

ARTICLE 921
Sewer Use Requirements

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CROSS REFERENCES

Fats, Oils and Grease (FOG) Pretreatment - see S.U. & P.S. Art. 922

Sanitary Sewer Industrial Use Regulations - see S.U. & P.S. Art. 925

921.01 GENERAL PROVISIONS.

(a) **Purpose and Policy.**

(1) This article sets forth the uniform requirements for the use of the Publicly Owned Treatment Works (POTW), a municipal wastewater collection and treatment system, operated by the Parkersburg Utility Board for the City of Parkersburg. This article enables the City and the POTW to comply with all applicable Federal and State laws required by the Clean Water Act of 1977 (P.L. 95-217); WV Code, Chapters 20 and 22; 40 CFR 403; 40 CFR 503; WV Legislative Rules, Titles 46 and 47.), as amended.

(2) The objectives of this article are:

A. To prevent the unlawful discharge of untreated pollution into the environment.
B. To describe the terms and purpose of the use of the POTW.
C. To protect the City, POTW personnel, and the general Public from undue exposure to nuisance, toxic or hazardous discharges into the POTW, to protect and maintain the water quality of local receiving streams, to comply with Federal, State, and Local water quality standards, and enable the City and the POTW to comply with the requirements of its NPDES permit;

D. To provide for the equitable distribution of the cost of operating the municipal wastewater system among the Users of the system.

(3) This article provides for the regulation of all "Users" of the POTW.

(4) This article shall apply to Users of the City's POTW and sewer system. Except as otherwise provided herein, the Manager of the Parkersburg Utility Board shall administer, implement and enforce the provisions of this article.

(5) This article authorizes permitting, monitoring, compliance and enforcement activities, assumes that existing customer's capacity will not be preempted.

(6) The words "City", "Utility Board", or "Board" as used herein shall be construed to empower either such entity to act in a manner consistent with the provisions of general law or any Ordinances, rules or regulations adopted by the City or the Board.

(b) **Abbreviations.** The following abbreviations shall have the designated meanings:

- (1) CFR – Code of Federal Regulations
- (2) CWA – Clean Water Act
- (3) DEP/ WVDEP – West Virginia Department of Environmental Protection
- (4) EPA/ USEPA – United States Environmental Protection Agency
- (5) NPDES – National Pollution Discharge Elimination System
- (6) POTW – Publicly Owned Treatment Works
- (7) PSC/WVPSC – West Virginia Public Service Commission
- (8) PUB - Parkersburg Utility Board
- (9) SIU – Significant Industrial User

(c) **Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used herein shall be as follows:

(1) Act or "the Act": The Federal Water Pollution Control Act, also known as the Clean Water Act, (CWA), as amended, 33 U.S.C. 1251, et. seq.

(2) Approval Authority: The Director of the West Virginia Division of Environmental Protection (WV-DEP).

- (3) Board: The Utility Board - of the City of Parkersburg.
- (4) Building drain: That part of the lowest 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 customer service line.
- (5) City: The City of Parkersburg, Wood County, West Virginia, a municipal corporation incorporated under the laws of the State, or the City Council of Parkersburg.
- (6) Combined sewer: A sewer receiving, by intent, both surface runoff and sewage.
- (7) Control Authority: The Parkersburg Utility Board.
- (8) Customer: an individual, person, tenant, property owner, corporation, partnership, association or group utilizing POTW services furnished by the Board to a property.
- (9) Customer service line: The extension from the building drain of any structure to the lateral of a sanitary sewer controlled by the Parkersburg Utility Board.
- (10) Director: chief administrative officer of the West Virginia Department of Environmental Protection.
- (11) Domestic user: a "customer" of the POTW permitted to discharge, directly into the POTW system, untreated, domestically generated wastewater.
- (12) Domestic (domestically generated) wastewater or sewage: sanitary sewage or wastewater discharge from households, residential, or improved properties having pollutant characteristics typical of normal toilet waste and ordinary domestic or residential use of water.
- (13) Environmental Protection Agency, USEPA, or EPA: The U. S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of the agency.
- (14) Existing Source: Any source of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (15) Garbage: Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- (16) Governing body: The Mayor and Council, together, who are charged with the responsibility of enacting ordinances and determining the public policy for the City.
- (17) Improved property: 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 (domestic) sewage and/or industrial wastes are or may be discharged.
- (18) Industrial waste: Any garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows.
- (19) Lateral: That part of the sewer system extending from a main sewer located in the street to the property line; or, to the edge of a sewer right-of-way in which the main sewer is located. If no such lateral shall be provided, then "Lateral" shall mean that portion of, or place in, a main sewer which is provided for connection of any customer service line.
- (20) Manager - Utility Board: The person designated by the Utility Board to supervise the operation of the POTW, and who is charged with certain duties and responsibilities, acting in behalf of the Board, as the chief administrative officer of the POTW system, or his duly authorized representative.
- (21) National Pollution Discharge Elimination System or NPDES Permit: A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (22) Natural outlet: Any outlet, including storm sewers and combined sewers, which flows into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- (23) Non-domestic wastewater: sanitary sewage or wastewater discharge, discharged from any

source, which has characteristics in flow or composition, or has pollutant content different from that which results from the typical, normal, or ordinary domestic use of water.

(24) Non-domestic User: a "customer" of the POTW permitted to discharge into the POTW system, either directly or indirectly, non-domestic wastewater.

(25) "Owner": Any person, corporation, partnership or association vested with ownership, legal or equitable, sole or partial, in any real property.

(26) Person: Any individual, User, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. Where indicated by the context, the masculine gender shall include the feminine; the singular shall include the plural.

(27) pH: The logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution and written as Standard Units (S.U.).

(28) Publicly Owned Treatment Works (POTW): A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers, devices, or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes, and any conveyances which convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewater(s) to the POTW from Persons residing outside the City who are by contract, permit or agreement with the Board, Users of the City's POTW.

(29) POTW Treatment Plant: That portion of the POTW designed to provide treatment to wastewater.

(30) Public sewer: A sewer in which all owners of abutting properties have equal rights.

(31) "Receiving waters": as applied in this Ordinance, any watercourse situated within the service area of the POTW which comes under the jurisdiction of the Parkersburg Utility Board.

(32) Right-of-way or Easement: An acquired legal right for the specific use of land owned by others.

(33) Sanitary sewage: Normal water-carried household and toilet wastes from any improved property. The preferred term is wastewater, also referred to as "domestic" sewage.

(34) Sanitary sewer: A sewer which carries liquid and water-carried wastes from private residences, commercial buildings, industrial plants and institutions, and to which storm, surface and ground waters are not intentionally admitted.

(35) Sewer system: All wastewater facilities and conveyances, owned by the City, for collecting, pumping, treating and disposing of sanitary sewage and/or industrial wastes.

(36) Shall is mandatory; May is permissive.

(37) Single Family Dwelling: Any room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as separate living for a family or other group of persons living together, or by persons living alone.

(38) State: State of West Virginia.

(39) Storm sewer; storm drain: A sewer which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes.

(40) Storm Water: Any flow occurring during or following any form of natural precipitation and resulting there from.

(41) User: Any individual, person, or group, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or other legal entity, or their legal representatives, agents or assigns who discharges, causes or allows the discharge of wastewater into the POTW.

(42) Wastewater: The liquid or water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which is discharged into or permitted to enter into the POTW.

(43) Wastewater facilities: The structures, equipment, and processes required to collect, carry

and treat domestic and industrial wastes and to dispose of the resulting effluent and sludges.

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

(45) Watercourse: A channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 1394. Passed 6-14-11.)

921.02 SEWER USE REQUIREMENTS and REGULATIONS.

(a) Use of Public Sewers Required.

(1) It shall be unlawful for any Person to place, deposit, permit or otherwise allow to be placed or deposited in any unsanitary manner on public or private property, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet or watercourse situated within any area under the jurisdiction of the City any wastewater or other polluted waters, except where suitable treatment has been provided, and as authorized by the Parkersburg Utility Board in accordance with the provisions of this article as well as with any and all applicable regulations of the U.S. EPA, the West Virginia Division of Environmental Protection (WV DEP), and the West Virginia Department of Environmental Health Services.

(3) Except as provided through this article, it shall be unlawful to construct or maintain any privy, privy vault, sinkhole, septic tank, cesspool, pretreatment system or any other facility intended for wastewater pretreatment, disposal or storage on any property, public or private, which is presently served by the POTW.

(4) The Owners of all houses, buildings, properties or improved properties used for human occupancy, business enterprise, employment, or recreation situated such that it comes under or within the jurisdiction of the City and abutting on any street, alley, right-of-way or easement in which there is now located or may hereafter be located a sanitary sewer of the City, are hereby required, at the Owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with a Board approved sanitary sewer in accordance with the provisions of this article.

All sanitary sewage, domestic, non-domestic, or industrial wastewaters from any improved property, after connection of the property to the POTW shall be discharged to the POTW, subject to such limitations, conditions, and restrictions as established by this article or those which shall otherwise be established by the City.

(5) Every privy, privy vault, sinkhole, septic tank, cesspool or similar receptacle existing on a property connected to the POTW shall be abandoned, as provided by law, and at the Board's discretion, shall be cleansed and filled at the Owners expense.

A. Any such receptacle not so abandoned, cleansed or filled, as directed by the Board, shall constitute a Public Nuisance, and such nuisance shall be abated as provided by law.

(b) Application and Permit for Service Connection.

(1) It shall be unlawful for any Person or property Owner to connect with a sanitary sewer of the POTW, either directly or indirectly, without having first obtained from the Utility Board an appropriate permit to make a connection, which permit shall be obtained through the procedure set forth herein.

(2) The permit issued by the Utility Board shall be a "Customer Service Pipe Connection Permit".

(3) The procedure for obtaining a "Customer Service Pipe Connection Permit" shall be that the property Owner or his Agent, or a duly Authorized Representative shall make application for said permit through the Utility Board on the form(s) provided by the Board. The application shall be supplemented by any such plans, specifications, or other required information or documentation

considered as pertinent, in the judgment of the Board, to determine the volume, character and nature of the discharge proposed by the applicant to be permitted to enter into the POTW.

Following the receipt of an "Application for Customer Service Pipe Connection" by the Board, the application will be reviewed and a determination shall be made as to whether or not any additional information or documentation shall be required from the applicant.

A. If POTW service is available for a building site for which a connection is being requested, then a "Customer Service Pipe Connection Permit" shall be issued as follows:

1. When the applicant has complied with the requirements of this article, has been evaluated and found not to be a Significant Industrial User (SIU) according to 40 CFR 403.8(f)(6), and has satisfied all application and/or Fee requirements imposed by the Board.

2. If the discharge proposed by an applicant will be non-domestic in character or nature and the applicant is evaluated and found to be a SIU according to 40 CFR 403.8(f)(6), a "Customer Service Pipe Connection Permit" shall not be issued until the applicant has:

a. Applied for an Industrial Discharge Permit and has submitted any required information and documentation according to the requirements of the Sanitary Sewer Industrial Use Ordinance

b. Satisfied all application and/or Fee requirements imposed by the Board.

A "Customer Service Pipe Connection Permit" and an "Industrial Discharge Permit" shall be issued concurrently upon satisfaction of these conditions.

B. If POTW service is not available at a building site for which a connection is being requested; the applicant will be so advised. If the applicant upon such advisement has interest in the extension of POTW services to the site, the applicant will be informed of the options available for the extension of POTW services.

(4) In those instances where the Board will transport and treat wastes of users residing outside of the City's political jurisdiction, a written agreement between the Board and the political entity having jurisdiction wherein such users are located, if such political entity exists, shall be required as a prerequisite for transporting and treating waste. Such an agreement shall provide that the political entity having jurisdiction over said users will institute a system of appropriate user charges and sewer use requirements acceptable to the U.S. EPA, the West Virginia DEP, the West Virginia Department of Environmental Health Services, and the West Virginia Public Service Commission.

(5) The provision of POTW services to users residing outside of the City's political jurisdiction where no political entity having similar jurisdiction exists shall require that the user by agreement, contract, or permit, acknowledge the Board's jurisdiction over POTW use, consent to the Board's jurisdiction over said user when providing POTW service(s), and said user shall agree to comply with the conditions, terms and requirements of this article.

(c) Customer Service Application and Agreement.

(1) All users of the POTW shall fill out an application for sewer service with the Parkersburg Utility Board. The application shall include information, deemed necessary by the Manager, required to provide sewer service to the customer.

(2) All customers of the POTW shall sign a written agreement with the Parkersburg Utility Board for the purpose of compliance with the applicable ordinances and policies approved and adopted by the City and Utility Board.

(d) Extension of POTW Sewers and Customer Service Lines.

(1) Public Sewers Extensions:

A. The Utility Board shall be responsible for the maintenance and protection of all sanitary sewers.

B. All extension(s) of the sanitary sewers shall be approved by the Board and shall comply with applicable rules and regulations of the West Virginia DEP, the West Virginia Public Service Commission, and the West Virginia Department of Environmental Health Services.

C. Any person or agency, public or private, paving or repairing a road under which a sanitary

sewer has been laid shall be responsible for adjusting the height of manhole frames and covers to make them flush with the road surface.

D. Any person or agency, public or private, changing the elevation of the ground surface above a sanitary sewer shall be responsible for adjusting manhole elevations, correcting sewer structural problems, relocation of sewers, and/or making any other changes directed by the Board that shall be required to protect the sewer and provide access to the sewer.

(2) 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 POTW without first obtaining a written permit from the Board.

B. An adequate and responsible bond may be required for the purpose of repairing and replacing any damage done to any public street or way by reason of such installation of a sewer connection or a sewer before such permit is issued.

1. The Board shall determine the amount of the required bond and said bond will be delivered to the Board prior to commencement of the installation.

C. 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 Parkersburg Utility Board from any loss or damage that may directly or indirectly be occasioned by the installation of the customer service line.

D. A separate and independent customer service line shall be provided for every building or series of buildings located on a single parcel of land owned by the applicant. A new customer service line must be laid from the building to the lateral provided for the customer.

E. 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 back filling the trench, shall all conform to the requirements of the Sanitary Sewer Specifications used by the Board.

1. All customer service lines must be a minimum of 4 inch diameter;
2. Adequate soil cover to protect the service line from crushing or frost action is required;
3. No customer service line shall be laid in the same trench with any gas and/or water line and must be separated by at least two feet from any water line;

4. All excavations for customer service line installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

5. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Board.

F. The customer service line shall be connected to a sanitary sewer at the lateral provided by the Board. 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 sanitary sewer.

G. 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. Upon determination that this type of connection has been made, the Board shall cause the owner to be notified by certified mail that said owner shall remove such connections within 30 days. Should the owner fail to comply with the requirements and terms of the notification, the penalties called for under Section 921.04(a)(4) shall be invoked.

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 as may be prescribed; 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.

I. Where an improved property shall be served by its own package treatment plant or similar

mechanical device at the time connection to a sanitary sewer is required:

1. 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 fitting, to continue such sewer line as a customer service line.

2. The Board may, at its discretion, permit the utilization of an existing sewer 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 Board shall have the right to require the Owner to uncover the full extent of the pipe to determine its condition.

a. The Board may require pipe 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 Board or an authorized agent or representative of the Board. If the line is covered before inspection, it must be uncovered by the Owner for inspection and approval. Every customer service line shall be maintained in a sanitary and safe operating condition by the Owner of such improved property.

K. The applicant for the sewer service permit shall notify the Board when the customer service line is ready for inspection.

(e) Access to Properties.

(1) The Board, its Manager and employees of the Board shall have the right of access at reasonable times to any part of any improved property served by the POTW 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 POTW.

(2) Every employee of the Board whose duties require him or her to enter the premises of a customer will carry on his or her person identification as an employee and/or representative of the Board.

(3) The Manager and other designated or appointed employees of the Board are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the POTW.

(4) The Manager and other designated or appointed employees of the Board bearing proper identification shall be permitted to enter all private properties through which the City holds an 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 said easement. All entry and subsequent work shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(f) Protection from Damage. No unauthorized person shall maliciously, willfully or negligently break damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the POTW facilities.

(1) Any person(s) caught in the act of violating this provision, or found to be responsible for such action or activity through investigation or discovery shall be subject to immediate arrest under charge of disorderly conduct, and upon conviction shall be subject to the penalties provided for in Section 921.04.

(g) Discharge Prohibitions.

(1) General Discharge Prohibitions.

A. User shall introduce, discharge, cause or allow to be introduced or discharged, either directly or indirectly into the POTW, any pollutant or wastewater which will interfere with the operation or performance of the POTW, will pass through the POTW untreated, or will otherwise cause the POTW to violate the requirements of its NPDES permit.

B. These general prohibitions apply to all Users of the POTW whether or not the User is subject to National Categorical Pretreatment Standards or requirements.

C. No User shall discharge, cause or allow to be discharged, any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer of

the POTW.

D. Where, in the opinion of the Utility Board, a user discharges a pollutant or pollutants having the potential to cause interference, pass-through, or permit violation, as stated in subsection (f)(1) hereof, the Utility Board may require pretreatment or the implementation of best management practices, subject to review and approval of Utility Board, to control the discharge of such pollutant or pollutants.

(h) Septage/Grease Waste Haulers.

(1) Permit to Discharge.

A. All persons or companies wishing to discharge hauled wastes into the POTW must first obtain a Waste Hauler's Discharge Permit from the Utility Board. Permit applications shall include information on company ownership, identification and license number of all trucks to be used for delivery of such waste to the POTW facilities. It shall also include truck capacity and other information pertinent to the permitting of a discharge to the POTW. Permit applications shall be signed by a responsible owner or manager of the company applying for permission to discharge. All waste hauling equipment operated by companies with permits shall be registered with the Parkersburg Utility Board.

B. The permit provided for in this section may be issued by the Parkersburg Utility Board to all applicants who comply with the terms and conditions set forth in the ordinances of the City of Parkersburg and all local, state and federal requirements.

C. The permit to discharge shall expire no later than five (5) years from the date of issue.

(2) Regulations: The Utility Board may establish such regulations as are deemed necessary including, but not limited to, a list of sources for each load dumped, to control the discharge of hauled wastes to the POTW.

(3) Provisions of POTW Services: Normal wastes from septic tanks or package plants treating domestic type waste may be discharged routinely. Fats, oils and greases from animal or vegetable sources may be discharged in compliance with POTW policy. Permission to discharge other wastes that are not readily biodegradable or are not known to be compatible with the operation of the POTW treatment plant shall be refused. Some specific reasons for refusal of service shall include:

A. Material(s) deleterious to treatment plant operation, such as petroleum based oils, greases, gasoline, toxics, volatile solvents, sand, metallic particles, or paints, etc.

B. Material(s) which would cause unusual expense in handling and treatment.

C. Material(s) which would inhibit the performance of the POTW plant, such as plating wastes, or toxic materials.

(4) The discharge of hauled wastes shall be permitted only at the wastewater treatment facility and during such hours as shall be established by the Utility Board. The discharge of hauled wastes to the POTW at any other location(s) is forbidden.

(5) Permit Revocation: Noncompliance with any part of this Section or with other applicable Pretreatment requirements or regulations shall subject the permit holder to revocation of permit to utilize the services of the POTW for disposal of hauled wastes. The re-issuance of a permit to discharge after a revocation shall be at the discretion of the Utility Board and may be made subject to such conditions as deemed appropriate.

(Ord. 1394. Passed 6-14-11.)

921.03 SEWER USE FEES and CHARGES.

(a) Purpose. The purpose of this section is to provide for the recovery of costs from Users of the POTW system. The applicable charges or fees may be set forth in a Schedule of Charges and Fees as determined appropriate by the Board.

(b) Rates.

(1) Sewer user charges or rates shall be imposed and collected in the manner which has been previously ordained or hereafter established by the Governing Body and approved by the Public Service Commission of West Virginia if required by law.

(2) Every Owner of an improved property 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.

(3) Septic Tank Waste Haulers: Fees and charges for treatment of normal septic tank wastes shall be based on the costs of providing such services and on the expected overall average characteristics of such discharges. Charges may be billed at monthly intervals or at the discretion of the Manager, and shall be considered delinquent if not paid within twenty (20) days of billing date. Delinquency in payment may be basis for revocation of permit

(4) Surcharge for High Strength Users: Users discharging any water or wastes with:

A. A 30 day average BOD in excess of 300 milligrams per liter; or

B. A 30 day average Suspended Solids content in excess of 300 milligrams per liter; or

C. Containing Suspended Solids with a character or quantity of pollutant requiring unusual attention or expense to handle or treat, shall pay, in addition to the base monthly sewer user charges, an additional surcharge CS, as determined by the following formula:

$CS = (BC [B] + SC[S] + PC[P]) * VU$ where: B = BOD, S = SOLID, P = POLLUTANT and [B], [S], [P] = Concentration of respective pollutant entity above permitted limiting level(s); BC, SC, PC = O&M cost for treatment of the pollutant entity;

VU = Volume contribution of the user per unit of time.

(5) The Utility Board shall review user charges annually and the City Council shall revise them periodically to reflect actual treatment works operation and maintenance costs.

(c) Billing Procedure. All rates or charges provided for by this article shall be billed and collected monthly by the Board or by persons or agencies authorized by the Board. All bills shall be considered due and payable upon the date rendered.

(d) Liens and Penalties for Nonpayment.

(1) Sewer user charges or related charges imposed by article shall be a lien on the improved property connected to and served by the sewer system.

(2) Any such sewer user charges or other charges which are delinquent shall be filed as a lien and collected in the manner previously ordained or hereafter established by the Governing Body. Such liens shall be of equal dignity, rank, and priority and with a lien on such premises for state, county, school, and municipal taxes.

(3) The Board may request that the water service to any improved property be shut off for nonpayment of sewer user charges in the manner previously ordained or hereafter established by the Governing Body, provided such action is not in violation of any rules of the West Virginia Public Service Commission or the West Virginia Department of Environmental Health Services.

(Ord. 1394. Passed 6-14-11.)

921.04 PENALTIES.

(a) Civil Penalties and Injunctive Relief.

(1) Any person, individual or user found to be violating any provision of this article, except for those violations described by subsection (b) hereof, shall be served by the Board with a written Notice of Violation. Such a notice shall state the nature of the violation and also provide a reasonable time limit for the satisfactory correction of the violation thereof. The identified offender shall permanently cease all violations within the stated time limit of the Notice of Violation

(2) Any person, individual or user who shall continue any violation beyond the time limit provided by the Notice of Violation shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed two hundred dollars (\$200.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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

(4) Fines and costs imposed under provision of this article shall be enforceable and recoverable

in the manner provided by applicable law.

(b) Violations and Criminal Penalties.

(1) Any person who causes pollution or who fails or refuses to discharge any duty imposed upon him by this article or by any rule or regulations of the Board, promulgated pursuant to the provisions and intent of this article, or by an Order of the Utility Board, or who fails or refuses to apply for and obtain a permit as required by the provisions of this article, or who fails or refuses to comply with any term or condition of such permit, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars.

(2) Any person who shall intentionally misrepresent any material fact in an application, record, report, plan or other document filed or required to be maintained under the provisions of this article or any rules and regulations promulgated by the Board thereunder shall be guilty of a misdemeanor.

(c) Exceptions as to Criminal Liabilities. The criminal liabilities imposed by this article shall not be construed to include any violation resulting from accident or caused by an act of God, war, strike, riot or other catastrophe as to which negligence or willful misconduct on the part of such person was not the proximate cause.

(Ord. 1394. Passed 6-14-11.)