AN ORDINANCE TO ESTABLISH RULES AND REGULATIONS FOR PROVIDING UTILITY SERVICES TO PERSONS OF THE CITY OF BYRAM, MISSISSIPPI

BE IT ORDAINED BY THE CITY OF BYRAM, COUNTY OF HINDS, STATE OF MISSISSIPPI AS FOLLOWS:

ARTICLE 1. IN GENERAL

Section 1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Consumer – any person, establishment, unit or space served on or through any meter other than the customer in whose name the meter is listed or from whom payment may be required.

Customer – the owner of the property served by a utility service connection, or the tenant, lessee, renter, establishment or occupant of such property, or the person in or against whose name such connection for such property is listed on the books and records of the city, and who is responsible to the city for payment of bills incurred for such utility service furnished to such property and for use by such property of the public sewer system of the city, either or both.

Minimum monthly bill – the fixed minimum monthly payment required for a utility meter or connection calculated under the provisions of this chapter.

Multiple meters – any utility meter through which more than one family, establishment, space or unit is served.

Permanent – the time after the issuance of a certificate of occupancy.

Structure – the supplying of electricity or any other utility service prior to the issuance of a certificate of occupancy.

Supply utility service – to supply any form of utility service, including electricity, in any manner to any structure within the city.

Temporary – the supplying of electricity or any other utility service to any structure prior to the issuance of a certificate of occupancy.

User – a customer of any utility service furnished by the city whose property also discharges sewage, wastes or water into the public sanitary sewer system of the city in any quantity.

Utility – water, sewer and/or any other utility service furnished by the city to consumers thereof.

Section 2 – Scope of chapter.

All pertinent provisions of this chapter are hereby made part of the terms and conditions whereby the city shall furnish any utility service to any person, or whereby the city shall make any utility connections or perform any work of any kind in connection with the furnishing of any utility service pursuant to the rules and regulations of the Mayor and Board of Aldermen.

Section 3. Service to comply with technical provisions.

Any utility service furnished under the provisions of this chapter shall be in accordance with and in compliance with all applicable technical provisions of this Code, state law and city ordinances, rules and regulations.

Section 4 – Rules, regulations.

The Mayor and Board of Aldermen shall have the authority to establish by rule or regulations such standards and specifications as may be deemed necessary for the installation, construction and maintenance of any utility service system owned and operated by the city within or without the city and under the management of the Board. Such rules, regulations, standards and specifications shall be filed in the office of the city clerk. Violation of such rules, regulations, standards and specifications shall be deemed as a misdemeanor.

Section 5 – Service outside city.

In order to protect the utility service supply, the city will not make any sewer taps or connections outside the city limits until the premises involved have been inspected and approved by the city. Sewer service shall not be provided to persons or groups outside the city limits except on the basis of a written contract approved by the Mayor and Board of Aldermen.

Section 6 – Right of entry.

Any authorized inspector of the city shall have free access at any reasonable time to all premises supplied with any utility service by the city for the purpose of examination in order to protect the utility services from abusive use.

Section 7 – Termination or refusal of service.

The city shall have the right to disconnect or refuse to connect or reconnect any utility service for the following reasons:

(1) Failure to meet the applicable provisions of law;

(2) Violation of the rules and regulations pertaining to utility service;

(3) Nonpayment of bills;

(4) Willful or negligent waste or service due to improper or imperfect pipes, fixtures, appliances or otherwise;

(5) Molesting any meter, seal or other equipment controlling or regulating the supply of utility service;

(6) Theft or diversion and/or use of service without payment thereof;

(7) Vacancy of premises.

Section 8 – Liability of city for damage.

The city shall not be liable for any damage to any customer of any utility service furnished by the city due to backflow of the sewerage system, failure to supply, interruption of service or any other cause outside the direct control of the city.

Section 9 – Application for service.

Any person desiring any utility service furnished by the city shall make application for such service to the Mayor and Board of Aldermen. Such application shall contain the applicant's name, address and the uses for which such utility is desired.

Section 10 – Service not available to debtors.

The city may decline or fail or cease to furnish utility service to any person who may be in debt to the city for any reason, except ad valorem taxes and special assessments.

Section 11 – Permit.

Approval of the application for any utility service by the Mayor and Board of Aldermen shall be deemed permission of such service.

Section 12 – Use assumed.

All premises connected to any utility service of the city shall be assumed to be using such utility service and the owner or occupant shall be charged therefor so long as such premises remain connected with the utility service.

Section 13 – Use contrary to permit.

Any person having a permit from the city for the use of any utility service offered by the city who shall use such utility service for any purpose other than mentioned in such permit or who shall make any unauthorized changes in such service shall be deemed guilty of a misdemeanor.

Section 14 – Damage of equipment, trespass.

It shall be unlawful for any person, not having authority to do so, to open any water hydrant or tamper with any utility service furnished by the city to consumers, or to in any other way molest, damage or trespass upon any equipment or premises belonging to the city connected with any utility service.

Section 15 – Unlawful supplying or service.

(a) It shall be unlawful for any person to supply any utility service, including electricity, to any structure on a temporary basis without proof being shown that a building permit has been issued by the city to the owner, builder or other person in control of such structure for such structure.

(b) It shall be unlawful for any person to supply any utility service, including electricity, to any structure on a permanent basis without proof being shown that a certificate of occupancy has been issued by the city to the owner, builder or other person in control of such structure for such structure.

Section 16 – Interruption of service; notice.

The city reserves the right to cut off any utility service without notice in case of emergencies. When an interruption in service is necessary for the maintenance and improvement of the utility system, affected customers will be notified as circumstances permit.

Section 17 – Restricting use.

The city hereby reserves the right to at any time restrict or prevent the use of any utility service furnished by the city during periods of emergency or circumstances demanding such restriction or prevention of use.

Section 18 – Sale of service by customer.

It shall be unlawful for any person to resell any utility service obtained from the city to others except by special arrangement with the Mayor and Board of Aldermen.

Section 19 – Service connections—Supervision of.

Connections for any utility service furnished by the city shall be made under the supervision of the Mayor and Board of Aldermen.

Section 20 – Same – Separate connections.

Every building, structure or consumer in the city shall have separate utility service connection.

Section 21- Same – Owner's consent.

Any person who shall make any connection in any manner to any utility system, whether owned by the city or not, without the prior knowledge and consent of the owner of such utility system shall be deemed guilty of a misdemeanor.

Section 22 – Unlawful use.

It shall be unlawful for any person, not having authority to do so, to tamper with any utility service furnished by the city to consumers, or to in any other way molest, damage or trespass upon any

equipment or premises belonging to the city connected with any utility service. Any person found in violation shall be subject to fines and penalties as set forth in section 1-12 of this Ordinance for the city.

Section 23 – Maintenance of equipment by consumer.

The consumer of any utility service furnished by the city shall maintain and keep in good repair all connections, appliances and other apparatus installed and used in connection with such utility service.

Section 24 – Meters.

Meters for the measurement of utility services furnished by the city shall be furnished and installed by, and shall remain the property of, the city.

Section 25 – Public utilities in the city other than those owned and operated by the city.

(a) At least five working days prior to the commencement of any such activity, plans detailing the scope and manner of the work to be performed shall be submitted to the city public works director. Such plans shall include but not limited to the following:

(1) The location of the utility equipment and facilities to be installed, repaired or serviced;

(2) A description of the material to be used in the installation;

(3) The location of any existing utilities clearly reflecting their proximity to the planned installation; and

(4) A statement as to the commencement date for such work and the estimated completion date.

(b) At least 24 hours prior to the commencement of any such work, the city public works director shall be advised by telephone of the planned commencement of such work.

(c) The utility shall submit to the city public works director with its plans, proof reflecting that the work to be performed will be done in a public right-of-way or that all necessary private easements have been acquired.

(d) The city public works director shall be advised in writing if the planned work involves the partial or total blocking of any street or highway within the city or if such work will otherwise impair or impede traffic flow. In such event, the utility shall be responsible for providing traffic control devices in accordance with the current Manual of Traffic Control Devices. In addition, the utility shall coordinate its activities with the city police department and shall not proceed with any work that would affect traffic flow or traffic safety without first getting approval from the city chief of police. In the event it is determined by the chief of police that traffic and pedestrian safety require the presence of personnel to direct traffic, such responsibility rests upon the utility to provide same and incur all costs incident thereto.

(e) All construction and installation of sanitary sewer and storm sewer facilities within the city shall fully conform with the city's development ordinance.

(f) In the event that any such work involves the blocking of streets totally or partially and/or the damage to any public facilities, utility agrees to indemnify and hold harmless the city for any and all actions, causes of actions, claims and charges that arise from or are otherwise connected with such work. Prior to commencing any such work, the utility shall execute an indemnity and hold harmless agreement to the city in the form attached to the ordinance from which this section derives as exhibit "A".

(g) In the event such work shall involve the damaging of any street, curb, gutter or other public facility or property, the utility shall submit an estimate of the cost to repair same to the public works director. The city reserves the right to require the posting of a bond in an amount equal to 125 percent of the estimated repair cost. If the utility fails to make such repairs within ten working days of being notified in writing by the city to do so, the city shall have the right to make such repairs, all at the expense of the utility.

(h) The city shall have the right to inspect all utility installation, construction, repair and maintenance conducted in the city at its discretion.

(i) The utility shall be solely and fully responsible for trench settlement and the continued maintenance and dressing of the work site for a period of one-year following such work.

(j) All street crossings shall be encased in wither steel or PVC casing as required by the city.

(k) Any person, firm or corporation violating any of the terms of this section shall be subject to the following penalties:

(1) The city may require the immediate cessation of all work activity;

(2) A fine in an amount not to exceed $1,000.00 or 90 days imprisonment, or both such fine and imprisonment; and, each day that a violation continues shall be a and constitute a new offense; and

(3) The city reserves the right to require the removal of all utility facilities and equipment installed and/or constructed in violation of this section.

(l) The notice and other pre-work requirements in this section shall not apply to circumstances and situations which legitimately require immediate emergency repair and maintenance. However, any effort or act on the part of any person to circumvent and avoid compliance with the terms of this section shall constitute a violation(s) of this section and shall be punishable as provided in subsection (k).

ARTICLE II – RATES AND CHARGES

Section 1 – Deposit – Required.

Along with the application for utility service, the applicant therefor may be required to pay to the city a deposit in an amount established by the Mayor and Board of Aldermen from time to time.

Section 2 – Same – Investment.

(a) Pursuant to MCA 1972 §§21-27-23(h) and 21-33-323, the city clerk is hereby authorized and directed to transfer all of the balance of the meter deposit checking accounts maintained by the city to an interest-bearing account designated specifically for meter deposits, and to deposit all subsequent deposits into such special account.

(b) The city clerk is further authorized and directed to transfer all interest income accumulated in such special interest-bearing account, at reasonable intervals, to the general fund to be applied to general and specific expenditures of the city.

Section 3 – Same – Refund.

Refunds of deposits made for utility service shall be made upon the termination of such utility service only after payment of all indebtedness to the city for such utility service. Application of deposit may be made in partial or total settlement of accounts when supply is cut off for nonpayment of a bill, or for any infraction or violation of any ordinance, rule or regulation of the city relative to utility services offered by the city.

Section 4 – Determination of connection charges.

The charges and fees connection to utility services furnished by the city shall be as determined by the Mayor and Board of Aldermen from time to time and on file in the office of the city clerk.

Section 5 – Rates generally.

The monthly rate schedule for all users of local sewer furnished by the city shall increase no less than two percent annually October 1 of each year. The Mayor and Board of Aldermen will review the need annually for rate increases greater than the said two percent. Other utility rates imposed by the city shall be reviewed annually to determine whether an increase or decrease is deemed necessary.

Section 6 – Combining meters.

Two or more meters, unless installed at one location, cannot be combined for billing purposes to take advantage of more favorable bulk rates.

Section 7 – Billing cycle.

User bills shall be computed once a month.

Section 8 – When payment due.

All bills for utility services furnished by the city shall be due and payable prior to midnight of the tenth day following the date of such bill; provided, however, if such due date shall fall on a Sunday or a legal holiday observed by the city, such bill shall be due and payable by midnight of the following business day.

Section 9 – Disconnection for nonpayment.

(a) [Generally] If bills for utility services are not paid when due, the city shall have the right to disconnect and discontinue all utility services furnished by the city to the consumer so in arrears.

(b) [Disconnection of sewer service] Municipal sewer service may be terminated to any customer who fails to pay all charges, including reconnect fees, by 10:00 a.m. on the date designated on the sewer bill. In the event that service is terminated, service shall not be restored until all charges on the account are paid, including a reconnect fee, unless otherwise approved by the public works director or the city clerk.

Section 10 – Reconnection after disconnection.

If a utility service is disconnected for nonpayment of a bill, the consumer thereof shall have the right to have such service reconnected only upon the payment of the amount due and a reconnection fee in such amount as the Mayor and Board of Aldermen shall determine from time to time.

Section 11 – Voluntary discontinuance of service.

Consumers wishing to discontinue the use of any utility service shall give written notice thereof at the city hall. Failure to do so shall render the consumer liable for the payment of all bills until such notice has been given.

ARTICLE III – SEWER REGULATIONS

Section 1 – Definitions:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD (denoting biochemical oxygen demand) – the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building drain – 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 (1.5 meters) outside the inner face of the building wall.

Building sewer – the extension from the building drain to the public sewer or other place of disposal.

Combined sewer – a sewer receiving both surface runoff and sewage. Combined sewer is not permitted in the city.

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

Industrial wastes – the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage as defined in 40 CFR 35.905.

Natural outlet – any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

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

Properly shredded garbage – 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 one-half inch (1.27 centimeters) in any dimension.

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

Sanitary sewer – a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface water, and stormwater as may be present.

Sewage – a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface water, and stormwater as may be present.

Sewage treatment plant – any arrangement of devices and structures used for treating sewage.

Sewage works – all facilities for collecting, pumping, treating, and disposing of sewage.

Sewer – a pipe or conduit for carrying sewage

Slug – any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average the 24-hour concentration or flows during normal operation.

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

Superintendent – the superintendent or manager of the sewerage works of the city or his authorized deputy, agent or representative.

Suspended solids – 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.

Waste or wastes – any substance discharged into the public sewer system.

Watercourse – a channel in which a flow of water occurs, either continuously or intermittently.

Section 2 – Use of public sewers required:

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

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

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

(d) The owner of 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 or may in the future be located a public sanitary sewer of the city is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after official notice to do so, provided that such public sewer is within 200 feet of the property line. If an on-site pressure system is required for a service connection, the operation costs for the facility shall be the responsibility of the owner or user. With the exception of commercial or industrial customers, which shall be responsible for all connection, repair and maintenance costs, maintenance costs for any on-site pressure system for residential customers, shall be the responsibility of the city provided:

(1) Grinder stations, lines, valves, fittings and any equipment or controls be approved by the city both in materials provided and the installation thereof.

(2) Any damage to any on-site pressure system is not caused by prohibited uses as defined in section 7; and

(3) The city is granted a utility easement when application for sewer service is made. The location of the easement shall be five feet either side of the actual location of the grinder station and force main. A sketch of the actual location shall be provided to the city upon completion of the installation. The city and its agents or contractors are granted the right of ingress/egress over the customer's private property to inspect and/or repair the system. In the event access is denied, the city may terminate service to the property.

(e) It shall be unlawful for any person to discharge to the sewer system any pollutant except in compliance with federal standards promulgated pursuant to the Clean Water Act, and any more stringent state and local standards.

Section 3 – Private sewage disposal:

(a) Where a public sanitary sewer is not available under the provisions of this article, the building sewer shall be connected to a private sewage disposal system complying with the following;

(1) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the Mississippi Department of Environmental Quality ("MDEQ") and the Mississippi State Board of Health ("MSBH"), as applicable, and the city. 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 as established by the Mayor and Board of Aldermen from time to time shall be paid to the city at the time the application is filed.

(2) A permit for a private sewage disposal system shall not become effective until the installation is complete to the satisfaction of the MDEQ, the MSBH and the city's public works director. Inspection of the work shall be allowed at any stage of completion. The applicant for the permit shall notify the public works director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the public works director.

(3) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the MDEQ and the MSBH, as applicable. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than three acres. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(4) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this

article, at the expense of the owner, within 90 days of written notification from the public works director, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be removed or abandoned and filled with suitable material, as determined by the public works director.

(5) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(6) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the MDEQ and/or MSBH or any other governmental entity having jurisdiction thereof.

Section 4 – Building sewers and connections:

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

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

(1) Residential and commercial service, and

(2) Service to establishments producing industrial wastes.

In either case, the owner 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 public works director. A permit and inspection fee as established by the Mayor and Board of Aldermen from time to time shall be paid to the city at the time the application is filed. As a condition for authorization to dispose of industrial wastes through the municipal system, the industrial applicant for a sewer permit shall provide the city with information describing wastewater constituents and characteristics, and the type of activity and quantity of production.

(c) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and not private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the building may be extended to the rear building and the whole considered as one building sewer.

(e) Existing building sewers may be used in connection with new buildings only when they are found, on examination and tested by the public works director, to meet all requirements of this article.

(f) 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 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 American Society for Testing and materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.

(g) 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.

(h) No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(i) The connection of the building sewer to 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 gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the public works director before installation.

(j) The applicant for the building sewer permit shall notify the public works director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the public works director or his representative.

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

Section 5 – Prohibited discharges into sanitary sewers:

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary water.

Section 6 – Permitted discharges into combined, storm sewer, natural outlets:

Stormwater and all other unpolluted drainage shall be discharged into specially designated storm sewers, or to a natural outlet approved by the MDEQ. Industrial cooling water or unpolluted process waters may be discharged, on approval of the MDEQ to a storm sewer or natural outlet.

Section 7 – Prohibited discharges into public sewers:

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

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Any waters or wastes 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 sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or creates any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 0.05 mg/l as CN in the wastes as discharged to the public sewer.

(3) Any waters or wastes having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(4) 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 sewage works such as, but not limited to ashes, 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 containers, etc., either whole or ground by garbage grinders.

Section 8 – Restricted discharges:

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the public works director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the public works director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities n the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances restricted by this section are:

(1) Any liquid or vapor having a temperature higher than 120 degrees Fahrenheit, (49 degrees Celsius).

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit, (0 and 65 degrees Celsius).

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the public works director.

(4) Any waters or wastes containing strong acid, iron, pickling wastes, or concentrated plating solutions whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any

such material received in the composite sewage at the sewage treatment works exceeds the limits established by the public works director for such materials.

(6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the public works director as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the public works director in compliance with applicable state or federal regulations.

(8) Any waters or wastes having pH in excess of 8.5 or below 6.0.

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids such as, but not limited to, Fuller's earth, lime slurries, and lime residues or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting slugs.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(11) Any waste prohibited by Environmental Protection Agency standards and regulations.

Section 9 – Pretreatment facilities.

(a) All industrial and commercial process wastewater shall be pretreated prior to discharge to the public sewers, if necessary, in accordance with the provisions of the United States Environmental Protection Agency, the bureau of pollution control, and/or the city whichever is more stringent. The minimum pretreatment requirements are as follows:

Table Inset:

Parameter	Maximum Concentration (mg/l)
BOD_5	300.0*
Suspended Solids	300.0*
TKN	30.0*
Arsenic	0.5
Barium	5.0
Boron	1.0
Cadmium	0.02
Chromium	0.05
Copper	0.02
Cyanide	0.05
Lead	0.10
Manganese	0.50
Mercury	0.002
Nickel	0.08
Selenium	0.02
Silver	0.01
Zinc	0.05

*BOD_5 , SS and TKN may be increased by written approval of public works director for limited periods of time.

(b) As a condition for authorization to dispose of industrial wastes through the municipal system, the industrial applicant for a sewer permit shall provide the city with information, describing wastewater constituents and characteristics, and the type of activity and quantity of production.

Section 10 – Discretionary authority of public works director.

(a) 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 8 and 9, and which in the judgment of the public works director may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the public works director may:

(1) Reject the wastes,

(2) Require pretreatment to an acceptable condition for discharge to the pubic sewers

(3) Require control over the quantities and rates of discharge and/or,

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 14.

(b) If the city permits the pretreatment or equalization of wastes flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city, and subject to the requirements of all applicable codes, ordinances, and laws.

Section 11 – Interceptors.

Grease, oil, and sand interceptors shall be provided 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, 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 public works director and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 12 – Maintenance of facilities.

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

Section 13 – Control manhole.

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 measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the public works director. The manhole 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 14 – Standard for measurements, test, etc.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article 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 suitable samples taken at such control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. 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 analyses involved will determine whether a 24-hour composite or all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composite of all outfalls whereas pH's are determined from periodic grab samples.

Section 15 – Special agreements.

No statement contained in this article shall be construed as preventing any industrial concern from entering into a special agreement with the city whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern.

Section 16 – Protection from damage.

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

Section 17 – Powers and authority of inspectors.

(a) 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 article.

(b) while performing the necessary work on private properties referred to in subsection (a) of this section, the public works director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. The company is responsible for providing access as required in Section 13.

(c) 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 an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms or the easement pertaining to the private property involved.

Section 18 – Penalties.

(a) Any person found to be violating any provision of this article, except section 16, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) of this section shall be guilty of a misdemeanor. Each day in which such violation shall continue shall be deemed a separate offense. Additionally, chronic violation of the terms of this article may result in termination sewer service.

(c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

The foregoing ordinance having been reduced to writing, Alderman ALDAY made a Motion to adopt the ordinance. Alderman MARBLE seconded. The vote was as follows:

Alderman Alday	AYE
Alderman Douglas	AYE
Alderman Ford	AYE
Alderman Marble	AYE
Alderman White	AYE
Mayor Tremonte	

THEREFORE BE IT ORDAINED, this the 27TH of OCTOBER, 2011.

City of Byram

By: Nick Tremonte
Nick Tremonte, Mayor

ATTEST: Angela E. Richburg
Angela Richburg, City Clerk