

**CITY OF CLEVELAND
MISSISSIPPI**

**SEWER USER
ORDINANCE**

CLEVELAND SEWER USER ORDINANCE PROHIBITS OR LIMITS:

- UNAUTHORIZED CONNECTIONS
- CONNECTION PRIOR TO PLAN SUBMITTAL
- UNAUTHORIZED MATERIAL FOR BUILDING SEWER
- STORMWATER CONNECTIONS TO SEWER
- QUALITY, QUANTITY, OR CONTENT OF DISCHARGE
- pH <6.0 or >8.5
- OBSTRUCTIVE OR INTERFERRING SOLIDS
- DISCHARGE TEMPERATURE HIGHER THAN 150° F
- ODOR PRODUCING SUBSTANCES, FLAMMABLES, POISONS, TOXINS, SHEENS, OILS, FLOATABLE SOLIDS, FATS, METALS
- UNMONITORED CHARACTERISTICS OF INDUSTRIAL DISCHARGES
- B.O.D. DISCHARGES GREATER THAN 250 mg/l
- S.S. DISCHARGES GREATER THAN 250 mg/l
- T.K.N. DISCHARGES GREATER THAN 25 mg/l
- LOADING RATES

AN ORDINANCE REGULATING USE OF THE WASTEWATER TREATMENT FACILITIES, ESTABLISHING USER SERVICE CHARGES FOR USERS OF THE CITY'S SYTEM AND PROVIDING FOR THE COLLECTION THEREOF IN THE CITY OF CLEVELAND, MISSISSIPPI, INCLUDING THE DEFINING OF CERTAIN TERMS, PROVIDING CLASSIFICATION OF USERS, PROVIDING FOR SPECIAL SERVICES AT ADDITIONAL FEES, AND THE RESPONSIBILITY FOR CHARGES, THE CHARGES PROVIDING FUNDS FOR WASTEWATER TREATMENT SYSTEM TO FUND OUTSTANDING BOND ISSUES FOR WASTEWATER TREATMENT FACILITIES, TO PAY CONSTRUCTION, OPERATION AND MAINTENANCE EXPENSES OF WASTEWATER TREATMENT FACILITIES AND TO FUND ALL FUTURE BOND ISSUES FOR WASTEWATER TREATMENT FACILITIES, AND PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE.

WHEREAS, the Mayor and Board of Aldermen of the City of Cleveland, Mississippi are constructing, expanding and improving the wastewater treatment system of this City and it is necessary to regulate the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system and to provide penalties for the violations thereof in the City of Cleveland, Mississippi; now, therefore,

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLEVELAND, MISSISSIPPI, as follows:

ARTICLE I

DEFINITIONS

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

Biochemical Oxygen Demand (BOD): shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

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

Building Sewer: shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Combined Sewer: shall mean a sewer intended to receive both wastewater and storm or surface water.

Easement: shall mean an acquired legal right for the specific use of land owned by others.

Floatable Oil: is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage: shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

Industrial Wastes: shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

Natural Outlet: shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

May: is permissive (see “shall”)

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

pH: shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

Properly Shredded Garbage: shall mean the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.

Public Sewer: shall mean a common sewer controlled by a governmental agency or public utility.

Sanitary Sewer: shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

Sewage: shall mean the liquid or solution carried by the pipe or conduit.

Sewer: shall mean a pipe or conduit that carries wastewater or drainage water.

Shall: is mandatory (see “May”)

Sludge: shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Storm Drain: (sometimes termed “storm sewer”) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Director: shall mean the Director of Public Works of the City of Cleveland, or his authorized deputy, agent, or representative.

Suspended Solids: shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as non-filterable residue.

Unpolluted Water: is 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 sanitary sewers and wastewater treatment facilities provided.

Wastewater: shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

Wastewater Facilities: shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Wastewater Treatment Works: shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant”.

Watercourse: shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Total Kjeldahl Nitrogen (TKN): shall mean the total of the organic and ammonia nitrogen in the wastewater expressed in milligrams per liter.

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

SECTION 1

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

SECTION 2

It shall be unlawful to discharge to any natural outlet within the City of Cleveland, or in any area under the jurisdiction of said City any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance, state or federal laws.

SECTION 3

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

SECTION 4

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the City, is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, as required by that ordinance of this City dated February 1, 1938, and ordinances and regulations amending same, requiring sanitary sewer connections and use.

ARTICLE III

PRIVATE WASTEWATER DISPOSAL

SECTION 1

Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

SECTION 2

Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the 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 Director. A permit and inspection fee shall be paid to the City at the time the application is filed, as provided for in Article VIII.

SECTION 3

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Director. The Director shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the Director.

SECTION 4

The type, capacity, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the State of Mississippi. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 86,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

SECTION 5

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

SECTION 6

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City. Sludge removal from private disposal systems shall be performed by licensed operators and disposed of in accordance with the Department of Public Health of the State of Mississippi.

SECTION 7

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

ARTICLE IV

BUILDING SEWERS AND CONNECTIONS

SECTION 1

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director.

SECTION 2

There shall be two (2) classes of building sewer permits:

- (a) for residential and commercial service, and
- (b) for service to establishments producing industrial wastes

In either case, the owner(s) or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director. A permit and inspection fee for a residential or commercial building sewer permit and the fee for an industrial building sewer permit shall be paid to the City at the time the application is filed, as provided in Article VIII.

SECTION 3

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SECTION 4

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

SECTION 5

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director to meet all requirements of this ordinance.

SECTION 6

The size, slope, alignment, materials, of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials, and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

SECTION 7

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

SECTION 8

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Director for purpose of disposal of polluted surface drainage.

SECTION 9

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

SECTION 10

The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Director or his representative.

SECTION 11

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

ARTICLE V

USE OF THE PUBLIC SEWERS

SECTION 1

No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage, or cooling water to any sewer, except storm water runoff from limited areas, which storm water may be polluted at time, may be discharged to the sanitary sewer by permission of the Director.

SECTION 2

Storm water other than exempted under Section 1, Article V, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Director and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Director, to a storm sewer or natural outlet.

SECTION 3

No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- (c) Any waters or wastes having a pH lower than 6.0, or greater than 8.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk solids, milk containers, etc., either whole or ground by garbage grinders.

SECTION 4

The following described substances, materials, waters, or waste shall be limited to discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Director may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Director will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Director are as follow:

- (a) Wastewater having a temperature higher than 150° Fahrenheit (65° Celsius).
- (b) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (c) Wastewater from industrial plants containing floatable oils, fat or grease.
- (d) Any garbage that has not been properly shredded (see Article I, Section 13). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Director for such materials.
- (f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Director.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations.
- (h) Quantities of flow, concentrations, or both which constitute a “sludge” as defined herein.

- (i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

SECTION 5

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Director may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this Article.

When considering the above alternatives, the Director shall give consideration to the economic impact of each alternative on the discharger. If the Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director.

SECTION 6

Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4(c), or any flammable wastes, sand, or 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 Director, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates, and means of disposal which are subject to review by the Director. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

SECTION 7

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

SECTION 8

When required by the Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Director. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

SECTION 9

The Director may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

1. Wastewaters discharge peak rate and volume over a specified time period.
2. Chemical analysis of wastewaters.
3. Information on raw materials, processes, and products affecting wastewater volume and quality.
4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer user control.
5. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
6. Details of wastewater pretreatment facilities.
7. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

SECTION 10

All measurements, tests, and analysis 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. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Director.

SECTION 11

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

ARTICLE VI

ENFORCEMENT

SECTION 1

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII

POWERS AND AUTHORITY OF INSPECTORS

SECTION 1

The 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 pertinent to discharge to the community system in accordance with the provisions of this ordinance.

SECTION 2

The Director or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

SECTION 3

While performing the necessary work on private properties referred to in Article VII, Section 1 above, the 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 of the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.

SECTION 4

The 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 wastewater facilities 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.

ARTICLE VIII

USER SERVICE CHARGES

SECTION 1

The sewer service charges for the use of the City sanitary sewerage system shall be in accordance with the following:

1. There shall be two basic charges, one being a volumetric charge and the other being a surcharge for excessive strength of wastewater. These charges shall apply to all users of the City sanitary sewerage system. Volumetric charge will be determined by water meter reading, or at the user's option, the user may furnish metering devices approved by the Director for measuring wastewater discharged into the City sewer system. This will apply to those users of the City sanitary sewerage system who purchase all water from the City of Cleveland Water Department.
2. Those users having private wells or other sources of water supply shall install either water meters on the wells or other sources of water supply or approved metering devices for measurement of wastewater discharged to the City sewers.
3. Users will be classified as residential, or commercial-industrial, or government and public buildings according to criteria established by the Director.

SECTION 2

The basic sewer service charge per thousand gallons of metered water or wastewater shall be \$0.65 per thousand gallons, as also provided by that ordinance of this same date, and subject to annual review and/or adjustment by the order of the Mayor and Board of Aldermen without further ordinance therefore.

The rates charged to users of the City of Cleveland's sewerage works within or without the corporate limits shall be on an equitable basis, as provided by said ordinance and future order of said Board.

Provided, however, a user may, at his own expense, and with the Director's approval, install a secondary meter or meters on that portion of his water supply system which serves only his lawn sprinkling load or water used in manufacturing processes so as to measure directly the amount of water that does not enter the public sewers.

SECTION 3

The user service charge for excessive wastewater strengths shall be in addition to the basic volumetric charge and shall be determined using the following constraints:

- (a) Surcharges shall be assessed for all wastewaters discharging into the wastewater system having strengths in excess of the following:

Biochemical Oxygen Demand (BOD)	250 mg/l
Suspended Solids (SS)	250 mg/l
Total Kjeldahl Nitrogen (TKN)	25 mg/l

- (b) The amount of waterbourne waste in excess of the limits in (a) shall be calculated by the following formula:

$$C = B \times Bc + S \times Sc + T \times Tc$$

Where:

C = Surcharge in dollars

B = BOD from user in excess of limitations expressed in pounds

Bc = Cost per pound of BOD treated by wastewater treatment facility

S = Suspended Solids from user in excess of limitations expressed in pounds

Sc = Cost per pound of suspended solids treated by wastewater treatment facility

T = TKN from user in excess of limitations expressed in pounds

Tc = Cost per pound of TKN treated by wastewater treatment facility

The surcharge calculated shall be added to the user's volume charge to complete his charges for the billing period.

- (c) All users subject to sewer service surcharge shall at the request and with the approval of the Director and the Regulatory Agencies:
1. Install and maintain a suitable flow measuring device.
 2. Provide and maintain an accessible sampling manhole in the user's wastewater discharge line or lines.
 3. Report average monthly flow, Biochemical Oxygen Demand, Suspended Solids, and Kjeldahl Nitrogen. All analytical results shall be made by a laboratory approved by the Director.
 4. Provide instrumentation for and report results of any characteristics of the wastewater which are required in order to be in compliance with the Sewer Use Ordinance.

5. Provide flow regulation to limit the maximum hourly flow to two (2) times the average hour for the average twenty-four (24) hour flow of the individual user.

SECTION 4

The sewer service charge shall be included each month on the bills rendered by the City of Cleveland in accordance with their standard billing practices. Said charges shall be rendered on the first bill of the City sent out on and after October 1, 1983, and for each month thereafter.

Failure to pay the sewer service charge upon the due date of the utility statement shall be grounds for terminating all utility services by the City as provided by the procedures established by this Board.

When service commences or ceases applicable charges may be prorated for the billing periods.

SECTION 5

The charges based on metered measurement of volume discharged to the sewer system, and/or surcharge based on wastewater strength, shall be paid monthly to the City of Cleveland in a manner prescribed by the Director. Penalty for late payment will be assessed on the same basis as penalties charged by the serving utility.

SECTION 6

The sewer service charges as set forth in Section 2 of this Article are applicable to every person, firm, partnership, association or corporation, inside and outside of the corporate limits of the City of Cleveland, whose sewage and wastewater empties into the City's collection and treatment systems.

SECTION 7

Any person, firm, partnership or corporation using the City sewer system or any part thereof in violation of this ordinance shall be guilty of a misdemeanor punishable as such, and where such violation is of a continuing nature, each day's violation shall be deemed a separate offense.

SECTION 8

The charge for connecting a residence or small commercial user to the sewerage system shall be as provided in the ordinances of this City and as hereinafter provided. It shall include all material and labor from the City's trunk to the user's nearest property line. The charge for all other connections to the sewerage system shall be the actual material and labor expended by the City or the construction of the service.

SECTION 9

The City may collect an inspection fee for each application of a permit to construct a private wastewater disposal system, as provided by its ordinances and building regulations.

SECTION 10

The City may collect an inspection fee for each application of a permit to construct a building sewer as provided by its ordinances and building regulations.

SECTION 11

That if any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional by any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this ordinance, the Council of the City hereby declaring that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SECTION 12

That no wording contained in this ordinance shall be construed as preventing negotiations between the City and any user or group of users where the strength and/or volume of the sewage may be effected by pretreatment.

SECTION 13

That the definitions set forth in the Articles regulating sewer use shall likewise apply in this Article.

ARTICLE IX

EFFECTIVE DATE

This City is constructing a wastewater treatment system as aforesaid, with funds provided by the City through bonds and prior sewer user charges and by the Environmental Protection Agency of the United States together with the Bureau of Pollution Control of the Department of Natural Resources of the State of Mississippi; said agencies require the adoption of the regulations, charges and provisions herein as a prerequisite to their approval of said construction and their funding of a portion thereof, as well as for sound management and fiscal reasons and require their immediate adoption and effectiveness. Said circumstances constitute an emergency within the laws of this State authorizing the adoption of ordinances by municipalities, and this Board specifically so finds and determines, and therefore this ordinance shall be in force and effect immediately upon its adoption and publication as provided by law, and applicable to charges and billings for water and sanitary sewer services to be made by the Water Department upon its statements to be mailed out next in the month of October, 1983.

ORDAINED, ADOPTED and APPROVED this the 13th day of September, 1983.

ATTEST:

APPROVED:

City Clerk,

Mayor, Martin T. King, Jr.

Alderman, Joe B. Denson

Alderman, Roosevelt Grenell

Alderman, Paul Braswell

Alderman, W. R. Samuels, Jr.

Alderman, Clayton West

Alderman, Ned Tolliver, Jr.

Alderman, Louis Kaplan

I, the duly, appointed, qualified, and acting City Clerk and lawful custodian of the minutes of the Mayor and Board of Alderman of the City of Cleveland, Mississippi and seal of said City, certify that the foregoing is a true and exact copy of an ordinance passed by the Mayor and Board of Alderman at a recessed meeting, and recorded in the minutes of its proceedings and kept by me as provided by law, and thereafter signed and affirmed by said Aldermen.

WITNESS my signature and official seal of office, this 4th day of October, 1983.

(SEAL)

City Clerk