

Chapter 14

HEALTH AND SANITATION

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Article I. In General

Sec. 14-1. City-County Board of Health.

A City-County Board of Health shall be formed, which shall consist of five (5) members. The composition of the Board and its powers shall be governed by State Law for City-County Boards of Health. (Code 1958, 14-21)

Secs. 14-2—14-4. Reserved.

Sec. 14-5. Same—powers.

The Board of Health is given full power to make and enforce all the regulations and ordinances relating to the health and sanitary conditions of the City, not in conflict with the laws of the state, together with full power to enforce the ordinances relating to the handling and removal of garbage and refuse, together with full power to prescribe such regulations governing the placing of garbage and other refuse in containers within the City, and for such purposes each member of the board shall have police powers in enforcing such regulations and ordinances relating to the health and sanitary conditions of the City. (Code 1958, 14-25)

Sec. 14-6. Same—duties and powers of health officer; police assistance.

The health officer, as secretary of the Board of Health shall keep accurate records in a

book provided therefor of the proceedings of all meetings of the board. He shall have full powers of a policeman for the purpose of making an arrest for the violation of the state law, regulations of the state and City boards of health, and ordinances of the City in regard to matters of health. The members of the police department of the City shall assist the health officer and the Board of Health in enforcing all laws, regulations of the state and the City boards of health and ordinances in regard to matters of health within the City and within three (3) miles thereof. He shall keep an accurate record of all communicable diseases reported to him in accordance with the laws of the state and the regulations of the state Board of Health. He shall perform all duties required of him by the laws of the state and the ordinances of the City. (Code 1958, 14-26)

Sec. 14-7. Cleanliness of private premises and abutting streets—maintaining generally.

It shall be unlawful and constitute the maintenance of a nuisance for any owner or occupant of any property or premises to fail to keep such property or premises and one-half ($1/2$) of the street immediately adjacent thereto and the gutter in front of or adjoining his property or premises, clean, open and free from any ashes, swill, offal, wastepapers, cans, glass, broken ware, dirt, rubbish, filth, yard cleanings, garbage, barnyard litter, manure, rank weeds, or any unhealthful or unsanitary material. (Code 1958, 14-2; Ord. 1121, 11/18/63)

Sec. 14-8. Same—unwholesome liquids and refuse matter.

It shall be unlawful and constitute the maintenance of a nuisance for any person to keep or permit the keeping of unwholesome liquids, animal or vegetable matter or refuse matter, in vats, barrels or other vessels, outside for the space of twenty-four (24) hours, or to place any such unwholesome or refuse matter in cesspools, or throw such matter upon the earth, either upon private premises or public streets or other places within the City, which contaminate the atmosphere or endanger the health of persons or which is indecent or offensive to the senses, or interferes with the comfortable enjoyment of life and the happiness of any residents or sojourners in this City. (Code 1958, 14-7)

Sec. 14-9. Throwing refuse in streets.

It shall be unlawful and constitute the creation of a nuisance for any person to throw or empty any, ashes, slops, garbage, boxes, barrels, cans or refuse of any kind in the streets, alleys or avenues of the City. (Code 1958, 26-34)

Sec. 14-9.1. Throwing litter or refuse in stream or water course.

Throwing or placing litter or refuse in a stream, water course, or upon the banks of any stream or water course is prohibited, and it shall be the duty of the owner or occupant of any premises adjacent to a stream or water course on which any stream or water course flows through to keep such stream, water course, or its banks free from all litter and rubbish. Any person violating this section shall be deemed guilty of a misdemeanor. (Ord. 1212, 13/15/71)

Sec. 14-10. Abutting owner to keep sidewalks clean and safe; snow and ice removal by city.

It shall be the duty of the occupant of any premises within the City, or in case the same are unoccupied, then the owner or his agent, to keep the sidewalks adjoining his premises clean and safe for pedestrians, and to repair the same from time to time; and such occupant, or owner or agent shall remove snow, ice, slush, mud and other impediment to safe and convenient foot travel, within twenty-four (24) hours after such snow, ice, slush or other impediment accumulates thereon, and prevent the continuance and accumulation of the same. Accumulations of snow and ice upon sidewalks adjacent to property owned by persons not residing in the City, or by corporations not represented by an officer or agent residing in the City, may be removed under the direction of the City, which shall keep a record of the cost of such removal with a description of the property adjacent to which such snow and ice are removed, and file such report with the City at the end of each month. The City shall each year prepare and present to the City Council, on or before the regular meeting in August, a resolution containing a list of all lots and parcels of land in the City, the sidewalks adjacent to and from which snow and ice have been removed, with the names of the owners thereof, and the cost of removal of the snow and ice. When the resolution is passed by the council and approved by the Mayor, the assessments therein provided shall constitute a lien upon and against such lots and parcels of land. A copy of the resolution shall be, by the City certified to the county treasurer for collection in the same manner as are other taxes. Every person failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor and of committing a nuisance. (Code 1958, 26-5)

Sec. 14-11. Good condition of sewage disposal facilities.

It shall be unlawful and constitute the maintenance of a nuisance for the owner of any premises to fail to maintain and keep in repair at all times all private sewers, water closets, cesspools, privy-vaults and plumbing on the premises owned by him, so as to prevent the same from becoming unwholesome, filthy, foul or offensive to persons or injurious to the health or offensive to the senses of any person, or so as to contaminate the atmosphere. (Code 1958, 14-3)

Sec. 14-12. Cesspools and septic tanks; use limited.

No new cesspool or septic tank shall be dug or built, and no old cesspool or septic tank shall be cleaned out in any sewer or drain district in which there is a City or district sewer. Upon placement of a City or district sewer adjacent to any lot or lots containing a cesspool or septic tank or both, the owner of said lots shall cause said cesspool and septic tank to be removed, or cleaned out and abandoned and connect to the City or district sewer at his own expense. Any person violating this section shall be guilty of a misdemeanor. (Code 1958, 14-5; Ord. 1206, 2/16/71)

Sec. 14-13. Privies.

It shall be unlawful and constitute the maintenance of a nuisance for the owner of any

premises located within the boundaries of any sanitary sewer district to maintain and permit the use of an outside privy or toilet which is not connected to a sewer line. (Code 1958, 14-6)

Sec. 14-13.1. Required connection to public sewer; toilet facilities.

All buildings in which there is public use, human occupancy, or employment located within one hundred fifty (150) feet of a public sewer shall be connected to such public sewer with the following described toilet facilities:

(a) In existing buildings not already supplied and in every building hereafter erected where there is continuous public use, human occupancy or employment, there shall be at least one water closet properly connected with the drainage system.

(b) In dwellings and multiple-family houses there shall be at least one separate closet within each apartment.

(c) For places of assembly there shall be one water closet for every one hundred people or fraction thereof, but not less than one for each sex. (Ord. 1215, 5/17/71)

Sec. 14-13.2. Sewer main extensions.

(a) An application must be submitted to the office of the Public Works Director and approved before a City Sewer Trunk line or a City sewer main may be extended. The application for connection shall be submitted by the City Manager to the City Council with the City Manager's review, recommendations and suggested connection fee. Approval, disapproval, or amendment by the City Council shall constitute final action upon the application.

City sewer mains are normally eight (8) inch or larger in diameter. Sewer trunk lines carry the largest quantity of sewage in the City's system and taps shall be held to an absolute minimum. City sewer mains serve as collection systems for neighborhoods and are tapped for service lines.

The sewer main line will be extended to the far side of the property as designated by the City.

(b) The application for connection shall set forth the location of the proposed line and connection. The capacity of the line and type of pipe shall be set forth. Any engineering studies shall be enumerated and the Public Works Director may request, if he desires, a copy of such study. The Public Works Director may also request that the method and plan of construction be set forth in more detail by way of maps and diagrams. Applicant must submit appropriate plans approved by the Department of Health and Environmental Science.

(c) To be entitled to reimbursement for connections by other applicants to a sewer main installed under the provisions of this section, the applicant must submit an itemized and substantiated summary of the total cost of the sewer main installations. Documentation may include a copy of bills for the project. Applicant may submit suggested reimbursement fees.

(d) Before any person may install a service connection from a sewer main, and if within ten (10) years from the original date of an extension, the applicant shall be required to make a payment on a proportionate basis in accordance with this section. The payment as set forth herein shall be paid to the City for direct reimbursement to the original applicant, and the payment must be made before the new applicant connection permit may be granted. The City's charge for connection to the City's sewer system must also be paid.

(e) Reimbursement under this section shall be determined initially by the Public Works Director using the following criteria:

1. The total potential users of the sewer main extension shall be estimated on the basis of the most probable development of lots adjacent to the sewer main extension, the capacity of the installation, and the capacity of City sewer mains.

Commercial property, industrial property, multi-family property and other property of a similar nature will have reimbursement calculated by a method deemed appropriate by the City considering projected usage and local effect upon the system.

2. The standard method, not to exclude other methods or factors, of estimating the number of total potential users shall be that one potential user will be allotted per fifty (50) feet of lot frontage. The total potential use by the applicant shall be similarly determined and included in the total of potential users.

3. The cost for a sewer service tap from the sewer main extension shall be found by dividing the total cost of the sewer main installation by the total potential users of the sewer main extension.

4. No person shall be reimbursed a greater amount than the total cost of the sewer main installation less that person's total potential use multiplied by the cost per sewer service tap.

5. Review of the reimbursement determination may be made by the City Commission as outlined in part (a) of this section.

(f) For purposes of administering this section, each person, including the person extending the sewer main, shall be charged an additional fee of Fifteen Dollars (\$15.00). (Ord. 1329, 7/19/76; Ord. 1639, 12/89; Ord. 1802, 1/17/95; Ord. 1804, 1/17/95; Ord. 1868, 2/2/98)

Sec. 14-13.3. Wastewater system development fee.

A. Except for city owned buildings and facilities, a wastewater (sewerage) utility development fee shall be charged and shall be paid according to the size of the water service line installed for the development as follows:

Meter Size	System Development Fee
5/8"	\$875.00
3/4"	875.00
1"	1,550.00
1-1/4"	2,425.00
1-1/2"	3,500.00
2"	6,210.00
3"	14,000.00
4"	24,850.00
6"	28,000.00
8"	102,987.00

B. This new wastewater system development fee shall have no impact upon the current practice of charging customers for additional expenses the City incurs in making a new connection into the City's wastewater collection system main. This practice of charging the new customer for these incidental expenses of materials and manpower shall continue.

C. The wastewater development fee must be paid before obtaining a building permit and/or before the water is turned on. All moneys collected through this wastewater system development fee shall be deposited directly into the Livingston Sewer Enterprise Fund's Capital Improvement Account. The account shall only be used for capital improvements of the City's wastewater system. The account shall not be used for replacement nor maintenance of existing lines and/or facilities. (Ord. 1705, 5/4/92; Ord. 1788, 10/17/94; Ord. 1833, 6/17/96)

Sec. 14-14. Burning rubbish which releases obnoxious fumes.

It is unlawful and constitutes the maintenance of a nuisance to burn any rubbish or refuse matter of any kind or nature whatsoever, the burning of which releases obnoxious or disagreeable smoke, fumes or odors. (Code 1958, Sec. 14-12)

Sec. 14-15. Emission of dense smoke or liquid.

It is unlawful and constitutes the maintenance of a nuisance for the owner or occupant of premises to permit the unnecessary emission or distribution into the open air of dense smoke or liquid. (Code 1958, Sec. 14-11)

Sec. 14-16. Nuisance abatement—notice of corrective action; failure to take, trial and punishment.

Whenever any complaint is made to the police department or Board of Health of the creation or maintenance of a nuisance it shall be the duty of the Chief of Police or Health Officer to at once inspect the premises against which such complaint is made, and to instruct the owner, lessee, occupant, manager or agent in charge of the same as to what steps should be taken to abate the nuisance, and to give such owner, lessee, occupant, manager or agent a reasonable time within which to take the necessary steps in his opinion to abate the nuisance. If at the end of such time, or any extension thereof granted by such officer, the nuisance still

continues, such officer shall immediately inspect the premises and if his instructions have not been complied with, he or any other person, may make complaint before the City Judge against the owner, occupant, lessee, manager or agent in charge of such premises, for maintaining a nuisance, and if upon trial it shall be shown to the satisfaction of the court trying the case that any means or method or device ordered for the abatement of such nuisance has not been employed, such nuisance shall be deemed unnecessary, and on conviction, the person found guilty of the same shall be punished as provided in Section 1-8 for each day during which such nuisance shall be allowed to continue. (Code 1958, 14-11)

Sec. 14-17. Same—collection of costs.

Whenever it shall become necessary for the Board of Health, or officers thereof, or the police, under this Code or the laws of the state, to abate any nuisance on any premises within or without the City, all costs, charges and expenses so incurred and expended in so doing shall be borne by, charged against, and recovered from the owner or occupant of the premises on or from which such nuisance exists or emanates. (Code 1958, 14-20)

Sec. 14-18 through 14-39. Reserved.

Article II. Food, Milk and Food Establishments

Sec. 14-40. Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

Meat: The flesh and all edible parts capable of being used for human food and consumption of cattle, calves, sheep, lambs, swine and goats.

Milk: Includes milk, cream, skimmed milk, buttermilk or sour milk. (Code 1958, 14-27; Ord. 1079, 3/6/61)

Sec. 14-41. Inspection of establishments required monthly.

It shall be the duty of the health officer to conduct monthly inspections of all food handling establishments within the City in accordance with State Department of Health regulations. (Code 1958, 14-16)

Sec. 14-42. Meat inspection—state or federal stamps required.

It shall be unlawful for any person to offer for sale, display for sale or sell any meat or meat product which does not bear the official stamp, emblem or legend of either the state livestock sanitary board or the United States department of agriculture, nor shall any meat or meat products be served commercially unless the whole of such portions served was a part of meat or meat products which bore the official stamp, emblem or legend of the state livestock board or of the United States department of agriculture. All of such meat and meat products bearing such official stamp, emblem or legend must have been inspected by veterinarians

authorized to so inspect and place the official stamp, emblem or legend thereon by either the state livestock sanitary board or the United States department of agriculture, and inspected and approved in accordance with their respective rules and regulations and in conformity with the state and federal laws. (Ord. 1079, 3/6/61)

Sec. 14-43. Same—City.

The Board of Health shall inspect all establishments within the City offering for sale, displaying for sale or selling meats or meat products to the public, either wholesale or retail, and places of commercial consumption of meat or meat products, and the personnel of such board designated to make such inspections are hereby authorized and directed, under the authority hereof, to enter and inspect any of the above mentioned places at any time. (Ord. 1079, 3/6/61)

Sec. 14-44. Raw milk.

No raw milk or raw milk products may be sold or delivered within the City. (Ord. 1608)

Sec. 14-45 through 14-69. Reserved.

Article III. Contagious Diseases

Sec. 14-70. Attending physician to report and quarantine severe cases.

Any physician practicing in the City who shall be called to any sick person suffering from or infected by smallpox, measles, German measles, scarlet fever, scarlatina, cerebro spinal meningitis, infantile paralysis, cholera, yellow fever, whooping cough, or any other contagious or infectious disease shall if the disease is of great severity forthwith report the same to the City health officer, in writing, giving the name, age, sex, color, nationality, and describing the address of the place where such sick person may be located so that it may be easily found, together with such other facts as may be deemed necessary to a complete statistical record and the practicing physician may place such person in temporary quarantine. (Code 1958, 14-35)

Sec. 14-71. Reports by owner or occupant.

In the event no physician is called for a person contracting an infectious or contagious disease, the owner or occupant of the premises wherein such sick person is shall, immediately report severe cases to the secretary of the Board of Health. (Code 1958, 14-41)

Sec. 14-72. Investigations, procedure on discovery of disease.

Whenever any contagious or infectious disease is reported to the City Board of Health or when the board has reason to believe or suspect that any severe disease exists within the City, the health officer shall make a thorough investigation if necessary, and if any such disease is found to exist, the health officer shall take steps required by the laws of the state Board of

Health or the ordinances of the City. If on investigation, the health officer is convinced that any of the infectious or contagious diseases exists or has recently existed at any place, he may quarantine such place until it has been fumigated in accordance with the laws of the state, the regulations of the state Board of Health, or the regulations of the City Board of Health. (Code 1958, 15-36)

Sec. 14-73. Health officer to investigate cases reported; exception.

It shall be the duty of the City health officer to visit and examine all persons who may be reported to him as, or whom he may have reason to suppose to be suffering from cholera, yellow fever or smallpox, or severe cases of scarlet fever, typhoid fever, diphtheria, whooping cough, or any other contagious or infectious disease, except that when such report shall be made by a legal, qualified practicing physician it shall be regarded as conclusive. (Code 1958, 14-37)

Sec. 14-74. Quarantine authorized.

Every room, house, place, building or district within the City which maybe declared by the health officer to be infected with smallpox, measles, German measles, scarlet fever, scarlatina, cerebro spinal meningitis, infantile paralysis, cholera, yellow fever, whooping cough or any other contagious or infectious disease may be quarantined for any period of time which the health officer shall deem necessary. (Code 1958, 14-38)

Sec. 14-75 through 14-79. Reserved.

Article IV. Sewers

Division I

Sec. 14-80. Definitions.

1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.
2. "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 (5) feet (1.5 meters) outside the inner face of the building wall.
3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

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

9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

10. "Properly Shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food 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 ($\frac{1}{2}$) inch (1.27 centimeters) in any dimension.

11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

16. "Sewer" shall mean a pipe or conduit for carrying sewage.

17. "Shall" is mandatory; "May" is permissive.

18. "Slug" shall mean 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 fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

19. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

20. "Public Works Director" shall mean the Public Works Director of the City of Livingston, or his authorized deputy, agent, or representative.

21. "Suspended Solids" shall mean 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.

22. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

23. "Hearing Board" shall mean that Board appointed according to provision of Division 8.

Division II

Sec. 14-81. Use of public sewers required.

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 Livingston, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

2. It shall be unlawful to discharge to any natural outlet within the City of Livingston, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of the Ordinance.

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 sewage.

4. 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 or combined 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 Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred fifty (150) feet of the property line.

Division III

Sec. 14-82. Private sewage disposal.

1. Where a public sanitary or combined sewer is not available under the provisions of Division 2, Sec. 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

2. Before commencement of construction of a private sewage disposal system 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 fifteen (15) dollars shall be paid to the City of Livingston at the time the application is filed.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Public Works Director. He shall be allowed to inspect the work at any stage of construction and, in any event, 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 forty-eight (48) hours of the receipt of notice by the Public Works Director.

4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Montana. 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 _____ square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Division 3, Sec. 4, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

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

8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

Division IV

Sec. 14-83. Building sewers and connections.

1. No unauthorized person 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 Public Works Director.

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 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 of fifteen dollars (\$15.00) for a residential or commercial building sewer permit and twenty-five dollars (\$25.00) for an industrial building sewer permit shall be paid to the City at the time the application is filed.

An additional charge for connection to the City's sewer system shall be one hundred fifty dollars (\$150.00) for single-family and commercial connections. Multiple units using a single tap shall be charged an additional fifty dollars (\$50.00) per unit. Industrial connections charges shall be one hundred fifty dollars (\$150.00) plus fifty dollars (\$50.00) for each multiple of an average residential use. The fees must accompany the original application. In addition the user shall be charged for any City time and material in making the connection to City lines. (Ord. 1640, 12/89)

3. All applications for industrial waste permits shall be approved by the City Council after review and recommendation by the Council Health and Sanitation Committee.

4. All costs and expenses 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. The building owner shall maintain at the building owner's sole expense the building sewer or service line from the City main to the building. (Ord. 1786, 9/19/94)

5. 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 building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

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

7. The size, slope, alignment, materials of construction of all sanitary sewers, including building sewers, 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 A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. (Ord. 1375, 10/4/77)

8. 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.

9. No person shall make connection of roof downspouts, exterior 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.

10. 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 A.S.T.M. and the W.P.C.F. 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.

11. 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.

12. 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.

Division V

Sec. 14-84. Use of the public sewers.

1. 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 sewer.

2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Public Works Director, to a storm sewer, combined sewer, or natural outlet.

3. No person 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 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 create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage 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 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.

4. 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 in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F, sixty five (65) degrees C. (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Public Works Director.

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

(e) 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.

(f) 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 of jurisdiction for such discharge to the receiving waters.

(g) 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.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

(1) 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.

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

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

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process 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.

(k) (1) Additional prohibited substances. No substance may be discharged to the sewer system which prohibits or significantly limits the re-use of digested wastewater sludge in compliance with applicable state and federal laws. Substances which are specifically controlled are cadmium, lead, nickel, zinc, chromium and polychlorinated biphenols (PCB's). Other substances which can render sludge unfit for re-use and may have specific limits imposed in the future include, but are not limited to; mercury, silver, aluminum, molybdenum, selenium, arsenic, pesticides, herbicides, and other toxic organic compounds.

(2) Disallowed quantities. Discharge of any substance in quantities large enough to limit sludge application to less than 150 lb. of available nitrogen per acre per year are prohibited.

Discharge of any substance in quantities large enough to limit sludge application to less than fifteen (15) years on any specific field, based on federal regulations for cumulative heavy metal applications are prohibited.

(3) Powers and authority. The Public Works Director or authorized representative shall determine if prohibitive or limiting concentrations of controlled substances exist in the digested wastewater sludge intended for re-use.

The Public Works Director or authorized representative shall investigate potential sources of limiting substances to determine their probable contribution. Sampling, analyses, discharge volumes and judgment shall be used to determine any source's probable contribution.

(4) Required corrective actions. Any source (i.e., individual, business, industry) which the Public Works Director determines to be contributing at least thirty three (33) percent of any measured prohibitive or limiting substance shall be considered a "significant source," and within ninety (90) days, reduce its discharge by seventy-five (75) percent of said limiting or prohibitive substance.

For any source which contributes less than thirty-three (33) percent of any prohibitive or limiting substance, the Public Works Director shall determine, on an individual basis, if reductions in discharges are necessary.

(5) Costs. Any source determined to be a "significant source" shall reimburse the City for all reasonable costs incurred for identification of the source, determining significance of the source and enforcing reduction or elimination of the prohibitive or limiting substance. Reimbursable costs shall be determined by the Public Works Director and may include, costs for sampling, laboratory analyses, engineering fees, legal fees and other reasonable costs which are incurred.

Any "significant source" shall bear all costs for reducing or eliminating its discharge of prohibitive or limiting substances. (Ord. 1550, 5/19/86)

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 Division, and which in the judgment of the Superintendent, 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:

- (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 the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this Division.

If the Public Works 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 Public Works Director, and subject to the requirements of all applicable codes, ordinances, and laws.

6. 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.

7. 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.

8. When required by the Public Works Director, the owner of any property divided 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 accessibly 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.

9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in the 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 suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. 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 twenty-four (24) hour composite of 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-hr. composites of all outfalls whereas pH's are determined from periodic grab samples.)

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

Division VI

Sec. 14-85. Protection from damage.

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

Division VII

Sec. 14-86. Powers and authority of inspectors.

1. 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. The Public Works Director or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

2. While performing the necessary work on private properties referred to in Division 7, Sec. 1 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 as required in Division 5, Sec. 8.

3. 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 legal 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 said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the legal easement pertaining to the private property involved.

Division VIII

Sec. 14-87. Hearing Board.

1. A Hearing Board consisting of the City Council Health Sanitation Committee shall arbitrate any differences between the Public Works Director and sewer users on matters concerning interpretation and execution of the provisions of this Ordinance by the Public Works Director. The decision of the Board shall be final.

2. The Board may consult such professional expertise as it may deem necessary for decision and any consulting fee and expenses shall be divided equally between the City and sewer use applicant.

Division IX

Sec. 14-88. Penalties.

1. Any person found to be violating any provision of this Ordinance except Division 6 shall be served by the City with written notice stating that 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 violation.

2. Any person who shall continue any violation beyond the time limit provided for in Division 9, Sec. 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding five hundred dollars (\$500) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

3. 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.

Division X

Sec. 14-89. Validity.

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of the Ordinance which can be given effect without such invalid part of parts. (Ord. 1362, 8/2/77; Ord. 1375, 10/3/77)

Division XI. Charges

Sec. 14-90. Purpose.

The purpose of this ordinance shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system and for repayment of sewer revenue bonds. The costs shall be distributed to all users of the wastewater system in proportion to each user's contribution to the total loading of the treatment works. Factors such as five (5) day biochemical oxygen demand (BOD), total suspended solids (TSS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

Sec. 14-91. Determining the total annual cost of operation, maintenance, and amortizing of revenue bonds.

The City of Livingston, or its Public Works Director, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance during the service life of the treatment works, for which such works were designed and constructed. The total annual costs of operation and maintenance shall include, but need not be limited to: labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund. The amount of bond retirement shall be consistent with the bond ordinance including coverage required by the bond.

Sec. 14-92. User charge basis.

The City of Livingston or its Public Works Director shall determine the average daily sewer contribution for each residential user by using the water meter readings for the months of January, February, and March as a basis for this average. Another equitable basis shall be

used by the Public Works Director where the above is not representative for a particular user. Commercial or Industrial users' flow will be determined by monthly water meter readings, by actual waste flow measurements, or by a reasonable estimate of use set by the Public Works Director.

Sec. 14-93. Industrial user rate adjustment.

The City of Livingston or its Public Works Director will determine the average biochemical oxygen demand (BOD) and total suspended solids (TSS) daily loadings for the total residential and equivalent residential users. This will be determined by using the concentration in mg/l of 5-day biological oxygen demand (BOD) and total suspended solids (TSS) as discharged to the waste treatment plant. The resultant values shall be considered average residential waste strength for BOD and TSS. If sufficient data for making this calculation is unavailable the normal residential waste strength will be calculated at 200 mg/l BOD and 250 mg/l TSS.

The City of Livingston or its Public Works Director will adjust the base rate for all industrial class users discharging wastes with BOD and TSS strengths are different than the average residential user. An adjustment factor may also be applied to users whose peak hourly discharge of flow, BOD or TSS exceeds the twenty-four (24) hour average daily discharge by more than five (5) to one (1).

Sec. 14-94. Payment of the user's wastewater service charge and penalties.

The charges for sewage services will be billed monthly based upon one-twelfth ($\frac{1}{12}$) of the annual charge and are due within ten (10) days of billing. If the bill is not paid within ten (10) days of the date of billing and after written notice to the customer, or if the customer fails to comply with all rules and regulations established for the system within thirty (30) days after notice of violation thereof, the service to the premises involved may be discontinued. Service shall not be resumed until payment of all past due bills for sewerage service and compliance with all such rules and regulations.

The City shall take appropriate legal action to collect the unpaid charges, including, to the extent now or hereafter authorized by law, making the charge a lien against the real property served by the sewage connection for which the charge remains unpaid and causing charges with respect to such properties to be collected in the same manner as taxes levied against property within the City. (Ord. 1510, 1/17/83)

Sec. 14-95. Review of each user's wastewater service charge.

The City shall review the total annual cost of operation and maintenance as well as each user's wastewater contribution percentage on an annual basis and will revise the system as needed to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. If a significant user, such as an industry, has completed in-plant modifications which change that user's wastewater contribution percentage, the user can present at a regularly

scheduled meeting of the governing body such factual information and the City shall then determine if the user's wastewater contribution percentage is to be changed. The City shall notify the user of its findings within a reasonable period of time.

The rates for sewage services shall be set by resolution after notice and hearing required by State law. The rates set shall be charged accordingly, after approval, by the Public Service Commission. Bills shall be rendered and shall be delinquent according to sewage regulations. (Ord. 1681, 11/7/90)

Sec. 14-96. Non-residential monitoring.

(a) Access. If not available on City property, each nonresidential user shall provide a point of access to its wastewater flow stream suitable for metering and sampling. Users shall allow access by City personnel for the purpose of sampling and monitoring the waste flow.

(b) Self monitoring and reporting. Industrial users shall be responsible for not less than two (2) twenty-four (24) hour composite samples and two (2) twenty-four (24) hour flow measurements in a one (1) year period. Flows and sampling are to be conducted during typical operations. Additional monitoring will be conducted if City monitoring results are significantly different than the self-monitoring results.

Industrial users shall provide semi-annual reports to the City containing self-monitoring results for those pollutants so designated by the City and results of daily average and peak flows.

(c) Accidental discharge. Non-residential users shall immediately notify the City of any accidental discharge and follow such notification with a report on the nature of the discharge and the precautions taken to prevent further occurrences.

City may require nonresidential users to provide an emergency facility to prevent accidental discharges to the sewage collection system.

(d) Wastewater monitoring fees. The City may set reasonable charges to be set by the Public Works Director for all nonresidential monitoring and testing. Such charge shall include all City labor and material costs, both direct and indirect, the cost of any chemical analysis, and any other expenses received by the City in relation to monitoring. (Ord. 1500, 5/17/82)

Sec. 14-97. Rate schedule.

The base rate shall be 37 cents per 1000 gal/month of wastewater flow.

The average monthly wastewater flow will be based on average water meter readings for the three (3) months of January, February and March for all residential users. For nonresidential users or other users, such as seasonal users, the rates will be based on monthly water meter readings or actual wastewater flow measurements or by a reasonable estimate of use by the Public Works Director.

Residential, commercial and business shall pay the base rate as provided. Designated nonresidential users shall pay the base rate of 37 cents per 1000 gallons of wastewater flow and as adjusted for BOD, TSS and peak discharge rate.

Industrial adjustments are as follows:

$$\text{BOD adjustment factor} = 1 + \frac{\text{BOD mg/l} - 200}{200 \times .35}$$

$$\text{TSS adjustment factor} = 1 + \frac{\text{TSS mg/l} - 250}{250 \times .25}$$

A surcharge may also be applied to a peak hourly discharge of flow, BOD or TSS exceeding three (3) times the twenty-four (24) hour average discharge of that parameter.

Peak Surcharge Factor =

$$1 + \text{Peak Hour} - \frac{(5 \times \text{average discharge})}{5 \times \text{average discharge}}$$

The adjustment factors are multiplied by the base industrial rate to arrive at the final Industrial User Charge. The BOD and TSS adjustments may only be used for an increase or decrease to the base rate; however, the peak surcharge factor would only be used for an increase to the base rate. Also, the 200 mg/l BOD and 250 mg/l TSS may be replaced with observed values of average residential values for BOD and TSS.

Sec. 14-98. Notification.

Each user will be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to wastewater treatment services. (Ord. 1420, 11/6/78; Ord. 4/16/79)