

CHAPTER THREE - Utilities

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ARTICLE 921
Sewer Regulations

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CROSS REFERENCES

- Power to regulate utility systems - see W. Va. Code 8-12-5(32)
- Sewer connections - see W. Va. Code 8-18-22
- Street excavations - see S.U. & P.S. Art. 907
- Connection fee - see S.U. & P.S. 925.03
- Subdivision Regulation Standards - see P. & Z. Art. 1323
- Utility Board - see ADM. Art. 169

921.01 DEFINITIONS.

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

- (a) "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- (b) "Board" means the duly constituted Utility Board of the City of Morgantown, West Virginia.
- (c) "BOD" or "biochemical oxygen demand" means the quantity of oxygen expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedures of five days at twenty degrees Centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (d) "Building drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste or other drainage pipes inside the walls of the building and conveys it to the customer's service line and/or to the lateral sewer.
- (e) "City" means the City of Morgantown, West Virginia.
- (f) "Customer" means the party, whether owner or tenant, utilizing sewer service furnished by the City to a property.
- (g) "Customer service line" means the extension from the building drain of any structure to the lateral of a sanitary sewer controlled by the City.
- (h) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
- (i) "Improved property" means any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes are or may be discharged.
- (j) "Industrial waste" means any solid, liquid or gaseous substance or form of energy rejected or escaping in the course of any industrial manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.
- (k) "Lateral" means that part of the sewer system extending from a sewer located in the street, to the property line, or if no such lateral is provided, then "lateral" means that portion of, or place in, a sewer which is provided for connection of any customer service line.
- (l) "General Manager" means the person designated by the Board to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.
- (m) "Natural outlet" means any outlet, including storm sewers and combined sewers, which overflows into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (n) "Owner" means any person vested with ownership, legal or equitable, sole or partial, in any real property.

- (o) "Person" means any individual, firm, company, association, society, corporation, partnership or group.
- (p) "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (q) "Right of way" or "easement" means an acquired legal right for the specific use of land owned by others.
- (r) "Sanitary sewage" means normal water-carried household and toilet wastes from any improved property. The preferred term is "wastewater".
- (s) "Sanitary sewer" means a sewer controlled by the City that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.
- (t) "Sewer" means any pipe or conduit that carries wastewater, domestic drainage, sanitary wastes or industrial wastes.
- (u) "Sewer system" means all wastewater facilities, owned by the City, for collecting, pumping, treating and disposing of sanitary sewage or industrial wastes.
- (v) "Significant industrial user" means any industrial user of the City's wastewater disposal system who:
- (1) Has a discharge flow of 2,500 gallons or more per average workday, or
 - (2) Has a flow greater than five percent (5%) of the flow in the City's wastewater treatment system, or
 - (3) Has in his waste toxic pollutants as defined pursuant to Section 307 of the Act or State statutes and rules or
 - (4) Is found by this City, State Control Agency or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.
- (w) "Single-family dwelling" means any room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by persons living alone.
- (x) "Slug" means any discharge of wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes and is more than five times the average twenty-four hour concentration of flows during normal operation and adversely affects the collection system and/or performance of the wastewater treatment works.
- (y) "Total suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids and which is removable by laboratory filters.
- (z) "Wastewater facilities" means the structures, equipment and processes required to collect, carry and treat domestic and industrial wastes and to dispose of the effluent.
- (Ord. 92-35. Passed 9-1-92.)

921.02 GENERAL.

(a) This article has been enacted in compliance with requirements of the United States Environmental Protection Agency (EPA) and the West Virginia Department of Natural Resources (DNR) and is supplemented by the Industrial Waste Article.

(b) In accordance with EPA requirements this article shall be reviewed no less often than every two years. Particular items to be included in the review include the wastewater contribution of customers and customer classes and the total cost of operation and maintenance of the wastewater facilities. As a result of the review the Board with the approval of Council shall revise the effective rates and charges to accomplish the following:

- (1) Maintain the proportionate distribution of operation and maintenance costs among customers and customer classes; and
- (2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance, including replacement, of the wastewater facilities.

(c) The Board shall provide in its business office, where it may be available to the public, a copy of the applicable rates and rules and regulations in accordance with the applicable rules and regulations of the Public Service Commission of West Virginia.

(Ord. 11-16-82; Ord. 92-35. Passed 9-1-92.)

921.03 USE OF PUBLIC SEWERS REQUIRED.

(a) Being necessary and essential for the health and welfare of the inhabitants and residents of the City, all owners, tenants or occupants of any houses, dwellings and buildings located near sanitary sewers of the City, where sewage will flow by gravity, from such places into such sewers, are hereby required to connect with and use such sewers and other related works for the collection and disposal of all sewage and waste matter from such places.

(b) No person shall place, deposit or permit to be deposited in any unsanitary manner 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 objectionable waste. No person shall discharge to any natural outlet or stream within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article, as well as with applicable regulations of the U. S. Environmental Protection Agency, the West Virginia Department of Natural Resources and the West Virginia Department of Health.
(Ord. 11-16-82.)

(c) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, sinkhole, septic hole, holding tank, cesspool or other facility intended for wastewater disposal or storage on any property which is presently served by a sanitary sewer of the City.

(d) The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City are hereby required at the owner's expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper sanitary sewer in accordance with the provisions of this article. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be conducted into the sanitary sewer, subject to such limitations and restrictions as are established herein or otherwise shall be established by the Board from time to time.

(e) Every privy vault, cesspool, sinkhole, septic tank, holding tank or similar receptacle in existence shall be abandoned and, at the discretion of the Board, shall be cleansed and filled at the expense of the owner, and any such receptacle not so abandoned and/or cleansed and filled, shall constitute a public nuisance and such nuisance may be abated as provided by law.

(f) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, introduce foreign objects into or tamper with any structure, appurtenance or equipment which is owned or operated by the Board. Whoever violates this provision shall be subject to immediate arrest under charge of disorderly conduct.
(Ord. 92-35. Passed 9-1-92.)

921.04 WRITTEN APPLICATION FOR SERVICE.

(a) A written application for a sewer connection permit shall be made to the Board, on official forms provided by the Board, by all contracted customers who are required by this article to connect to the sewer system, or who desire to connect their properties to the sewer system. The application shall be completed and shall describe the location of the desired sewer connection, and the size, location and usage of the structure for which the sewer connection is requested. Each application for connection shall be entertained only for improved properties and for properties on which bona-fide construction has begun for a structure requiring sewer service.
(Ord. 92-35. Passed 9-1-92.)

(b) Upon the receipt of a properly prepared application for connection to the sewer system, together with the required fees, the Board shall issue a sewer connection permit to the owner of the property, or to his authorized representative. Neither the owner nor any subsequent owner or tenant shall allow any other property to be attached to or connected with the sewer lines authorized under the original permit.
(Ord. 11-16-82.)

(c) There shall be two classes of sewer service permits:

- (1) For residential and commercial service,
- (2) For service to establishments producing industrial waste.

In either case, the owner or his agent shall make application on a special form furnished by the Board. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Board or its Manager.

(d) In cases where the Board will transport and treat wastes of users located outside the City's political jurisdiction, except for users that are direct customers of the City, a written agreement between the City and the political jurisdiction in which such users are located, if there is one, shall be required as a prerequisite for obtaining a sewer connection permit. Such agreement shall provide that the outlying political jurisdiction institutes a system of user charges acceptable to the U.S. Environmental Protection Agency, the West Virginia Department of Natural Resources and the West Virginia Public Service Commission. (Ord. 92-35. Passed 9-1-92.)

921.05 CUSTOMER SERVICE LINES.

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

(b) All costs and expenses incidental to the installation, connection and maintenance of the customer service line shall be borne by the owner. The owner shall indemnify the Board and the City from any loss or damage that may directly or indirectly be occasioned by the installation of the customer service line.

(c) A separate and independent customer service line shall be provided for every building served. Buildings comprised of multiple townhome style living units shall be served by a separate and independent customer service line for each townhome living unit where such units are to be individually owned; such buildings which are owned by a single owner for the purpose of renting the townhome living units contained within, may be served with a single customer service line which may be common to all such living units within the building, except that any building so served may not be subdivided for individual ownership of the living units contained within. Buildings comprised of multiple apartment style living units may be served by a single customer service line which may be common to all such living units within the buildings; where such living units are to be individually owned, the single customer service line shall be owned and maintained as common property of such owners as administered by their Homeowner's Association. Old building sewers may be used in connection with new customers' service lines only when they are found, on examination by the Board, to meet all requirements of this article.

(d) The slope, alignment and materials of construction of a customer service line 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 sewer service line regulations used by the Board. All customer service lines shall be a minimum of four inches in diameter and shall be of cast-iron pipe with O-ring rubber joints or polyvinyl chloride (PVC) sewer pipe meeting ASTM Spec. 3034. Adequate soil cover to protect the service line from crushing or frost actions is required.

(e) The customer service line shall be connected to a sewer at the place designated by the Board and in a manner conforming to the sewer service line regulations. The invert of a customer service line at the point of connection shall be at the same or higher elevation than the invert of the lateral provided by the Board.

(f) No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a customer service line or lateral sewer which in turn is connected directly or indirectly to a sanitary sewer. *

(g) The applicant for the sewer service permit shall notify the Board when the customer service line is ready for inspection. When the customer service line has been installed, inspected and approved prior to the installation of the Board's lateral, the connection of the customer service line to the lateral shall be made by the Board. When the Board's lateral has been installed prior to installation of the customer service line, the connection of the customer service line to the lateral shall be made by the customer subject to the Board's inspection. Inspection and testing of the customer service line shall be made by the Board.

(h) Except as otherwise provided in this article, each improved property shall be connected separately and independently with a lateral through an independent customer service line. Grouping of more than one improved property on one customer service line shall not be permitted except under special circumstances and for good sanitary reasons or other good causes shown and then only after special permission of the Board; provided, however, a single customer service line may be permitted to serve a school, mobile home park, apartment house or other permanent multiple unit property, provided that such multiple unit property is owned by a single owner and is occupied on a rental basis.

(i) Where an improved property, at the time connection to a public sewer is required, shall be served by its own sewage disposal system or device, the existing sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such sewer line as a customer service line. The Board may, at its discretion, permit the utilization of an existing sewer line as a customer service line provided an inspection discloses that it is reasonably true to grade and alignment and in good condition. In case of an existing sewer line utilizing a type of sewer pipe not specified herein, the Manager shall have the right to require the owner to uncover the full extent of the pipe to determine its condition and may require its replacement with approved pipe as outlined herein if the inspection discloses such pipe to be deteriorated in any manner. The cost of replacing the pipe where necessary shall be the sole responsibility of the owner thereof.

(j) No customer service line shall be covered until it has been inspected and approved by the Manager or his representative. Every customer service line shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

(Ord. 92-35. Passed 9-1-92.)

921.06 SEWER USER CHARGES.

(a) Rates. Sewer user charges or rates are imposed upon and shall be collected from the contracting customer of each improved property which is connected with the sanitary sewer system, for use of the sewer system, whether such use is direct or indirect. The sewer user charges shall commence and shall be effective as of the date of connection of each such improved property to the sewer system, and shall be payable as provided herein, in accordance with the rate ordinance as adopted by Council.

(b) Surcharge for High Strength Users. Users discharging any water or wastes with a BOD and/or TSS in excess of 300 mg/l BOD (2.5 pounds per 1,000 gallons) and 300 mg/l TSS (2.5 pounds per 1,000 gallons) shall be charged for waste or wastewater contributions in excess of these amounts in addition to the base sewer user charges. Additional charges (C) shall be determined by the following formula:

$$Cs = Bc(B) + Sc(S) + Pc(P) Vu$$

where

- B = Concentration of BOD from a user above a base level (300 mg/l)
- Bc = O & M (operation and maintenance) cost for treatment of a unit of biochemical oxygen demand (BOD)
- S = Concentration of suspended solids from a user above a base level (300 mg/l)
- Sc = O & M cost for treatment of a unit of suspended solids
- P = Concentration of any pollutant from a user above a base level.
- Pc = O & M cost for treatment of a unit of any pollutant
- Vu = Volume contribution from a user per unit of time

(Ord. 92-35. Passed 9-1-92.)

(c) The Board shall review user charges annually and revise them periodically to reflect actual treatment works operation and maintenance costs.
(Ord. 11-16-82.)

921.07 DEPOSITS FROM CUSTOMERS.

The Board may require the applicant (or customer) to make a deposit as a guarantee of the payment for sewer service. Such deposit shall be in accordance with the applicable rules and regulations of the Public Service Commission of West Virginia.

(Ord. 92-35. Passed 9-1-92.)

921.08 TIME AND METHOD OF PAYMENT.

(a) All bills for sewer user charges shall be rendered in accordance with the applicable rules and regulations of the Public Service Commission of West Virginia.

(b) Owners of improved properties which are first connected to the sewer system during any billing period shall pay a prorated user charge for service for the balance of the billing period in which the connection is made.

(c) Sewer user charges shall be due and payable upon the applicable billing date as provided for herein and the appropriate amount computed shall constitute the net bill. If sewer user charges are not paid within twenty calendar days after each billing date, three percent (3%) of such charge shall be added to the net bill; which net bill, plus such additional charge, shall constitute the gross bill. This delayed payment penalty is not interest but is a penalty for late payment and is only to be collected once for each bill where it is appropriate. Payments personally made or mailed and received on or before the last day of such twenty calendar-day period shall constitute payment within such period. If the end of such twenty calendar-day period falls on a national holiday or on a Sunday, payment made on or mailed and received on the next succeeding weekday which is not a holiday shall constitute payment within such period. Any bill not paid within such twenty calendar-day period shall be deemed delinquent.

(d) Every contracted customer which is connected to the sewer system shall provide the Board with and thereafter shall keep the Board advised of his or her correct address. Failure of any person to receive bills for sewer user charges shall not be considered an excuse for nonpayment nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

(Ord. 92-35. Passed 9-1-92.)

921.09 CONNECTION PERMIT FEES.

(a) No person shall connect any property with any part of the sewer system without first making application for and securing a permit, in writing, from the Board, as provided for herein. Such application shall be made on a form to be provided by the Board.

(b) For all those applications for sewer service permits filed with the Board, a sewer connection charge in the amount and according to the terms established in the then existing rate ordinance shall be due and payable on the day that application is made. Such sewer connection charge shall be paid upon application and no such connection shall be made until the charge has been deposited with the Board. The sewer connection charge shall be paid whether or not such connection to the sewer system is made on a voluntary or compulsory basis.

(Ord. 11-16-82.)

921.10 LIENS AND PENALTIES FOR NONPAYMENT.

(a) Sewer user charges or other charges imposed by this article shall be a lien on the improved property connected to and served by the sewer system; and any such sewer user charges or other charges which are delinquent for a period of sixty days shall be filed as a lien against the improved property and premises so connected to and served by the sewer system, which lien may be filed in the office of the Clerk of the County Commission of Monongalia County, West Virginia, and shall be collected in the same manner now provided by law for the enforcement of tax liens on real property. Such liens shall be of equal dignity, rank and priority with a lien on such premises for state, county, school and municipal taxes.

(b) At the discretion of the Board, it may request that the water service to any improved property may be shut off for nonpayment of sewer user charges if the bill for sewer user charges is delinquent. Water service shall be shut off in accordance with the applicable rules and regulations of the Public Service Commission of West Virginia governing water utilities.
(Ord. 92-35. Passed 9-1-92.)

921.11 ACCESS TO PROPERTIES.

(a) The Board and its Manager shall have the right of access at reasonable times to any part of any improved property served by the sewer system as shall be required for purposes of maintenance, inspection, measurement, sampling and testing and for the performance of other functions relating to service rendered by the Board through the sewer system.

(b) Every employee of the Board whose duties require him to enter the premises of a customer will carry on his person identification as an employee or representative of the Board.
(Ord. 11-16-82.)

(c) The Board and other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system as defined herein and in the Industrial Waste Ordinance.
(Ord. 92-35. Passed 9-1-92.)

(d) The Manager or other duly authorized employees of the Board bearing proper identification shall be permitted to enter all private properties through which the Board holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within such easement. All entry and subsequent work shall be done in full accordance with the terms of the easement pertaining to the private property involved.
(Ord. 11-16-82.)

921.12 DETRIMENTAL WASTES.

(a) No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sewer.

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

- (1) Any gasoline, benzene, naphtha, fuel oil, motor oil or other flammable or explosive liquid, solid or gas.
- (2) Any water or waste with a BOD in excess of 300 milligrams per liter, except as provided for herein.
- (3) Any water or waste containing suspended solids in excess of 300 milligrams per liter, except as provided for herein.
- (4) Any water containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant effluent.
(Ord. 11-16-82.)
- (5) Any water or waste having a pH lower than 6.5 or greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater works or the public sewers.
(Ord. 92-35. Passed 9-1-92.)
- (6) Any 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 in the wastewater facilities such as, but not limited to, gravel, ashes, bones, red dog, sand, mud, coal, 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.

(c) The following described substances, materials, waters or wastes shall be limited in discharges to the sewer system, to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger life, limb, public property or constitute a nuisance. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sewer system which shall not be exceeded by any person without approval of the Manager are as follows:

- (1) Wastewater having a temperature higher than forty degrees Centigrade.
- (2) Wastewater containing more than twenty-five milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
- (3) Wastewater containing floatable oils, fat, or grease in excess of 500 milligrams per liter.
- (4) Any garbage that has not been properly shredded with no particle greater than one-half inch in any dimension. Garbage grinders may be connected to sanitary sewers only from homes, hotels, institutions, restaurants, hospitals or similar places where garbage originates from the preparation of food in on-site kitchens for the purpose of consumption on the premises.
- (5) Any water or waste containing iron, chromium, copper, zinc, mercury and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceed the limits established by the Manager for such materials.
- (6) Any water or waste containing color-producing or odor-producing substances exceeding limits which may be established by the Manager.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable State or Federal regulations.
- (8) Quantities of flow, concentrations or both which constitute a "slug" as defined herein.
- (9) Water or waste containing substances such as synthetic detergents which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

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

(Ord. 11-16-82.)

921.13 ADMISSION OF INDUSTRIAL WASTES.

(a) No person shall discharge or cause to be discharged into the sewer system any industrial waste except upon written application to the Board and upon receipt of an industrial waste discharge permit. An industrial waste discharge permit shall be in addition to any other permit required for connection to the sewer system. Fees for the industrial waste discharge permit are as outlined in the Industrial Waste Ordinance.

(b) Any person desiring to make or use a connection to the sewer system through which industrial wastes will be discharged into the sewer system shall file with the Board an industrial waste questionnaire, to be furnished by the Board, which shall supply pertinent data, including estimated quantity, flow characteristics and constituents, with respect to industrial wastes.

(c) Any person who discharges industrial wastes into the sewer system, when required by the Board and in accordance with the Industrial Waste Ordinance, shall construct and thereafter properly maintain at his own expense, a suitable and accessible control manhole and other devices as may be approved by the Manager to facilitate observation, accurate measurement and sampling by the Board of industrial waste discharges.
(Ord. 92-35. Passed 9-1-92.)

(d) Any improved property discharging industrial wastes into the sewer system and contemplating a change in the method of operation which will alter the characteristics and/or volumes of wastes at the time being discharged into the sewer system shall notify the Board, in writing, at least sixty days prior to consummation of such change. The Board reserves the right to require improved properties having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the sewer system.
(Ord. 11-16-82.)

(e) The Board reserves the right to impose surcharges on sewer user charges and/or impose other requirements in connection with any high strength or industrial waste discharged into the sewer system by agreement with the owner of the improved property, in accordance with the methods described in this article and as delineated in the Industrial Waste Ordinance, or by modification or alterations to this article or the Industrial Waste Ordinance, as may be acceptable, to the West Virginia Department of Natural Resources and the United States Environmental Protection Agency, and/or require the pretreatment of such industrial waste at the expense of such owner.
(Ord. 92-35. Passed 9-1-92.)

921.14 CHANGE OF CUSTOMER.

Each contracted customer shall give written notice to the Board upon any change in occupancy of any improved property. The contracted customer shall be liable for any sewer user charges that may accrue prior to the notice of vacation of premises.

(Ord. 92-35. Passed 9-1-92.)

921.15 DISCONTINUANCE OF SERVICE.

(EDITOR'S NOTE: Former Section 921.15 was repealed by Ordinance 92-35, passed September 1, 1992.)

921.16 REFUND AGREEMENTS.

(EDITOR'S NOTE: Former Section 921.16 was repealed by Ordinance 92-35, passed September 1, 1992.)

921.17 SEWERS TO BE INSTALLED BEFORE STREETS ARE PAVED.

Before any street, alley or public way within the City shall be paved, main, branch and lateral sewers with connections to the property lines of the street, shall be laid out and installed and in the construction of such sewer systems, separate systems shall be provided for sanitary and for surface drainage. (1967 Code Sec. 26-1.)

921.18 SANITARY AND SURFACE DRAINAGE SEWERS REQUIRED.

Where there are both sanitary and surface drainage systems, whether heretofore or hereafter laid in any street, the owner or occupant of abutting property requiring drainage shall put in and maintain both sanitary and surface drainage sewers connecting the same with like sewers in the street, except that the City Manager may, upon receipt of a written request, waive the requirement that the surface drains be connected to the surface drain system in the street if an adequate alternate method of disposing of the storm drainage on the property is available; and any person failing or refusing to comply with this provision after thirty days' notice from either the Board or City Engineer, shall be subject to disconnection and discontinuance of his improper sewer connection and shall also be liable to the penalty provided for a violation of the City Code. (Ord. 92-35. Passed 9-1-92.)

921.19 EXCAVATIONS IN STREETS BY OWNERS OF ABUTTING PROPERTY.

The owner of any property abutting upon any public street, alley, public way or sidewalk shall have the right to dig into, open or excavate the same for the purpose of making connections to utility or public service lines, for repairs and maintenance or for other purposes necessary or proper to the use and enjoyment of his property abutting upon any such public street, alley, public way or sidewalk.

Before making any such opening or excavation such owner shall apply in writing to the City Engineer for a permit to do and accomplish such work. Such application shall describe the location of the work, the name and address of the applicant, the purpose thereof, the time when the work is to be done, and such other information as the City Engineer may require in such application.

Upon approval of such application, the City Engineer shall issue a written permit for such work, which permit shall contain the name and address of the permittee, the location of the work, the purpose or nature thereof and the time when such work is to be accomplished, as well as such information or limitations as the City Engineer shall deem proper concerning such work.

After the issuance of such permit in accomplishing such work the owner or permittee shall take such measures as may be necessary to safeguard the lives and property of the traveling public both vehicular and pedestrian during the time such work is being performed.

Upon the completion of such opening or excavation the owner at his own expense shall replace the surface of such public street, alley, public way or sidewalk in as good or better condition as the same existed prior to such opening and excavation and in making such replacement shall comply with the specifications and requirements of the City with regard thereto. Such specifications and requirements of the City shall be as fixed by this Code or by proper ordinances of the City and such other rules and regulations as the City Engineer may from time to time require.

In the event that the owner during the course of making such openings and excavations shall fail to properly provide for the safety of the lives and property of the traveling public or shall fail to properly replace the surface of any public street, alley, public way or sidewalk, then the City Engineer in his discretion may cause the same to be done by the City or its agents, employees or contractors, and upon the completion thereof the full amount expended by the City shall be promptly paid to the Finance Director by such owner. In the event such owner shall fail to pay such sum within ten days from the date of the completion of such work then the Finance Director shall cause a lien to be filed in the office of the Clerk of the County Court in the proper deed of trust book and such sum from the date of filing shall become a lien upon the property of the owner for the benefit of which such work was accomplished by the City.

(1967 Code Sec. 26-7.)

921.20 COST OF FULL-TIME INSPECTOR.

In the event that, in the discretion of the City Engineer, it is necessary that the City maintain an inspector in constant attendance upon any work performed under the provisions of Section 921.19, then the applicant shall be responsible for, and shall reimburse the City its full and total costs of such inspector during the time that he is actually engaged upon such project in such inspection, including the salary or wages of such inspector, retirement fund benefits, social security benefits, workers' compensation, all costs of transportation incurred, and the reimbursement for any City equipment used by such inspector in and about such project. If more than one inspector shall be necessary upon such project, like payments shall be made for any such additional inspectors.

(1967 Code Sec. 26-8.)

921.99 PENALTY.

Whoever violates any provision of this article concerning the sewer system shall be fined not more than fifty dollars (\$50.00). Each day that a violation continues shall be deemed a separate offense and shall be punishable as such. Fines and costs imposed under the provisions of this section shall be enforceable and recoverable in the manner provided by applicable law.

(Ord. 11-16-82.)

