch water meter (this does not include meters strictly for fire protection only) submit a water conservation plan in writing to the Mayor for approval. Such plan shall incorporate all uses prohibited in Section 14.335 of this Article and shall immediately when approved be put into effect. Such plan shall only be approved if average consumption is reduced by fifty percent (50%). Failure to submit such plan shall result in the penalty provisions of this Article being enacted immediately.

14.345. RESTRICTIONS ON BUSINESS, INSTITUTIONAL AND INDUSTRIAL USES

In times of emergency any restrictions imposed on the consumption of water within the City shall first be levied against industrial, institutional, and business users, with the Mayor hereby empowered to limit the consumption of water by industrial, institutional, and business users to the amount used by such users, during the corresponding month of the year previous to the emergency, a fraction thereof, or he/she may suspend such services entirely when, in his/her opinion, the welfare of the City so warrants. If no previous year consumption data is available, the Mayor shall establish a formula establishing a consumption average.

14.350. EXCEPTION FOR BUSINESSES NECESSARY TO PUBLIC WELFARE

In any proclamation issued by the Mayor pursuant to this Article curtailing the usage of water by business or industrial customers, provisions may be made to allow water usage by those businesses and industries that are, in the Mayor's opinion, necessary for the public health, safety, and welfare.

14.355. PROVIDING OF NECESSARY USAGE DATE

It shall be the responsibility of the Superintendent of the Board of Public Works to keep current and have available such records of water usage as may be necessary to implement the provisions of this Article, including the amount of water available for sale by the City and that normally consumed by its several customers.

14.360. RESIDENTIAL USE OF WATER

The restrictions herein imposed on the consumption of water within the City shall apply to residential users to the extent that the Mayor may also restrict the usage of water to certain hours of the day, divide the City into sections for the purpose of alternating water service on a scheduled basis, besides making applicable to such customer provisions of the preceding Sections of this Article. The Mayor is also hereby empowered to limit the consumption by residential users to the amount used by such users during the corresponding month of the year previous to the emergency, a fraction thereof, or he/she may suspend such services entirely when, in his/her opinion, such customers does not intend to practice water conservation at the expense and general

welfare of other citizens. If no previous year consumption data is available, the Mayor shall establish a formula establishing a consumption average.

14.365. EXCEPTION TO MAINTAIN SANITATION

Notwithstanding other provisions set forth in this Article, the Mayor shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health and sanitation standards.

14.370. TERMINATION OF WATER SERVICE

Whenever a customer of the Water Department continues to violate the provisions of this Article, the Mayor may have such customer's water service disconnected at the water main and all costs for such disconnection shall be payable by such customer. Reinstatement of such service shall be at the discretion of the Mayor.

14.375. INCREASED COSTS FOR WATER SERVICE

The Mayor, with the approval of the Board of Aldermen, is hereby empowered to increase the costs of water service by fifty percent (50%) during an emergency if a customer violates the provisions of this Article.

14.380. PENALTIES

Any person who uses any water furnished by the City in violation of this Article shall be deemed guilty of a misdemeanor, and upon conviction may be punished as provided in Section 14.165 of this Code. (added Section Article V. Ordinance No. 943 March 19, 2013)

ARTICLE VI. ANGEL LANE WASTEWATER

Angel Lane Wastewater Treatment Facility Cost Allocation Regulation

14.400. Purpose- The City has determined it necessary to preserve and promote the public health and welfare by constructing a new waste water treatment facility and ancillary support facilities on property owned by the City to be known as the Angel Lane Wastewater Treatment Facility (sometimes referred to in this regulation as the project). The purpose of the project is to provide new and more efficient centralized waste water treatment services to new customers currently owning developed property not presently served by centralized waste water treatment facilities, and to provide additional new waste water treatment capacity for future new customers purchasing presently undeveloped property. The City has further determined it necessary and advisable to establish by regulation a method by which to allocate payment for the cost of the project and to sell new waste water treatment capacity for undeveloped property which may be sold to developers of real estate and/or new customers requiring centralized waste water treatment services from the City.

14.405. Definitions- The following definitions shall be applicable in this regulation:

Base Unit- The actual cost of constructing the Angel Lane Wastewater Treatment Facility and ancillary support facilities divided by the number of gallons per day of treatment capacity designed for the facility and permitted by the Missouri Department of Natural Resources. In addition, and when applicable, a base unit shall be defined by the actual cost of constructing a new collection and treatment system constructed under the provisions of this regulation divided by the total gallons per day flow of any such facility.

Commercial Unit- A structure used for commercial purposes under 10 CSR 20.-8.020(11) (B) which consists of not less than 1,000 square feet and which uses no more than 200 gallons per day waste water treatment capacity per 1,000 square feet. The cost of a commercial unit is equivalent to a minimum of 200 base units of treatment capacity or estimated gallons per day in addition to the 200 base units.

Existing and Reserved Treatment Capacity- Waste water treatment capacity reserved by the City for existing customers and existing developed property which the City's judgment may be served by the City in the future.

New Treatment Capacity- Waste water treatment capacity constructed by the City for purposes of sale to developers and property owners to serve yet undeveloped property that can be served by a centralized waste water treatment facility.

Residential Unit- The single family residential unit using no more than 370 gallons per day of waste water treatment capacity. The purchase price of a residential unit is equivalent to 370 base units of treatment capacity on the actual average discharge, whichever is greater. Existing residential units with pre-operational or post operational subscriptions will be charged the equivalent of 200 base units of treatment capacity. Existing residential units are 11500 Hardwick Lane, 6671, 7020 and 7401 Angel Lane.

14.410. Treatment and Ancillary Support Facility Cost Allocation-The project shall consist of the design, construction, operation and maintenance of a 2,900 gallon per day waste water treatment facility and additional treatment capacity that is added over time to meet the demand as the area develops. The project will be on property permanently set aside to the city to be known as the Angel Lane Wastewater Treatment Facility together with ancillary support facilities and necessary force main. The project shall be designed and constructed at City expense and supervision, all as directed by the City. Construction shall commence as soon as reasonably practicable in the judgment of the City Administrator after the date of adoption of this regulation. The City hereby authorizes the City to sell new treatment capacity by subscription or general purchase in accordance with the terms and conditions of the regulation. New

treatment capacity shall be sold by residential units or commercial units. The price for new treatment capacity shall be based upon the actual cost of a base unit of both existing and reserved treatment capacity and new treatment capacity, subject to the exclusions specified below for subscription purchases. Additionally, sale of new treatment capacity requiring use of the new sand filter, irrigation system and/or storage tanks shall be sold on the basis of the base unit price of the gallons per day flow capacity of the new additions for both existing and reserved treatment capacity and new treatment capacity, subject to the exclusions specified below for subscription purchases.

14.415. Sale of New Treatment Capacity-New treatment capacity shall be sold under the following terms and conditions by one of two methods; namely, (a) pre-operational subscription, or (b) post-operational general purchase after all construction is completed and the treatment facility is operational:

- 1. Pre-Operational Subscription-** The City may offer subscriptions for purchase and accept and approve of subscription offers of purchase to and from individuals or businesses made for the purpose of purchasing new treatment capacity prior to the completion of construction and operation of the treatment facility; all subscriptions shall be on such terms and conditions, and in such form, as the City shall approve subject to the requirements of this regulation. In addition, the City may impose special conditions and requirements on the sale of new treatment capacity as are necessary and appropriate for the successful completion of the project. Subscriptions shall be sold in residential units or commercial units calculated from an estimated base unit price. The base unit price shall be computed on the basis of the estimated cost of constructing the force main and treatment facility. Purchase offers for pre-operational subscriptions for new treatment capacity for undeveloped subdivisions shall not be required to pay connection charges normally imposed by the City and shall not be charged any portion of the financing expenses or overhead costs incurred by the City attributable to the project. In their purchase offers, subscribers shall be required to specify the number of residential and commercial units to be purchased and to pay the City in full the amount of the purchase price required by the City for purchase of such residential and commercial units of new treatment capacity within 30 days of invoice. Invoices for subscriptions shall be issued at the time of purchase but no earlier than the issuance of a notice to proceed issued under the construction contract let by the City. Subscription prices based upon cost estimates shall be adjusted to reflect actual costs incurred by the City upon completion of the project and operation of the facility; within 60 days of completion of the project, the City shall issue refunds to subscribers for over-estimated subscriptions and invoices for under-estimated subscriptions. Subscribers who fail to pay any invoice amount within 45 days of the date of invoice shall forfeit all rights to subscription

and benefits of subscription, and shall thereafter be treated as general purchasers.

2. **Cost Estimate for Base Unit Prices-** The City hereby approves the sale of subscriptions for new treatment capacity and force main at an estimated base unit price for pre-occupational subscription and operational subscription as shown in Appendix C-1 Sewer Rates. The City is hereby authorized to adjust the base unit prices to reflect refinements or changes in the accuracy of cost estimates.
3. **General Purchases-** The City is authorized to sell new treatment capacity from time to time by general purchase to persons or entities owning subdivided and undeveloped property generating waste water which may be treated by the waste water treatment facility authorized under this regulation. New capacity shall be sold by general purchase on a “first come, first served” basis. The sale of new treatment capacity by general purchase shall be on the basis of residential or commercial units computed on the basis of the base unit prices derived from all actual construction costs of the entire project including, base units of the new sand filter, irrigation system and/or storage tanks, if required for provision of services to the purchaser, engineering costs incurred by the City for the project, financing costs for the project, and City overhead at a rate of 10% of the overall construction costs of the project. General purchases of residential or commercial units shall be payable to the City in full prior to approval of subdivisions plats or issuance of building permits by the City, whichever occurs earlier, and shall be subject to City connection charges applicable for service connections under the regulations of the City.

14.420. General Conditions for Purchase of New Treatment Capacity- The following general conditions shall be applicable to all purchases of new treatment capacity regardless of whether purchased by subscription or general purchase:

1. **Collection Lines, Force Mains and Service Connections-** All purchasers of new treatment capacity shall be required to construct collection lines and/or force mains and service connections at their own expense unless otherwise authorized by the City. All collection lines, service connections and construction of other ancillary facilities shall be in accordance with the rules and regulations of the City and the Department of Natural Resources. The City will construct the force main along Angel Lane and to the treatment facility.
2. **Prohibition on Transfer-** No purchaser of new treatment capacity sold by subscription or general purchase under this regulation shall resell, or agree to resell, assign or agree to assign, or otherwise transfer new treatment capacity by any other method to any person or entity without City approval until the subscription or general purchase price is paid to the City

in full. Unused treatment capacity purchased but not placed in use within 10 years of the date of purchase is subject to recapture by the City in that the City shall have the right to terminate the purchase agreement or subscription with respect to such unused new capacity upon notice and issue a refund of the purchase price paid by the purchaser for such unused new capacity upon termination.

14.425. Other District Regulations Applicable- Except as otherwise specifically authorized or directed in this regulation, all other regulations pertaining to the provision of waste water collection and treatment services and charges for such services shall be applicable.

14.430. Termination of Purchases-The City is authorized to terminate a subscription for or general purchase of new treatment capacity upon notice of the purchaser for reason that the purchaser has violated any term or condition of this regulation or other rules and regulations of the City.

Angel Lane Treatment Capacity Allocation Permit Regulation

14.500. Background and Purpose- The City has determined it necessary to preserve and promote the public health and welfare and therefore to regulate and restrict the development or improvement of properties which generate waste water to be treated at the Angel Lane Wastewater Treatment Plant due to limited treatment capacity of the plant available to serve the drainage area. The purpose of this regulation is to establish a permit system to control the amount of waste water which may be generated for collection and treatment from properties which are subject to development served by the Angel Lane Waste Water Plant. If and to the extent additional waste water collection and treatment capacity is needed for development beyond permitted capacity allocated to specific properties, or for the treatment system as a whole, then it will be necessary for the property owners requiring such additional capacity to arrange with the City to design and construct, or otherwise pay for the new or additional facilities to provide such additional capacity.

14.505. General Scope of Regulation- This regulation shall be applicable to any real estate improvements or development to be constructed which will receive waste water treatment from the Angel Lane Waste Water Plant as determined that the provision of waste water treatment services should be limited and allocated as a result of existing zoning permitting expanded future development of property served by the plant or potential future subdivision of property. The City hereby prohibits development or improvement of real estate which generates waste water or sewerage requiring collection and treatment subject to this regulation except in conformity with the requirements of this regulation.

14.510. Pre-Development Wastewater Permit Application and Engineering Assessment- From and after the date this regulation is adopted, no lot or tract subject to this regulation shall have improvements constructed or installed upon it requiring waste water collection and treatment from the

Angel Lane Waste Water Treatment Plant unless and until the owner, possessor or other party seeking to construct or install such improvements (hereafter referred to as the applicant), submits to the City a written application for a permit for limited waste water treatment services. The City may require as a part of the application process an engineering assessment prepared by an engineer licensed in the state of Missouri and submitted under engineering seal in a form approved by the City. The application shall contain the name(s) and addresses(s) of the applicant, the address and legal description of the property to be served under the application, describe the improvements planned for construction or installation with the specificity required for issuance of the permit under Section 14.415. of this regulation, and the estimated amount of waste water and sewerage which are to be generated by the improvements in accordance with Missouri Department of Natural Resources regulations and standards for determining such amounts. Upon submission of such application to the City, the City shall verify the accuracy of the content of the application and determine whether sufficient waste water treatment capacity exists to accommodate the proposed development based upon the current capacity in use by the entire area subject to this regulation and estimated residual capacity available in such area. If sufficient treatment capacity exists, the city may issue a permit and condition issuance of the permit as specified in Section 14.415. of this regulation. In the event that the City determines that insufficient treatment capacity exists to accommodate the waste water collection and treatment requirements for the proposed development or improvements, then the City shall issue its denial of written permit to the applicant with a copy to the Boone County Department of Planning and Building Inspection with written explanation of the basis for denial of the permit for applicant's planned improvements.

14.515. Permit Content and Requirements- A permit issued under this regulation shall describe the real property to which it pertains and limit the amount of waste water which may be generated for collection and treatment from the property, specify the permitted type, quantity, and specifications for waste water disposal lines, drains and outlets authorized, and include any special conditions as may be appropriate under the circumstances, including but not limited to conditions such as installation of flow monitoring devices, pretreatment of waste water as may be appropriate for the intended land uses under the permit, or payment for new capacity or facility upgrades made necessary by proposed development under the permit.

14.520. Construction or Installation of Real Property Improvements Without or in Derogation of Permit Prohibited- It shall be unlawful for any natural person, firm, or other entity, or agent, officer or employee of any person, firm, or other entity, to make any real property improvements subject to the requirements of this regulation without first obtaining a permit required under these regulations. When any such permit is issued, it shall be unlawful for any natural person, firm, or other entity, or agent, officer or employee of any person, firm, or other

entity, to make any real property improvements, or to use the real property subject to such permit in derogation of the restrictions or requirements contained in such permit or this regulation. Any cost or expense incurred by the City, including reasonable attorney's fees, expert witness fees and court costs, for an enforcement action taken by the City in the circuit court or other court with respect to any violation of a permit issued under this regulation, or for violation of this regulation, shall be recoverable by the city against the party whom the action was brought upon order of the circuit court or other court of competent jurisdiction.

14.525. Other City Regulations Applicable- Except as otherwise specifically authorized, directed or specified in this regulation, all other City regulations pertaining to the construction of or connection to waste water collection and treatment facilities, provision of waste water collection and treatment services, and charges for such services, shall be applicable.

14.530. Effect of Permits and Recording- Any permit issued under this regulation shall be binding upon and restrict and regulate the discharge of waste water from the property for which it is issued regardless of ownership interests, or use by the applicants or their lessees, permittees, licensees, successors in title, or other persons. Any permit issued shall be properly attested to by the City and recorded in the land records of Boone County, Missouri, at the applicant's expense as a condition to the validity of the permit. The City is authorized to record notice of the applicability of this regulation to properties which are subject to this regulation as deemed necessary in the judgment of the City. (3-21-06 Council Bill No. 2006-009)

Sub-Chapter C

Article I. Solid Waste Collection and Disposal

14.600: 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:

BOARD OF PUBLIC WORKS or BPW: Also referred to as Utilities Department as owned and operated by the City of Ashland. The Board of Public Works is responsible for, including but not limited to, providing potable water, collection and treatment of waste water, collection and disposal of solid waste, and yard waste.

BULKY RUBBISH: Non-putrescible solid waste consisting of combustible and non-combustible waste materials from dwelling units or from commercial, industrial, institutional or agricultural establishments which is either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors with the equipment available therefor.

COLLECTION: Removal of solid waste from its place of storage to the transportation vehicle.

COMMERCIAL SOLID WASTE: Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment and multiple-housing facilities with more than two (2) dwelling units.

DEMOLITION AND CONSTRUCTION WASTE: Waste materials from the construction or destruction of residential, industrial or commercial structures.

DIRECTOR: The director of the solid waste management program of the City who shall be the Director of the Board of Public Works.

DISPOSABLE TRASH BAG: A disposable plastic sack with a capacity of five (5) to thirty-five (35) gallons specifically designed for storage of solid waste.

DWELLING UNIT: Any room or group of rooms located within a structure that forms a single habitable unit with facilities which are used or are intended to be used for living, sleeping, cooking and eating.

HAZARDOUS WASTES: Any waste or combination of wastes, as determined by the commission by rules and regulations, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or the environment.

LITTER: Shall include, without excluding other substances, any refuse, trash, garbage, cans, lumber, tree limbs, yard wastes, glass, glass bottles, wire, nails, tacks, hedge clippings, rubbish or waste material of any kind whatsoever.

MULTIPLE-HOUSING FACILITY: A housing facility containing more than one (1) dwelling unit under one (1) roof.

OCCUPANT: Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PERSON: Individual, partnership, corporation, association, institution, City, County, other political subdivision, authority, State agency or institution, or Federal agency or institution.

PROCESSING: Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

REFUSE: Solid waste.

RESIDENTIAL SOLID WASTE: Solid waste resulting from the maintenance and operation of dwelling units excluding multiple-housing facilities with more than two (2) dwelling units.

SOLID WASTE: Garbage, refuse and other discarded materials including, but not limited to, solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in Sections 260.360 to 260.432, RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting.

SOLID WASTE CONTAINER: A receptacle used by any person to store solid waste during the intervals between solid waste collections. This receptacle must be weather proof, in good working condition, equipped with handles, and have a minimum capacity of fifty gallons and a maximum capacity of ninety- five gallons.

SOLID WASTE CONTAINER CART OR TOTES: A receptacle equipped with wheels and apparatuses for emptying via mechanical means, and used by any person to store solid waste during the intervals between solid waste collections.

SOLID WASTE DISPOSAL: The process of discarding or getting rid of unwanted material; in particular, the final disposition of solid waste by man.

SOLID WASTE MANAGEMENT: The entire solid waste system of storage, collection, transportation, processing and disposal.

STORAGE: Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

TRANSPORTATION: The transporting of solid waste from the place of its collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES: Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

14:605: AUTHORITY TO MAKE, AMEND, REVOKE, ENFORCE RULES AND REGULATIONS

A. The director or his designee shall make, amend, revoke, and enforce reasonable and necessary rules and regulations governing, but not limited to:

A.1. Preparing, draining and wrapping of garbage deposited in solid waste containers;

A.2. Specifications for solid waste containers including the type, composition, equipment, size and shape of containers;

A.3. Identification of solid waste containers and the covers of containers and of equipment pertaining to the containers, if any;

A.4. Weight limitations on the combined weight of solid waste containers and the contents thereof and weight and size limitations on bundles of solid waste too large for solid waste containers;

A.5. Storage of solid waste in solid waste containers;

- A.6. Sanitation, maintenance and replacement of solid waste containers;
- A.7. Schedules of and routes for collection and transportation of solid waste;
- A.8. Collection points of solid waste containers;
- A.9. Collection, transportation, processing and disposal of solid waste;
- A.10. Processing facilities and fees for the use thereof;
- A.11. Disposal facilities and fees for the use thereof; and
- A.12. Handling of special wastes such as toxic wastes, sludge(s), ashes, agriculture wastes, construction wastes, bulky items, tires, automobiles, oils, greases, etc.
- B. The Board of Public Works shall be responsible for preparing service charge billings for the City and is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges as provided in this Article.
- C. A copy of any and all rules and regulations made and promulgated under the provisions of this Section shall be filed in the office of the City Clerk.
- D. Every structure within the city which generates solid waste must have all solid waste removed by the City or contractor selected by the city. Nothing in this code would prohibit the owner from occasionally disposing of bulky rubbish and solid waste provided the owner provides to meet all local, state, and federal regulations and laws.

14.610: STORAGE

- A. The occupant of every dwelling unit and of every institutional, commercial, business, industrial or agricultural establishment producing solid waste within the corporate limits of the City shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit and establishment. The occupant shall maintain such solid waste containers at all times in good repair.
- B. The occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided in this Article, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.
- C. Residential solid waste shall be stored in disposal bags of not more than thirty-five (35) gallons in capacity. Containers shall be leak-proof, waterproof, fitted with a fly-tight lid and shall be properly covered at all times except when depositing solid waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed seventy-five (75) pounds. Galvanized metal containers or rubber, fiberglass or plastic containers which do not become brittle in cold weather may be used.
- D. Commercial solid waste shall be stored in solid waste containers as approved by the director or his designee. The containers shall be waterproof, leak-proof and shall be covered at all times except when depositing waste therein or removing the contents thereof.
- E. Solid waste containers which are not approved will be collected together with their contents and disposed of only after the approval of the director or his designee.

14.615: COLLECTION

A. The City shall provide for the collection of all solid waste in the City; provided however, that the City may provide the collection service by contracting with a person, County, other City or a combination thereof for the entire City or portions thereof as deemed to be in the best interest of the City. If the City shall provide for collection service by contract, the City may enter into a contract which would grant the contractor exclusive rights for all solid waste collection within the City.

B. All solid waste from premises for which collection services are provided by the City shall be collected except bulky rubbish. All solid waste collected shall, upon being loaded into transportation equipment, become the property of the collection agency or contractor.

C. Any solid waste containers or other solid waste permitted by this Article to be placed at the curb for collection shall not be so placed until the evening before or on the regularly scheduled collection day.

D. An annual collection of bulky rubbish (also known as “Spring Clean Up”) shall be collected at intervals set by Director or his designee. Contractor shall also provide bulk pick-up and disposal of large items (mattresses, furniture, televisions, etc.) All individual bulky item collection, with the exception of the “Spring Clean Up”, shall be arranged by the contractor and customer per current agreement.

E. Each solid waste collector employed by the City or a solid waste collection agency operating under contract with the City is hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Article. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments by solid waste collectors upon written request by the owner.

F. The following collection frequencies shall apply to collections of solid waste within the City:

F.1. All residential solid waste other than bulky rubbish shall be collected at least twice weekly. At least forty-eight (48) hours shall intervene between collections.

F.2. All commercial solid waste shall be collected at least once weekly and shall be collected at such lesser intervals as may be fixed by the director or his designee or requested by the commercial establishment upon a determination that such lesser intervals are necessary for the preservation of the health and safety of the public.

G. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained and shall be fully accessible to collection equipment, public health personnel and fire inspection personnel.

H. Solid waste collectors employed by the City or a solid waste collection agency operating under contract with the City shall be responsible for the collection of solid waste from the point of collection to the transportation vehicle. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

14.620: TRANSPORTATION

A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition. All vehicles used for transportation of solid waste shall be constructed with watertight bodies. The vehicle shall have a cover which shall be an integral part of the vehicle or which shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle. The cover shall be secured whenever the vehicle is transporting solid waste or, as an alternative, the entire body thereof shall be enclosed with only the loading hopper exposed. No solid waste shall be transported in the loading hopper.

B. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities, however, all such material shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

C. Transportation and disposal of demolition and construction wastes shall be in accordance with Chapter 260 RSMo.

14.625: DISPOSAL

A. Solid waste shall be deposited at a processing facility or disposal area approved by the City and in compliance with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.245, RSMo.

B. The director or his designee may classify certain wastes as hazardous wastes that will require special handling. Such hazardous wastes shall be disposed of only in a manner acceptable to the director or his designee and in a manner that will meet all local, State and Federal regulations.

14.630: SERVICE CHARGES

A. There is hereby imposed, for the collection and disposal of solid waste, a service charge for each dwelling unit and each commercial establishment located within the City. The service charge for collection of residential solid waste shall be in an amount determined by the director or his designee, with the approval of the Board of Aldermen, on the basis of quantity and characteristics of material, point of pickup and time required to collect the solid waste if the service is performed by the City. If the service is not performed by the City, the service charge for commercial establishments shall be determined by a contractor for solid waste disposal and collection under contract with the City, such rates to be approved by the director or his designee with approval of the Board of Aldermen.

B. The service and service charge shall be terminated upon presentation of satisfactory proof by the occupant or owner to the director or his designee that any such dwelling unit or commercial establishment is unoccupied, and the service and service charge shall be commenced upon renewed occupancy thereof.

C. The system of services established by the provisions of this Article is designed as an integral part of the City's program of health and sanitation, to be operated as an adjunct to the City's system for providing potable water and the City's system for providing sewage disposal. The City may enforce collection of service charges by bringing proper legal action against the occupant of any dwelling unit or occupant of any commercial

establishment to recover any sums due for services plus a reasonable attorney's fee to be fixed by the court plus the cost of such action.

D. The service charge provided for in this Section is hereby imposed upon the occupant of each occupied dwelling unit and the billing therefor shall be made to the person contracting with the City for water service to each such dwelling unit. Service charges shall be payable to the Board of Public Works, and the Board of Public Works shall take steps to collect all delinquent charges.

E. In the event of non-payment of any charges established in this Section, there shall be paid a penalty or late fee of ten percent (10%) of the service charge, per month for each month of delinquency.

F. Fees shall be set from time to time by the Director or his designee for billing and collection of solid waste. A separate fee shall also be set by the Director or designee for recycling.

14.635: PROHIBITED PRACTICES

It shall be unlawful for any person to:

1. Deposit solid waste in any other solid waste container other than his/her own without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge provided for in this Article for solid waste collection and disposal;
2. Interfere in any manner with solid waste collection and transportation equipment or with any solid waste collector in the lawful performance of his/her duties as such, whether such equipment or collector shall be that of the City or that of a solid waste collection agency operating under contract with the City;
3. Dispose of solid waste at any facility or location that is not approved by the City and the State Department of Natural Resources; or
4. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a license from the City or operate under an expired license or operate after a license has been suspended or revoked.

14.640: INSPECTIONS

A. In order to ensure compliance with the laws of this State, this Chapter and the rules and regulations authorized by this Chapter, the director or his designee is authorized to inspect all phases of solid waste management within the City. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this Chapter, the rules and regulations authorized by this Chapter for the storage, collection, transportation or disposal of solid waste or the laws of the State, the director or his designee shall issue notice for each such violation stating in the notice the violation found, the time, the date and the corrective measure to be taken together with the time in which such correction shall be made as provided by Chapter 28 in the City of Ashland Municipal Code.

B. Any person who feels aggrieved by any notice of violation or order issued pursuant to the notice of the director or his designee may, within ten (10) days of the act for which redress is sought, appeal directly to the Circuit Court of the County, in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

14.645: PENALTIES

Any person violating any of the provisions of this Chapter or any lawful rules and regulations promulgated pursuant to this Chapter or who fails to pay the service charge and late penalty shall, upon conviction in the Municipal Court, be punished as provided in Chapter 28 in the City of Ashland Municipal Code.

14.650: LICENSE REQUIRED ENGAGING IN BUSINESS OF COLLECTING, DISPOSING, ETC., OF SOLID WASTE

No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without first obtaining an annual City license therefor from the City; provided however, that this Section shall not be deemed to apply to the employees of the holder of any such license.

14.655: LICENSE APPLICATION CONTENTS

Each applicant for the license required by this Article shall state in his/her application the following:

1. The nature of the license desired that will be to collect, transport, process or dispose of solid waste or any combination thereof;
2. The characteristics of solid waste to be collected, transported, processed or disposed;
3. The number of solid waste transportation vehicles to be operated under such license;
4. The precise location of solid waste processing or disposal facilities to be used;
5. The boundaries of the collection areas; and
6. Such other information as required by the City.

14.660: LICENSE INSURANCE REQUIRED

No license required by this Chapter shall be issued until and unless the applicant, in addition to all other requirements of this Article, shall file and maintain with the City evidence of a satisfactory public liability insurance policy providing coverage of at least one million (\$1,000,000.00) each occurrence, five million dollars (\$5,000,000.00) aggregate or single limit of one million (\$1,000,000.00), plus two hundred thousand dollars (\$200,000.00) for each occurrence and fifty thousand (\$50,000.00) aggregate for property damage, plus Workers' Compensation insurance, covering all operations of the applicant pertaining to such business and all vehicles to be operated in the conduct of such business. Should any such policy be cancelled, the City shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy which shall also place upon the company writing such policy the duty to give such notice.

14.665: LICENSE ISSUANCE

If the application for the license required by this Article shows that the applicant will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with the laws of the State and this Chapter, the City shall issue the license. The license shall be issued for a period of one (1) year,

and each applicant for the license shall pay a fee in such amount as established by the Board of Aldermen from time to time.

14.670: LICENSE DENIAL REAPPLICATION

If the application for the license required by this Chapter does not clearly show that the collection, transportation, processing or disposal of solid waste will create no public health hazard or will not be without harmful effects on the environment, the application shall be denied and the applicant notified by the City, in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to reapply after the rejection of his/her application.

14.675: LICENSE RENEWAL

The annual license required by this Chapter may be renewed simply upon payment of the fee required by Section 14.665 if the business has not been modified. If modifications have been made the applicant shall reapply. No license authorized by this Chapter shall be transferable from person to person.

14.680: VIOLATIONS PENALTIES

Any person found guilty of violating any provisions of this Chapter or who participates in the violation of any of the provisions of this Chapter shall be punished as provided in Chapter 28 of this Code.

APPENDIX A DEFINITIONS

1. “Air gap separation” means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe, measured vertically above the flood level rim of the vessel, but in no case less than one inch.
2. “Auxiliary water supply” means any water source or system, other than the public water supply, that may be available in the building or premises.
3. “Backflow” means the flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water supply.
4. “Backflow prevention assembly” means any double check valve or reduced pressure principle backflow preventer having resilient-seated shut-off valves on both the upstream and downstream end and the necessary test cocks as integral parts of the assembly.
5. “Consumer” means the owner or person in control of any premises supplied by or in any manner connected to a public water system.
6. “Containment” means protection of the public water supply by installing a backflow prevention assembly or air gap separation on the main service line to a facility.
7. “Contamination” means an impairment of the quality of the water by sewage, process fluids, or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.
8. “Cross connection” means any physical link between a potable water supply and any other substance, fluids, or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

9. “Hazard, Degree of” means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.
 - a. “Hazard, Health”-any condition, device, or practice in the water supply system and its operation, which could create or may create a danger to the health and well being of the water consumer.
 - b. “Hazard Plumbing”- a plumbing type cross connection in a consumer’s potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention assembly.
 - c. “Hazard, Pollution”- an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer’s potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
 - d. “Hazard, System” –an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer’s potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.
10. “Industrial process system” means any system containing a fluid or solution, which may be chemically, biologically, or otherwise, contaminated or polluted in a form or concentration such as would constitute a health, pollution, or plumbing hazard if introduces into a potable water supply.
11. “Isolation” means protection of a facility’s internal plumbing system by installing a backflow prevention assembly, air gap separation, or other backflow prevention device on an individual fixture, appurtenance, or system.
12. “Pollution” means the presence of any foreign substance (organic, or biological) in water, which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree, which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.
13. “Public potable water system” means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Missouri Department Natural Resources.

14. “Service connection”, means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.
15. “Water purveyor” means the owner, operator, or individual in responsible charge of a public water system.

APPENDIX B

TYPES OF FACILITIES REPRESENTING CROSS CONNECTION HAZARDS

1. Aircraft and missile manufacturing plants;
2. Automotive plants, including those plants, which manufacture motorcycles, automobiles, trucks, recreational vehicles and construction and agricultural equipment;
3. Potable water dispensing stations which are served by a public water system;
4. Beverage bottling plants including dairies and breweries;
5. Canneries, packinghouses and reduction plants;
6. Car washes;
7. Chemical, biological and radiological laboratories including those in high schools, trade schools, colleges, universities and research institutions;
8. Hospitals, clinics, medical buildings, autopsy facilities, morgues, mortuaries and other medical facilities;
9. Metal or plastic manufacturing, fabrication, cleaning, plating or processing facilities;
10. Plants manufacturing paper and paper products;
11. Plants manufacturing, refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum, or petroleum products, pharmaceuticals, radiological materials or any chemical which would be a contaminant to the public water system;
12. Commercial facilities that use herbicides, pesticides, fertilizers or any chemical which would be a contaminant to the public water system;
13. Plants processing, blending or refining animal, vegetable or mineral oils;
14. Commercial laundries and dye work;
15. Sewage, storm water and industrial waste treatment plants and pumping stations;
16. Waterfront facilities including piers, docks, marinas and shipyards;
17. Industrial facilities, which recycle water;
18. Restricted or classified facilities or other facilities closed to the supplier of water or the department;
19. Fire sprinkler systems using any chemical additives;
20. Auxiliary water systems;
21. Irrigation systems with facilities for injection of pesticides, herbicides or other chemicals or with provisions for creating back pressure;
22. Portable tanks for transporting water taken from a public water system; and
23. Facilities, which have pumped or re-pressurized cooling or heating systems that are served by a public water system, including all boiler systems;

**APPENDIX C-1: SEWER RATES
(amended 2-16-2016, Ordinance No. 1057)**

(A) The base charge for sewer service shall be Eighteen Dollars and Ninety Cents (\$18.90). The increase will be applied to utility bills sent after April 15, 2016 and is to be used for the debt service

(B) The charge for each 1,000 gallons, or fraction thereof, used shall be set at Four Dollars and Seventy-Eight Cents (\$4.78)

Angel Lane Waste Water Treatment Facility

Connection Fees per 200 gallons per day minimum

Pre-operational \$6,900 or \$34.55 per unit
 Post operational \$8,000 or \$40.00 per unit

Monthly Rates

Base Charge \$12.46

Charge for each 1000 gallons per month actual usage \$4.86

Gallons	Base	Per 1000 gallons	Total
1000	12.46	4.86	17.32
2000	12.46	9.72	22.18
3000	12.46	14.58	27.48
4000	12.46	19.44	31.90
5000	12.46	24.30	36.76

FEES:

Inspection Fee. For inspection of the actual sewer connection a fee of zero dollars (\$0), shall be paid to the City. The property owner shall be responsible for installing all lateral lines and making the actual connection. The specifications for any such connection shall be as established by the City Public Works Director.

Treatment Impact Fee-Residential. Any person or property owner who connects or causes to be connected, a dwelling unit or any property to the City Sewer system, shall pay a Treatment Impact Fee in the amount of eight hundred (\$800.00), any property with more than one dwelling unit the owner shall pay a treatment impact fee for each.

Treatment Impact Fee-Other than Single Family Residential. Any person or property owner who connects or causes to be connected, any property to the City Sewer system a building other than a single family residence, shall pay a Treatment Impact Fee in the amount determined by the following chart:

<u>Meter Size</u>	<u>Treatment Impact Fee</u>
5/8 inch and ¾ inch	\$ 800.00
1 inch to 1 ½ inch	\$ 900.00
2 inch	\$ 1400.00
3 inch	\$ 1600.00
4 inch	\$ 2900.00
6 inch	\$ 3900.00

Collection System Fee- Residential. Any person or property owner who connects or causes to be connected, a dwelling unit or any property to the City Sewer system, shall pay a Collection System Fee in the amount of seven hundred and fifty dollars (\$750.00), any property with more than one dwelling unit the owner shall pay a Collection System Fee for each.

Collection System Fee- Other than Single Family Residential. Any person or property owner who connects or causes to be connected, any property to the City Sewer system a building other than a single family residence, shall pay a Collection System Fee in the amount determined by the following chart:

<u>Meter Size</u>	<u>Collection System Fee</u>
5/8 inch and ¾ inch	\$ 750.00
1 inch to 1 ½ inch	\$ 850.00
2 inch	\$ 1350.00
3 inch	\$ 1550.00
4 inch	\$ 2850.00
6 inch	\$ 3850.00

(amended 5-20-2014, Ordinance No 980)

APPENDIX C-2: WATER RATES

- (A) Minimum charge for 0 gallons used shall be Eight Dollars and Ninety Cents (\$8.90).
- (B) The charge for each additional 1,000 gallons, or fraction thereof, used shall be Four Dollars and Seventy-One Cents (\$4.71).

These sections are set out in the Appendix of the Code and shall be considered a part thereof as if more fully and completely set out within.

Customers provided for water by Consolidated Public Water District within the city service area rates will be as follows:

- (A) The minimum charge shall be Ten Dollars and Forty-Seven Cents (\$10.47).
- (B) The charge for each additional 1,000 gallons, or fraction thereof, used shall be Five Dollars and Twenty-Four Cents(\$5.24).

Fees :

Installation Fee. For installation of a water meter the fee in the amount of Six Hundred (\$600.00) dollars shall be paid to the City. The property owner shall be responsible for installing all service lines and making the actual connection. The specifications for any such connection shall be as established by the City Public Works Director.

Impact Fee-Residential. Any person or property owner who connects or causes to be connected, a dwelling unit or any property to the City Water system, shall pay an Impact Fee in the amount of zero dollars (\$0), any property with more than one dwelling unit the owner shall pay a treatment impact fee for each.

Impact Fee-Other than Single Family Residential. Any person or property owner who connects or causes to be connected, any property to the City Water system a building other than a single family residence, shall pay an Impact Fee in the amount determined by the following chart:

<u>Meter Size</u>	<u>Impact Fee</u>
5/8 inch and ¾ inch	\$0
1 inch to 1 ½ inch	\$0
2 inch	\$0
3 inch	\$0
4 inch	\$0
6 inch	\$0

Distribution System Fee- Residential. Any person or property owner who connects or causes to be connected, a dwelling unit or any property to the City Water system, shall pay a Distribution System Fee in the amount of zero dollars (\$0), any property with more than one dwelling unit the owner shall pay a Distribution System Fee for each.

Distribution System Fee- Other than Single Family Residential. Any person or property owner who connects or causes to be connected, any property to the City Water system a building other than a single family residence, shall pay a Distribution System Fee in the amount determined by the following chart:

<u>Meter Size</u>	<u>Distribution System Fee</u>
5/8 inch and ¾ inch	\$0
1 inch to 1 ½ inch	\$0
2 inch	\$0
3 inch	\$0
4 inch	\$0
6 inch	\$0

(amended 5-20-2014, Ordinance No. 980)

APPENDIX C-3: WATER DEPOSITS
(Amended 4-19-2016, Ordinance No. 1059)

Residential Homeowner Deposit per meter \$90.00

Commercial Deposit per meter \$150.00

Residential Rental Deposit per meter \$150.00

Persons requesting water service for a building under construction shall pay a deposit based on the intended use of the building. Landlords shall not be required to pay a deposit.

APPENDIX C-4

SMALL ON-SITE WASTEWATER SYSTEMS

Purpose: The regulations in this chapter are enacted for the purpose of regulating the design, construction and modification of small on-site wastewater systems as the term is defined in these regulations in order to protect and promote the public health and to prevent the entrance of infectious, contagious, communicable or dangerous diseases into Boone County, Missouri.

Authority: These regulations are enacted under authority vested in the County Commission of Boone County, Missouri by Section 192.300 RSMo

Definitions: As used in this chapter, unless the context clearly indicates otherwise or the definition of the term is found in a regulation adopted by reference in this regulation, the following words and terms shall have the following meanings:

Administrative Authority- The administrative agency or agencies appointed by the Boone County Commission to administer these regulations or portions thereof.

Board of Review- A committee of five persons as further described in these regulations charged with determining requests for variances and appeals authorized by these regulations.

Permit- Written authorization issued by the Boone County Health Department which authorizes the permittee to construct or modify the small on-site wastewater systems regulated under this chapter. This permit is not intended to be construed to be a permit regulating the operation of a small on-site wastewater system after completion of construction or modification.

Person- Any natural person, business entity of any type, corporation, trust, association of any type, or any agent, officer or employee of any of the foregoing.

Small On-site Wastewater System- Any subsurface sewage treatment system, lagoon disposal system or other waterborne waste disposal method employing basic hydrologic or engineering principles which receives 1500 gallons or less of waterborne waste per day.

Class I Sewage Treatment System- A sewage treatment system meeting standard 40-1990 for Individual Aerobic Wastewater Treatment Plants published in 1990 by the National Sanitation Foundation (ANSI/NSF40-1990) made a part hereof by reference and which meets Class I effluent results prescribed by EPA Secondary Treatment Guidelines, Federal Register, Vol. 49, Sept. 20, 1987, Title 40-Protection of Environment Chapter 1-EPA, Subchapter D, Water Programs, part 133, Secondary Treatment Information, Item 133.102 Secondary Treatment, made a part hereof by reference and both maintained on

file in the Boone County Health Department, Boone County Planning and Building Inspection Department and Office of Boone County Clerk.

Construction- Any act of building and/or installing a new small on-site waste system in order to make it operational and functional or any act of repairing or replacing a small on-site wastewater system other than routine maintenance.

Modification- Any act or work upon an existing small on-site wastewater system which changes the design or function of system other than routine maintenance.

Small On-site Wastewater System Design and Construction Standards: All small on-site wastewater systems shall be designed, constructed or modified in accordance with the standards set forth in 19 CSR 20-3.060 **Minimum Construction Standards for On-Site Sewage Disposal Systems**, effective January 2, 1996, the same being incorporated by reference as if fully set out in this regulation verbatim and maintained on file in the office of the Boone County Health Department, Boone County Planning and Building Inspection Department and Boone County Clerk's office except to the extent the same is modified by these regulations.

Exceptions to Design and Construction Standards- The Regulations 19 CSR 20-3.060 **Minimum Construction Standards for On-Site Sewage Disposal Systems**, effective January 2, 1996, are hereby amended for purposes of this Chapter as follows:

Soil Scientist- The term "soil scientist" defined in 19 CSR-20-3.060(1) (A) 61 shall be defined as follows-A soil scientist shall have a minimum of 15 semester credit hours of courses in soil sciences including a minimum of 3 credit hours in the area of soil morphology and interpretation as well as a minimum of 3 years field experience by employment or otherwise in interpreting soil texture, color, structural and stratigraphic properties relative to temporal fluxes of water in soil landscapes.

Permit Required for Construction or Modification of Small On-site Wastewater Systems: From and after the effective date of these regulations no small on-site wastewater system shall be constructed or modified except in accordance with the terms and conditions of a valid permit issued pursuant to these regulations. Except as provided in Section 4.6.2, nothing in these regulations is intended or is to be construed to require a permit to operate a small on-site wastewater system once the construction or modification of such a system under permit has been finally inspected and approved by the Administrative authority. The issuance of a permit in accordance with these regulations does not relieve the permittee of the responsibility to properly plan, design, construct, install, modify, operate or maintain the system as may be otherwise regulated by law, rule or regulation, nor does issuance of such permit guarantee that the system will function in compliance with these regulations or other applicable laws, rules or regulations.

Permit Applications-Any person seeking a permit to construct or modify a small on-site wastewater system shall submit a written application for same on forms provided by the administrative authority; such application shall be accompanied by plans, including site

plans, including site plans indicating the location of percolation test holes or soil profile hole, test results, lot lines, proposed location of treatment systems in relation to buildings and lot lines, specifications, design data and other pertinent information required by administrative authority. All plans and specifications shall conform to the design standards required under these regulations. All permit applications including site plans shall demonstrate in writing and graphically that the proposed small on-site wastewater system to be constructed or modified is in compliance with the requirements of these regulations.

Permit Application Processing Procedures-The administrative authority shall review all permit applications initially for completeness; incomplete applications shall be returned to the applicant for completion. The administrative authority shall take final action on all completed permit applications within fifteen (15) calendar days of submission by either approving the application and issuing the permit, issuing the permit with modifications necessary for compliance with these regulations, or denying the permit. Any permit issued with modifications or denied shall be accompanied by written reasons for such modification or denial and in the case of denial, the administrative authority at its discretion may recommend corrective action. Any applicant aggrieved by the issuance of a permit with modifications or denial of a permit may appeal such issuance or denial to the Board of Review within 30 days of such issuance or denial in accordance with the provisions of these regulations.

Compliance with Permit- No small on-site waste water system shall be constructed or modified except in compliance with the terms and conditions of the permit issued for same and approved application therefore; unauthorized changes, deviations or modifications shall constitute a violation of the permit and subject the permittee to permit suspension, revocation and/or prosecution.

Operation of Small On-site Wastewater System- No small on-site wastewater system shall be operated unless and until a final inspection of same is conducted by the administrative authority and the system is approved and found to be in compliance with these regulations. No final inspection shall be conducted or approval granted unless the system is exposed for inspection without backfilling so that the system can be examined for compliance with these regulations. Any small on-site wastewater system which has been backfilled in whole or part or otherwise covered such that a complete inspection for compliance cannot be conducted shall upon request of any representative of administrative authority be uncovered, re-excavated or otherwise exposed at the sole expense of the permittee such that a complete inspection can be conducted for purposes of determining compliance with these regulations. Any permittee who shall fail to expose a small on-site wastewater system for inspection under the provisions of these regulations shall be subject to permit suspension or revocation. Any permittee who shall fail to expose a small on-site sewage system to inspection after construction or modification within thirty (30) days after request of a representative of the administrative authority shall be subject to permit revocation.

Permit Modification-No small on-site wastewater system shall be constructed or modified in deviation from the terms and conditions of the permit and approved application therefore unless a new application or amended application for such permit has been first filed with the administrative authority and approved by such authority or a waiver of permit modification has been granted pursuant to section 4.5.6.

Waiver of Permit Modification-Submission of a new or amended application for small on-site wastewater system permit may be waived by the administrative authority in cases where approved materials and/or procedures cannot be used under the terms and conditions of the existing permit and alternative materials or procedures will meet minimum standards without substantial change in the small on-site wastewater system approved under the existing permit and which will not result in any violation of these regulations. The administrative authority may grant such waiver orally upon oral request provided the request and waiver is documented on forms approved by the Administrative authority and signed by the permittee and a representative of the Administrative authority granting the waiver. Failure or refusal of the administrative authority to grant an oral waiver shall not entitle the permittee to appeal such decision to the Board of Review.

General Permit Conditions- The following general conditions shall be applicable to all small on-site wastewater system permits:

Expiration of Permit- All small on-site wastewater system permits shall be valid for six months after date of issuance and the administrative authority shall record the expiration date on each such permit. Permits may be renewed for additional ninety (90) day periods after the initial period of validity for good cause provided there have been no changes in the plans for construction or modification of the system under the initial permit and application for renewal is made prior to the expiration date of the permit. No small on-site wastewater system permit shall be renewed except by the administrative authority making a written endorsement of renewal upon the existing permit prior to the expiration date of such permit. Failure to request or obtain renewal prior to the expiration date shall require the permittee to submit an application for new permit.

Transfer of Permit- Small on-site wastewater system permits may be transferred only to successor property owners prior to completion of construction or modification for which the permit is issued by completion of ownership transfer documents issued and approved by the administrative authority. All terms and conditions of issued permits for construction or modification shall be automatically applicable to any successor property owner upon transfer of ownership.

Permit Denial-The administrative authority may deny an on-site wastewater system permit for any of the reasons enumerated in sections 4.5.8.1 through 4.5.8.3. In the event the administrative authority denies issuance of a permit the applicant shall be notified in writing of the reason or reasons for denial. An applicant denied a permit may request in writing a hearing before the Director of the Department of Health stating the grounds in support of the request within thirty (30) days of the notification of denial. The ruling of

the Director shall be final; any further appeal or review of the decision shall be as provided by Chapter 536, RSMo.

Denial Due to Violation of Design and/or Construction Standards-A small on-site wastewater system permit may be denied because application for such permit is incomplete or does not meet applicable minimum design and/or construction standards established by these regulations.

Denial Due to Violation of Applicable Building, Subdivision or Zoning Regulations-A small on-site wastewater system permit may be denied if the system to be constructed or modified will cause a violation of applicable building, subdivision or zoning regulations.

Denial Due to Location Within Reasonable Distance of Public Sanitary Sewer-A small on-site wastewater system permit may be denied because the building lot upon which it is to be located is within a reasonable distance of a public sanitary sewer to which connection is practicable and is permitted by the governmental agency or utility owning or operating the sanitary sewer, or in the case of a nonconforming on-site wastewater system under section 4.8, no such permit shall be issued where such a system constitutes a nuisance as otherwise prohibited in these regulations and the building lot upon which such system exists is located within a reasonable distance of a sanitary sewer to which connection is practicable. A public sanitary sewer shall be presumed to be within a reasonable distance of a building lot for purposes of connection if the Administrative Authority determines that a) the lack of a treatment system or the design or operation of an existing onsite treatment system has been declared a public health nuisance or hazard, b) a connection to a public sewer can be designed and constructed, c) the expense of connection to the public sanitary sewer, either individually or in combination with one or more other new connections in close proximity to building lot is no greater than more than the cost of installing or repairing an on-site wastewater treatment system on the lot which complies with these regulations, or that no onsite treatment system can be constructed on the building lot which complies with these regulations. In circumstances in which an existing on-site wastewater treatment system has been declared a nuisance under the Code and due to lot size, topography, or other factors, it is impracticable to install an on-site wastewater treatment system which complies with these regulations, then in such circumstances it shall be presumed that connection to a public sanitary sewer is practicable. It shall be the responsibility of the person seeking a permit to investigate and demonstrate to the satisfaction of the Administrative Authority that no public sanitary sewer connection is available and/or practicable under these criteria as a condition of issuance of a permit.

Permit Suspension and Revocation- The administrative authority may suspend or revoke a permit before construction or modification of a small on-site waste water system is completed due to noncompliance with the terms of the permit or these regulations, unapproved modifications in design or construction, false information submitted in the application for permit, changing site conditions which would result in a violation of one or more of the provisions of these regulations, submission of false percolation test data or

false soil morphology/ landscape data, permittee misrepresentation concerning compliance with these regulations or any other reasons necessary for protection of the public health or safety. Except in cases where continued construction or modification under permit would present an imminent threat to human health, life or safety, a permittee shall be given at least five (5) days advance written notice of the administrative authority's intent to suspend or revoke a permit which shall contain a written statement of the reasons for the proposed suspension or revocation, duration of suspension (if applicable) together with notice of corrective actions (if applicable) necessary to authorize the permittee to retain the permit. The permittee may appeal a notice of suspension or revocation to the Board of Review by submitting a written notice of appeal to the administrative authority on or before the date suspension or revocation is to take effect. An appeal shall not stay the suspension or revocation of a permit unless so ordered by the Board of Review upon a showing of good cause or with consent of the administrative authority. The Board of Review shall determine the appeal of any suspension or revocation as soon as reasonably practicable; the decision of the Board of Review shall be final and any further appeal or review shall be as prescribed by Chapter 536 RSMo.

Board of Review- The county commission shall appoint a review committee consisting of five members to be known as the Small On-Site Wastewater System Board of Review which shall review and determine applications for variances as authorized by these regulations and hear and determine appeals from administrative authority decisions as are authorized and prescribed by these regulations. The voting members of the Board of Review shall consist of a representative from the Boone County Planning and Building Inspection Department, a registered engineer or soil scientist, or in the event no such engineer or soil scientist is available, a person actively involved in the design or inspection of small on-site wastewater systems, and three citizens at large owning or possessing real estate containing a small on-site wastewater system. A member of the Boone County Health Department shall provide administrative support to the Board of Review and serve as a non-voting ex-officio member of the board. The governmental representative seat on the Board of Review shall be permanent. Persons occupying seats on the Board of Review shall be subject to removal from the Board by the Boone County Commission for misconduct or neglect of office. The nongovernmental members on the Board of Review shall be appointed for staggered terms by the Boone County Commission with initial terms to cover one, two and three years as deemed appropriate by the County Commission and thereafter each successive term shall be for a period of three years. The Board of Review shall be entitled to establish rules of procedure and bylaws for the conduct of its business subject to review, modification and approval by the Boone County Commission.

General Variances- The Board of Review may grant variances from the strict application of these regulations in cases where a property owner or occupant qualify for a permit to construct or modify a small on-site wastewater treatment system under section 4.5 of these regulations, would not otherwise be able to effectively or properly use a small on-site wastewater system, and the grant of a variance would not result in contamination of surface waters or ground water or present a nuisance or health hazard to

any person and would not result in the discharge of treated or untreated domestic sewage or human waste off the property subject to permit. No variance shall be granted on the condition of reduced water usage or maximum specified water usage. The Board may impose such conditions on a variance as it deems appropriate for purposes of preventing contamination of surface waters or ground or preventing a nuisance or health hazard condition to other persons or preventing discharge of treated or untreated domestic sewage or human waste off the property subject to the permit.

Class I Sewage Treatment System Variances- The Board of Review may grant a variance for a Class I Sewage Treatment System as the term is defined in these regulations if the applicant for such variance establishes to the reasonable satisfaction of the Department of Health that the applicant would otherwise be entitled to a construction permit under these regulations and if the applicant for such variance establishes to the reasonable satisfaction of Board of Review that a variance will be in compliance with applicable state regulations for the grant of a variance, that the applicant meets one or more of the criteria for grant of such variance by these regulations. All Class I Sewage Treatment Systems shall be designed and installed under a standard which will maximize soil absorption and minimize surfacing of treated effluent under the unique conditions of the site at which the system will be located. The system for disposal of treated effluent from a Class I Sewage Treatment System shall be designed by, or reviewed, approved and certified under seal by a registered engineer. As a condition to issuance of a construction permit for installation of a Class I Sewage Treatment System, the system shall be certified under seal by a registered engineer that the disposal system for treated effluent is designed particularly for the site of installation and operation to maximize soil absorption minimize surfacing of treated effluent, and prevent discharge of treated effluent off the property upon which it is located. No Class I Sewage Treatment System variance shall be granted without grant of an operating permit issued under such conditions established by the Board for operating such system including but not limited to conditions pertaining to periodic inspection or maintenance of the system and permit termination. No Class I Sewage Treatment System shall be operated for primary treatment without a valid operating permit in effect issued by the Board of Review; breach of any condition contained in an operating permit shall authorize the Board of Review to revoke an operating permit after notice of the violation to the permittee and opportunity to be heard. The issuance of a Class I Sewage Treatment System variance shall not authorize the permittee to discharge wastewater on property of another without a lawful right to do so or otherwise impede any right or privilege of property ownership of persons not subject to the permit issued under authority of these regulations.

Class I Sewage Treatment System Variance Criteria- The Board of Review may grant a variance for a class I sewage system if the applicant for such variance satisfies one or more of the following criteria:

Sinkhole Area- The property for which a class I sewage treatment system variance is sought is located in a sinkhole area as defined by the Zoning Regulations of Boone County, Missouri and a registered professional engineer certifies that use of any

other surface or subsurface on-site wastewater treatment system is impracticable or would create a likelihood of a violation of one or more provisions of Chapter 701 RSMo.

Private Restrictions- The property for which a variance is sought is not suitable for use of a subsurface system based upon percolation test results and standards prescribed by these regulations when such tests are performed in accordance with these regulations and private covenants or land use restrictions established of record prior to a date these regulations were first enacted prohibit use of surface treatment systems.

Extraordinary Circumstances- The property for which a class I sewage treatment system variance is sought is not suitable for subsurface treatment system based upon percolation test results and standards prescribed by these regulations when such tests are performed in accordance with these regulations and due to lot size, configuration or other unique features, a surface treatment system is impracticable, or, when due to other extraordinary circumstances no other small on-site wastewater system will be as effective as a class I sewage treatment system and installation or construction of some other system would otherwise result in a reasonable probability of contamination of surface waters or ground water, or present a nuisance or health hazard to other persons, or would result in treated or untreated domestic sewage or human waste discharging off the property in an unsanitary condition.

Certification of Small On-Site Wastewater System Installers, Percolation Test Technicians and Inspectors: No person shall construct or modify a small on-site wastewater system unless certified as an installer for such system by the administrative authority. No person shall administer a soil percolation test for purposes of complying with these regulations unless certified as a percolation test technician. No person shall perform or administer a soil morphology/landscape analysis for purposes of complying with these regulations unless qualified as a soil scientist as defined herein. From and after January 1, 1995, no person shall inspect any small on-site wastewater system for purposes determining compliance with these regulations or any other law, rule or regulation if such inspection is performed for compensation or performed in order to report inspection findings to any person other than a governmental agency which regulates small on-site wastewater systems unless such person inspecting such system is currently certified as small on-site wastewater system inspector under these regulations by the administrative authority.

Certification Requirements for Installers- An individual may be certified as a small on-site wastewater system installer if such person has attended a training as required by the administrative authority consisting of instruction on the application of these regulations. The administrative authority is authorized to establish such courses of instruction and/or testing as it may deem appropriate from time to time to insure installer compliance with these regulations.

Requirements for Percolation Test Technician Certification- A natural person may be certified as a soil percolation test technician under these regulations who meets the criteria of any applicable state regulations and has a working knowledge of the proper

procedure for administering soil percolation tests and the application of these regulations pertaining thereto. The administrative authority may provide training and require testing in proper procedure for administering soil percolation tests and these regulations as they apply to them.

Homeowner Exemption for Installer Certification- Any individual who owns real estate upon which a small on-site wastewater system is to be constructed or modified and who resides on such real estate or shall reside upon such real estate upon completion of construction of a residence may construct or modify a small on-site wastewater system pursuant to these regulations so long as such individual has obtained written exemption from the administrative authority pursuant to this regulation and is primarily responsible for the actual construction or modification of the small on-site wastewater system constructed or modified on such real estate. Exemption from this certification requirement may be revoked by the administrative authority due to noncompliance with these regulations or permitting a non-certified person to assume responsibility for the actual construction or modification of the small on-site wastewater system authorized under such exempted person's permit.

Certification Requirements for Inspectors- A natural person may be certified as a small on-site wastewater system inspector under these regulations if such person receives instructions and meets minimum qualifications required of the administrative authority pertaining to the operation of small on-site wastewater systems and the application of these regulations to such systems. The Administrative authority is authorized to establish such courses of instruction and testing as it may deem appropriate from time to time to insure inspections are properly performed under these regulations and may issue exemptions from the training and testing requirements for persons it finds qualified as inspectors due to education and experience. It shall be the responsibility of the party requesting exemption to prove to the Administrative authority's reasonable satisfaction their qualification for exemption.

Records and Reports- All small onsite wastewater systems percolation test technicians, installers and inspectors certified under these regulations shall upon request of the administrative authority make available for inspection and copying all records which such persons prepare or retain with respect to work which is performed which is subject to a permit issued under these regulations. In addition, all inspectors certified under the provisions of these regulations shall prepare a written report of any inspection performed and shall provide the administrative authority with all such written reports within 15 days after preparation unless the administrative authority requests a copy of any such report in writing within a shorter time.

Revocation of Certification- The administrative authority may revoke the certification of any small onsite wastewater system installer or soil percolation test technician or inspector who is found to intentionally violate any provision of these regulations or who after written warning of violation of a particular regulation is found to violate the same regulation on one or more subsequent occasions regardless of whether or not such person intended violation. The administrative authority may also revoke the certification of any

small onsite wastewater system inspector who either intentionally or repeatedly fails to disclose any violation of these regulations in an inspection report or who intentionally or repeatedly makes any misleading or erroneous statement concerning the compliance or noncompliance of any small onsite wastewater system with these regulations in an inspection report. Any certification revoked by the administrative authority may be appealed in writing to the Board of Review within ten (10) days after notice of revocation has been served upon the person whose certification is to be revoked. The Board of Review shall hear and determine such appeal as soon as reasonably practicable and may for good cause shown stay revocation prior to hearing. The decision of the Board of Review shall be final and any appeal thereafter shall be as prescribed by Chapter 536 RSMo.

Nonforming Small On-Site Wastewater Systems- Except as provided below, all small on-site wastewater systems existing as of the effective date of this chapter shall be presumed to be in compliance with these regulations unless such system is found to be public health nuisance or hazard under this Code, or is in violation of state law pertaining to wastewater systems. When any such condition exists the owner of the real estate upon which such system exists shall then be subject to the provisions of these regulations and shall be required to apply for a small on-site wastewater permit in order to modify the existing system or construct a new system within a reasonable time as prescribed by the administrative authority except in cases in which the Administrative Authority determines that a permit should be denied under section 4.5.8.3 of these regulations, in which case the Administrative Authority shall grant the property owner or occupant a reasonable time to connect to a public sewer as warranted under the circumstances. No small on-site wastewater system shall be presumed to be in compliance with these regulations which has not been operable or used for a period of one hundred eighty (180) or more consecutive days or for which a construction permit has been issued pursuant to these regulations. No on-site sewage treatment lagoon otherwise subject to these regulations which existed on or before the date these regulations were first enacted that has a minimum surface area of nine hundred square (900') feet and is surrounded by a thirty-nine (39") inch or taller fence or other fence designed to prevent animals and children from entering the enclosed area and that is without observable functional deficiencies shall be considered to be in violation of the foregoing sections or other applicable law, rules or regulations based solely upon size or location or general condition. No subsurface sewage treatment system otherwise subject to these regulations which existed on or before the date these regulations were first enacted that does not exhibit any chronic surface discharge shall be considered to be violation of the foregoing sections or other applicable law, rule or regulation based solely upon known or unknown design, components or configuration unless there is other evidence demonstrating one or more violations of said sections or other applicable law, rules or regulations.

Discharge of Wastewater Off Property Prohibited- No person or property owner may operate an on-site wastewater treatment or sewage disposal system or transport and dispose of waste removed therefrom in such a manner that may result in the contamination of surface waters or groundwater or present a nuisance or imminent health hazard to any other person or property owner and that does not comply with the

requirements of these regulations or sections 701.025 to 701.059 and the on-site sewage disposal rules promulgated under sections 701.025 to 701.059 by the department, whichever standards are higher. No person shall permit treated or untreated wastewater or effluent to discharge from the real estate upon which an onsite wastewater treatment or sewage disposal system exists or is required by these regulations or state law except that any person may discharge treated wastewater on to the property owned by another if such person has an easement or other lawful possessory interest in real estate which permits any such person to discharge such treated wastewater on to such real estate within the boundaries described by such easement or possessory interest.

Jurisdiction- The regulations contained in this chapter shall be applicable to all unincorporated areas within Boone County, Missouri and by order of the Boone County Commission in incorporated municipalities which petition the Boone County Commission to be included and the Boone County Commission agrees to order their inclusion after public hearing thereon.

Fees- The County Commission may from time to time impose such user fees, such as permit fees or inspection fees, as it may deem appropriate so long as such fees comply with the provisions of Section 192.300, RSMo, and are otherwise authorized by law.

APPENDIX C-5

CHAPTER VI PUBLIC HEALTH HAZARDS AND NUISANCES

6.8 On Site Sewage Treatment and Disposal- It shall be unlawful to discharge untreated and uncontained household or human sewage effluent from any building or structure above or below the ground surface. It shall be unlawful to operate or maintain or permit the operation or maintenance of a subsurface wastewater treatment system which causes chronic surface discharge of treated or untreated effluent. It shall be unlawful to operate or maintain or permit the operation or maintenance of a wastewater lagoon treatment system which causes chronic surface or subterranean discharge of treated or untreated effluent.