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SECTION 17-101                      WATER AND SEWER AS PUBLIC UTILITIES.

The water and sewer services of the city are operated as public utilities and are subject to such rules, regulations and rates as are adopted from time to time.

SECTION 17-102                      EXCRETA DISPOSAL FACILITIES REQUIRED.

- A. Every residence and building equipped with toilet facilities in which humans reside, or are employed or congregate, shall be required to have a sanitary method for the disposal of human excreta, namely, one or more sanitary water closets, or sanitary pit privies. The toilets required by this section shall be the sanitary water closet type when located within one hundred fifty (150) feet of a sanitary sewer, and accessible thereto, and the sanitary pit privy type when not so located.
  
- B. It shall be unlawful for any person owning or occupying property within the city to permit the disposal of human excreta on any property owned or occupied by such person except in a sanitary water closet or a sanitary pit privy of sufficient capacity to accommodate the occupants thereof at all

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times, and which shall be kept and maintained under the supervision of the designated city official.

- C. The term "sanitary pit privy," as used in this section shall be construed to mean a privy which is built, rebuilt or constructed so as to conform to the specifications approved by the state health department, as per Bulletin D-1, as amended. (Prior Code, Sec. 30-2; Ord. No. 659, Secs. 1, 3, 4.)

### SECTION 17-103 SEWER CONNECTIONS FOR SPECIFIED DWELLINGS OR STRUCTURES, REQUIRED.

Each dwelling or structure in the city used for human habitation or occupancy shall have plumbing installed therein for disposal of human waste and if within one hundred fifty (150) feet of a sanitary sewer line of the city, measured from its lot lines, shall be connected to such sanitary sewer system; provided, that persons owning or occupying such dwellings or structures within one hundred fifty (150) feet of the sewer extensions constructed.

### SECTION 17-104 PERMITS REQUIRED; FEES; INSPECTION; APPROVAL; DEVELOPMENT DISTRICTS CREATED; EXPANSION AND DEVELOPMENT FEES ASSESSED.

- A. Permits and connection fees to city sewer system. A permit is hereby required for each sewer tap or connection to the sewerage system of the city. The fee therefore is as set forth in the Master Fee Schedule, the same to be paid at the time a building permit is issued by the designated official of the city. Each sewer tap shall conform to the regulations of the city and prior to its use must be inspected and approved by the designated official of the city
- B. Creation of Sewer Expansion Development Districts; Districts Defined. To address future growth and development, four (4) sewer expansion development districts are hereby created to provide a mechanism for the City to fund a program to allow extension of sanitary sewer service to those districts in relation to the growth experienced by each district. The four sewer expansion development districts are: (1) the North District; (2) the Northeast District; (3) the Southwest District; and (4) the Southeast District. The geographical boundaries and area location of each such district is as designated on the map entitled "Wastewater System Improvements Program - Basin Boundaries" and attached hereto as exhibit "A" and incorporated by reference herein. For purposes of calculating the sewer extension fee and sewer development fee provided for herein, a property owner shall be deemed to be located within the basin to whose sanitary sewers the property is connected, or to which it would be connected if gravity flow systems that follow the course of the natural drainage were constructed, whichever results in the greater fee.

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- C. Establishment of a Sewer System Extension Fee. In order to compensate the City for the capital costs associated with extending sanitary sewer service, there is hereby imposed a sewer extension fee on new development occurring in the four sewer development expansion districts in the amount detailed in subparagraph e. The sewer extension fee shall be paid by the owner or developer of the land under new construction as provided in subparagraph f. For purposes of this section, “new development” means: (i) the construction of any commercial or industrial structure or business or (ii) the construction of any residential structure or subdivision.
- D. Establishment of a Sewer System Development Fee. In order to compensate the City for the capital costs associated with existing sewer treatment capacity which will be required by new sewer service users and to raise the funds necessary to expand existing sewer treatment capacity, there is hereby imposed a sewer system development fee on new development occurring in the four sewer development expansion districts in the amount detailed in subparagraph e. The sewer system development fee shall be paid by the owner or developer of the land under new construction as provided in subparagraph f. For purposes of this section, “new development” means: (i) the construction of any commercial or industrial structure or business or (ii) the construction of any residential structure or subdivision.
- E. Calculation of Sewer System Extension Fee and Sewer System Development Fee.
- (1) The owner, developer or builder of a new development in a sewer expansion district shall pay a sewer system extension fee and a sewer system development fee on a per acre basis or per equivalent living unit (“Eq. L. U.”) basis, whichever is greater as reflected in the Master Fee Schedule:

“Equivalent living unit” shall be defined to mean:

<u>Use</u>	<u>Eq. L. U.</u>
Single-family residence, whether site built or manufactured, having no more than one kitchen....	1.0 per unit
Efficiency or studio apartments....	0.6 per unit
Apartments of two or more bedrooms....	1.0 per unit
Mobile home or travel courts....	1.0 per space

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Transient rental units (hotels, motels, etc) managers quarters....	1.0 per unit
Plus rental units without cooking facilities....	0.3 per unit
Plus rental units with cooking facilities....	0.4 per unit
Bars, restaurants, and other food service establishments, capacity 0 to 20 persons....	1.5 per group
Plus for each additional 20 persons capacity fraction....	1.0 per group
Drive-ins....	0.25 per car stall
Service stations....	1.0
Plus for each wash rack....	1.0
Laundromats....	0.5 per washing machine
Churches and non-profit fellowship halls....	1.0
Plus residence or regular dining facilities, each....	1.0
School, capacity 0-50....	1.0
Plus each additional 40 students or fraction....	1.0
Plus shower facilities....	Aggregate capacity rate
Plus cafeteria....	Aggregate capacity rate
Commercial office or industrial uses (not listed elsewhere):	

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### Water meter size

3/4" ....	1.0
1"....	1.9
1 1/2"....	4.4
2"....	8.1
3"....	19
4"....	35
6"....	84
8"....	154
10"...	250
12"....	368

Where uses involve sprinkler systems, fire suppression systems, or any other special application which requires water use which is not roughly proportional to sewer use, the city manager is authorized to enter into an agreement with the owner for a lower Eq. L. U., so long as the fee so established is based upon the water meter size which would be necessary in the absence of the special application. For meter sizes not specified, the next larger size shall be used.

- (2) If the city extends service to an area within an expansion district with an existing or internal sewer system, each individual existing connection is considered a new sewer connection for purposes of calculating the appropriate connection fees imposed by subsection A.
- (3) Residential structures which have been within the corporate limits of the city for a period time as set below, as of November 1, 2000, but which have not been using the city sanitary sewer system shall receive a credit toward the connection fee established under subsection a, at the time the owner of the residence applies for a sewer tap, as follows:
  - (i). Single family houses of ten (10) years or more; 40% credit of the applicable fee;

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- (ii) Single family houses of more than 9 years but less than 10 years; credit of 30% of the applicable fee;
  - (iii) Single family houses of more than 8 years but less than 9 years; credit of 20% of the applicable fee;
  - (iv) Single family houses of more than 7 years but less than 8 years; credit of 10% of the applicable fee;
  - (v) Any house which is 7 years old or less as of November 1, 2000; no credit.
- (4) All other nonresidential structures which have been within the corporate limits of the city for a period of time as set below, as of November 1, 2000, but which have not been using the city sanitary sewer service system, shall receive a credit toward the connection fee established by subsection a, at the time the owner of the structure applies for a sewer tap, as follows:
- (i) Structures for eight years or more; 30% credit of the applicable fee;
  - (ii) Structures for more than 7 years but less than 8 years; credit of 20% of the applicable system extension fee;
  - (iii) Structures for more than 6 years but less than 7 years; credit of 15% of the applicable system extension fee;
  - (iv) Structures for more than 5 years but less than 6 years; credit of 10% of the applicable system extension fee;
  - (v) Any structure of 5 years or less as of November 1, 2000; no credit.

Provided that the credits described above must be utilized within three (3) years of the time sewer is available to the area in which the residence or structure is located; failure to utilize the credit within three years of sewer becoming available shall result in the absolute loss of the credit. For purposes of this section, sewer shall be deemed available to an area in which a residence is located whenever such public sewer is located within three hundred feet of the exterior perimeter of any portion of the subdivision in which the residence is located; in addition, sewer shall be deemed available to an area in which a structure is located whenever such public sewer is located within five hundred feet of the exterior perimeter of any property line enclosing the area upon which the structure is located.

F. Procedure for installation and connection to extended city sewer system; deposits and payments by owner or developer.

- (1) Whenever it is the desire of the owner of property to install a sewerage system and to connect such system to the city's sanitary sewerage system, the owner shall first apply to the city, through its city manager, for a commitment to extend the city sewer system to the property to be sewerred. If the request for an extension of the city sewer system to the property is approved by the city manager, or if the city sewer system is already extended

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to the area to be sewered, the applicant shall enter into a written contract with the city upon terms as may be required by the city manager concerning the extension, construction, operation and maintenance of the system.

- (2) The owner or developer receiving permission for the installation of a sewerage system under this article shall deposit with the city a sum equal to the city's engineering cost, inspection fee and other amounts which may be due the city, including estimated right of way acquisition costs.
- (3) The city shall require any developer, owner or builder to pay into an enterprise fund of the city the charges set forth in subparagraph f (2) and the charges set forth in subparagraph (E) as the system extension fee, which charges are in compensation for the proportionate costs of the construction of any sewer extension, whether constructed or to be constructed as related areas develop. The city will hold the funds so received in escrow and the interest earnings will be added to the fund. This fund may then be used by the city to pay all or any portion of the capital construction costs, including right-of-way acquisition and engineering fees for future extension of the sewerage system or expansion of the sewage treatment capacity of the system within any area inside the fence line of the city. The fund may also be used to meet the debt service requirements of any bond issue generating capital for extension of the city sewer system or expansion of the sewage treatment capacity of the city sewer system. The city will deposit all funds received from the system development fee into a separate escrow account which may be used only for replacement of essential components of the existing wastewater treatment plant pump stations and other ancillary facilities and/or for capital improvements relating to any regulatory consent order issued to the city or trust authority or for expansion of the sewage treatment capacity of the sewer system of the city including paying any debt service related to same. The payment of system extension fee and system development fee shall be made in the manner as required by the city manager and approved by the city as part of the contract referenced in subparagraph 1 of subsection (E).

(Prior Code, Sec. 30-3.2; Ord. No. 2333; Ord. No. 2720.)

SECTION 17-105    COMPLIANCE WITH CITY PLUMBING CODE BY PERSONS  
OUTSIDE CITY CONNECTED WITH CITY WATER OF SEWER  
SYSTEMS; REQUIRED.

Before persons whose property or premises are located outside of the city are permitted to connect such property with the water system of the city or the sanitary sewer system of the city, the premises to be served shall be so equipped and constructed as to comply with the plumbing code, and the building code, so far as applicable, of the city. The

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plumbing rules and regulations of the city shall apply with full force and effect to such premises and the same shall be maintained and operated in such a manner as to meet the requirements thereof. (Prior Code, Sec. 30-3; Ord. No. 915, Sec. 1.)

### SECTION 17-106 CONTRACT.

Prior to connection with either the water system or sewer system of the city, the owner of any premises mentioned in the preceding section shall enter into a water and sanitary sewer connection contract with the city upon a form designated and approved by the city as the "water and sanitary sewer connection contract." The water superintendent of the city is authorized to execute such contracts on behalf of the city with persons desiring to obtain water or sewer connections with the city. (Prior Code, Sec. 30-4; Ord. No. 915, Sec. 2.)

### SECTION 17-107 EFFECT OF NONCOMPLIANCE; RIGHT OF ENTRY OF PLUMBING INSPECTOR.

Upon violation of any of the rules and regulations of the city as prescribed by the plumbing code of the city or other provisions of this code or other ordinances applicable to the construction and maintenance of buildings and improvements with regard to plumbing, where located outside of the city, the proper officers of the city are hereby authorized and directed to discontinue the water service or the connection with the sanitary sewer system serving such premises and shall not reopen such connections until full compliance with such provisions of this code and other ordinances and regulations is performed. The plumbing inspector or building inspector of the city shall have the right and authority to enter upon such premises for the purpose of inspection thereof. (Prior Code, Sec. 30-5; Ord. No. 915, Sec. 3.)

### SECTION 17-108 RESTRICTIONS ON USE OF WATER DURING EMERGENCIES; AUTHORITY OF MAYOR.

Whenever an emergency exists by reason of a shortage of water, limited distribution facilities or of any other circumstances which make it necessary to conserve water, the mayor of the city is hereby authorized to restrict or prohibit the use of water from the water supply of the city for watering, sprinkling or irrigation of plants, shrubs, trees, grass and things of like nature, for washing automobiles and for any other use not strictly necessary to maintain and protect the public health and safety. Such restrictions upon the use of water may prohibit it entirely for such purposes or may restrict it during certain periods of the day or week for so long as necessary. (Prior Code, Sec. 30-6; Ord. No. 833, Sec. 1.)

### SECTION 17-109 PROCLAMATION; GENERALLY.

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The restrictions mentioned in the preceding section shall be put into effect by the issuance of a proclamation by the mayor which shall set forth such restrictions. Such proclamation shall be published in one issue of a newspaper of general circulation in the city and shall be effective from and after publication. (Prior Code, Sec. 30-7; Ord. No. 833, Sec. 2.)

### SECTION 17-110 VIOLATIONS.

Violation of the restrictions upon the use of water as set forth in the proclamation provided for by Section 17-109 shall be punished as provided in Section 1-108 of this code. Each day of such violation shall constitute a separate offense. (Prior Code, Sec. 30-8; Ord. No. 833, Sec. 3.)

### SECTION 17-111 UNAUTHORIZED CONNECTIONS AND RAISING, LOWERING, OF WATER OR SEWER PIPE LINES.

- A. It shall be a misdemeanor for any person except a duly authorized officer or employee of the city to make any break, tap or connection with any water pipe line or sewer pipe line belonging to the city unless permission be granted him to do so by the proper officials of the city.
- B. It shall be a misdemeanor for any person to raise, lower or alter the position of any water pipe line or sewer pipe line belong to the city unless permission be granted him to do so by the proper officials of the city. (Prior Code, Sec. 30-9)

### SECTION 17-112 TAMPERING WITH WATER METERS; UNAUTHORIZED USE OF WATER.

- A. It shall be unlawful for any person other than an employee of the city water department to remove, tamper with or in any way disturb any water meter or water connection belonging to the city. In the event of an emergency, which presents a possibility of physical damage to real or personal property, in that event the property owner or a licensed plumber may disconnect water service to the property so affected. The property owner or licensed plumber shall inform the city water department of the emergency action taken within twenty-four (24) hours of the event.
- B. It shall be unlawful for any person to turn on or cause to be turned on or used or permit to be used water from any connection belonging to the city where such person has not complied with the applicable provisions of this chapter and other ordinances, or water rules and regulations of the city

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where the water has been turned off by the city. In addition to any other penalty, any person violating this section shall be subject to an administrative fee as reflected by the Master Fee Schedule to be imposed upon the appropriate water account which must be satisfied before service shall be re-instated by the city.

### SECTION 17-113                      FIRE PROTECTION SERVICE.

- A. Any individual or business entity desiring water service for the purpose of providing residential and/or commercial fire protection shall make application for such service to the City Water Utility Department by completing and signing a standard application form as for other water service connections. Installation of such service shall be accomplished by a qualified contractor on behalf of the applicant and the City.
- B. Services to be used for fire protection shall not be connected to any fixtures that will be used for other purposes and in no case shall any connection be made upon any service line, tank or other fixture installed for fire protection for any purpose except the fire service or through any pipes, tank or other fixtures reserved for fire protection be permitted for any purpose except the fighting of fires.
- C. To protect against water being drawn from a fire service for any purpose other than the fighting of fires, the City Water Utility Department shall approve any connection for such service prior to connection. In addition, the City shall not approve any such connection unless and until the individual or business entity has installed a back-flow preventer and flow meter and paid the costs associated with such installation as set forth in the Master Fee Schedule as provided in Section 17-17-206 thereof.
- D. All valves and hydrants required to be installed and/or sealed under the provisions of this section shall be subject to frequent inspection by the City Water Utility Department, whose agents are hereby given the right of access as necessary to inspect such services and hydrants.
- E. Upon discovery of any unauthorized connection, the City Water Utility Department shall notify the owner, lessee or occupant of the premises being served; said owner, lessee or occupant shall be responsible for all water used and/or lost through such improper connection and shall pay the appropriate charges for such use as determined by the City Utility Department. Failure to pay said charges when due shall result in disconnection of water service by the City to the fire lines and/or hydrants until satisfaction of all such fees. Upon discovery that any seal, valve or hydrant

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has been broken, displaced or removed for any cause, either inadvertently or for fire fighting purposes, it shall be the duty of the owner, lessee and/or occupant to immediately notify the City Utility Department.

- F. Notwithstanding the provisions contained in this section for fire protection service, or for other metered service, including water furnished to any fire hydrant or other equipment used, or which may be used for fire connection service, it is understood that the City cannot guarantee any minimum quantities of water or pressure of water to be furnished to any of such hydrants or outlets, and the City shall not be liable in any manner for any loss or claim by reason of the quantity of water, or pressure of the same to be furnished to such hydrant or outlet.

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SECTION 17-201 DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. "Combined residential and commercial users" mean users of water in a residence or apartment in which is also conducted a business or commercial enterprise;
2. "Residential users" mean water consumers who use water for human needs and consumption;

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3. "Commercial users" mean persons, businesses or industries whose principal consumption of water is for business, commercial or industrial purposes;

4. "Minimum charge" means a charge for water service through a meter which is not cut off and any amount of water less than one thousand (1,000) gallons is used; and

5. "Multiple dwelling" means a place of residence designed or constructed to contain two (2) or more separate family living units under one roof. (Prior Code, Sec. 30-20.1) [Ord. No. 2726].

### SECTION 17-202 RATES WITHIN CITY.

There shall be a schedule of rates and charges as provided in the Master Fee Schedule to users of water located within the corporate limits of the city, receiving water through the mains of the city, and the water department of the city is directed to make such charges, the same to be computed upon a monthly basis upon water measured by meters for this purpose.

### SECTION 17-203 RATES OUTSIDE CITY.

There shall be a schedule of rates and charges as provided in the Master fee Schedule to users of water located outside the corporate limits of the city, receiving water through the mains of the city, and the water department of the city is directed to make such charges, the same to be computed upon a monthly basis upon water measured by meters for such purpose.

State Law Reference: For state law as to authority of city with regard to sale, etc., of water outside corporate limits, see 11 O.S., 37-120 et seq.

### SECTION 17-204 SCHEDULES OF MINIMUM CHARGES.

The minimum charge fixed in the two (2) preceding sections is based upon the use of water through a five-eighths (5/8) inch water connection. Such minimum rate for the first one thousand (1,000) gallons shall increase, both inside and outside the corporate limits of the city according to a schedule as set by the Master Fee Schedule.

### SECTION 17-205 MULTIPLE USE BUILDINGS.

Where water is metered through one meter to any premises occupied and used as a duplex, apartment house or other multiple-family dwelling unit, or where such premises are used for combined domestic and commercial use, or where water is metered through one meter to serve one or more trailers in a mobile home park, the minimum charge shall

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be set by the city per dwelling unit if such premises are located within the corporate limits of the city and per dwelling unit if such premises are located outside the corporate limits of the city, with the remainder of the charges to be as fixed in the applicable rate schedule. (Prior Code, Sec. 30-20.5; Ord. No. 1365, Sec. 5; Ord. No. 1538, Sec. 1.)

### SECTION 17-206 CONNECTION CHARGES.

For connecting a consumer to the water system of the city, the certain connection charges are fixed as provided in the Master Fee Schedule. In addition, the following connection charges are fixed:

1. For tapping main and installing a three-fourths (3/4) inch service line to the property of the consumer and setting a five-eighths (5/8) inch meter for consumer inside the city a charge as set by the Master Fee Schedule, and for such service to a consumer outside of the city, the charge shall be in such amount as to include all labor, material and the operation of any equipment needed and an additional charge of ten percent (10%) thereof for administrative cost; and

2. For tapping water main and installing an adequate service line, according to the size of the meter, where such meter is larger than five-eighths (5/8) inch, the charge for all consumers shall be in such amount as to include all labor, material and the operation of any equipment needed and an additional charge of ten percent (10%) thereof for administrative cost with a minimum charge to be paid in the amount set by the city council by motion or resolution. (Prior Code, Sec. 30-20.6; Ord. No. 1365, Sec. 6; Ord. No. 1534, Sec. 2; Ord. No. 1641, Sec. 2; Ord. No. 1709, Sec. 1; Ord. No. 1710, Secs. 1, 2; Ord. No. 1870, 6/18/84).

### SECTION 17-207 CUT-ON AND CUT-OFF CHARGES.

Any water consumer who desires the water service on any premise to be turned on or off shall be charged for such service within the incorporated limits of the city and for such service outside of the incorporated limits of the city. Such charges are set by the Master Fee Schedule to the code. The rates shall be applicable only to services provided during regular business hours, specifically: 8:00 A.M. to 5:00 P.M. Monday through Friday, excluding holidays; the rates for the services at all other times shall be double those set out above, and shall be provided during the nonbusiness hours solely in the discretion of the city. (Prior Code, Sec. 30-20.7; Ord. No. 1365, Sec. 7; Ord. No. 1534, Sec. 3; Ord. No. 1870, 6/18/84)

### SECTION 17-208 DEPOSITS.

Any person who desires to use water from the water supply system of the city shall make application and sign a contract for such service and shall be required to make a

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reasonable deposit to guarantee payment for such service, the amount to be fixed by the city manager upon the basis of an amount equal to the estimated water bill for sixty (60) days for the particular place served, and such water shall not be installed unless such deposit is made. The city manager may waive such deposit requirement based upon specific criteria approved by the city council. The deposit so required shall be refunded either whenever service is discontinued, and all applicable water bills are paid in full or upon a continuous record of prompt payment of bills for a period of five (5) years. (Prior Code, Sec. 30-21; Ord. No. 674, Sec. 1; Ord. No. 1465, Sec. 1.)

### SECTION 17-209 PAYMENT OF BILLS; PENALTY FOR DELINQUENCY.

In the event of the failure of any person to make payment of all charges for water service and/or sewer service and/or garbage service assessed against him, as shown by a bill mailed, on or before the due date stated on such bill, such charges shall then become delinquent and a penalty of ten percent (10%) of the total amount due shall be added thereto, and such consumer shall be required to pay the amount of the bill together with such penalty; provided further, however, that such 10% penalty shall not be applied to any person who qualifies for a fixed income exemption under the rules established by the City utility department and as approved by the City Manager. In addition, a charge as set forth in the Master Fee Schedule will be assessed for the shutting off and turning on the water after service has been discontinued, as may be done by the City as provided by state law, and no water will be turned on after being shut off until the bill, penalty and other charges have been paid in full. The failure of any consumer to receive a statement of the amount of the charge due from him shall not constitute an excuse for the neglect, failure or refusal to pay the charge assessed against him when the same is due. (Prior Code, Sec. 30-22; Ord. No. 2385.)

### SECTION 17-210 MONTHLY BOOKKEEPING CHARGE.

A monthly bookkeeping charge as indicated by the Master Fee Schedule is hereby levied against the city water utility deposit accounts where a customer has discontinued water utility service and has not closed his account. If the event the account is less than the minimum charge, the bookkeeping charge shall be reduced to the amount remaining in the account. No charge shall be levied until after twelve (12) months from the date service is discontinued, but such charge shall be mandatory each month thereafter. (Prior Code, Sec. 30-22.1; Ord. No. 1436, Sec. 1.)

### SECTION 17-211 REREADS.

When a customer feels that a bill is not correct, the customer may request a re-read of the meter to check the accuracy of the last reading. If the reread shows an error in the reading the cost of the reread will be borne to the city. If the reread does not reflect a reading error, the customer shall pay a fee as set forth in the Master Fee Schedule.

## ARTICLE B

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SEWER

SECTION 17-221 DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. "Commercial use" means any use other than for a dwelling, and such term includes multiple family dwellings to which the water service is not separately metered and rooming houses of more than two (2) rooms for rent;

2. "Dwelling" means a housing unit occupied by a single family to which the water service is separately metered, or occupied by a single family with not more than two (2) separate rooms for rent;

3. "Public buildings" mean buildings of the state, the city and the county and public school buildings; and

4. "Sewage" means any substance or material placed in the sanitary sewers of the city.

(Prior Code, Sec. 30-23; Ord. No. 815, Sec. 2.)

SECTION 17-222 SCHEDULE.

For the purpose of providing funds for the maintenance of the sanitary sewer system of the city and other purposes in connection with the municipal functions of the city, the following conditions and schedule of monthly fees and charges for the disposal of sewage through the sanitary sewer system of the city are hereby fixed:

1. There are two (2) classes of sewer services established, namely:
  - a. Service to customers with premises occupied or intended to be occupied by persons for dwelling and living purposes, which service shall be classified as residential sewer service; and
  - b. Service to all other customers, which service shall be classified as commercial sewer service. Hospitals and nursing homes are classified as commercial customers;
2. Each apartment building or other structure having separate living units, with

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separate kitchen and bathroom facilities for each living unit, which structure is not separately metered as to water supplied to each living unit, shall pay the minimum residential charge for each apartment or separate living unit in the structure and shall pay the residential gallonage charge for each one thousand (1,000) gallons of water furnished through the master meter to the apartment building or structure;

3. Each residential sewer customer within the city limits shall pay a minimum charge per month, as provided by the Master Fee Schedule, plus a charge for each one thousand (1,000) gallons of water furnished to such customer, as shown by the water meter serving such customer;

4. Each residential sewer customer outside the city limits shall pay a minimum charge per month, as provided by the Master Fee Schedule, plus a charge for each one thousand (1,000) gallons of water furnished to such customer, as shown by the water meter serving such customer;

5. Each commercial sewer customer within the city limits shall pay a minimum charge per month, as provided by the Master Fee Schedule, plus a charge for each one thousand (1,000) gallons of water furnished to such customer, as shown by the water meter serving such customer;

6. Each commercial sewer outside the city limits shall pay a minimum charge per month, as provided by the Master Fee Schedule, plus a charge for each one thousand (1,000) gallons of water up to five hundred thousand (500,000) gallons and a charge for each one thousand (1,000) gallons of water over five hundred thousand (500,000) gallons of water furnished to such customer, as shown by the water meter serving such customer. (Prior Code, Sec. 30-24; Ord. No. 815, Sec. 3; Ord. No. 934, Sec. 1; Ord. No. 1154, Sec. 1; Ord. No. 1368, Sec. 1; Ord. No. 1824, Sec. 1; Ord. No. 1951; Ord. No. 1979; Ord. No. 2006; Ord. No. 2034, 2/5/90)

### SECTION 17-223 MANNER OF DETERMINING CHARGES.

For the purpose of determining the amount of sewage for the purpose of fixing the charges specified by this article, the amount of water metered to commercial users, less the amount of water which the user may show is consumed and not deposited into the sewer system, shall be the basis upon which the sewer service charge is made. (Prior Code, Sec. 30-25; Ord. No. 815, Sec. 4.)

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### SECTION 17-224 COLLECTION.

The charges for the use of the sanitary sewers shall be billed to each user monthly upon the statement for water and other services, and the city water department is authorized and directed not to accept payment for water or the service unless such payment is accompanied by the sewer service fee. (Prior Code, Sec. 30-26; Ord. No. 815, Sec. 5.)

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CHAPTER 3

ARTICLE A

Section 17-301	General provisions.
Section 17-302	General sewer use requirements.
Section 17-303	Pretreatment of wastewater.
Section 17-304	Wastewater discharge permit eligibility.
Section 17-305	Wastewater discharge permit issuance process.
Section 17-306	Reporting requirements.
Section 17-307	Compliance monitoring.
Section 17-308	Confidential information.
Section 17-309	Publication of significantly violating industrial users.
Section 17-310	Administrative enforcement remedies.
Section 17-311	Judicial enforcement remedies.
Section 17-312	Supplemental enforcement action.
Section 17-313	Affirmative defenses to discharge violations.
Section 17-314	Miscellaneous provisions.

ARTICLE B

SANITARY SEWER REGULATIONS

Section 17-315	Permits and fees.
Section 17-316	State Permit Exemptions.
Section 17-317	Sanitary Sewer / Responsibility of Property Owners.
Section 17-318	Sanitary Sewer / Prohibited Connections.
Section 17-319	Sanitary Sewer / Disconnect Order.
Section 17-320	Sanitary Sewer / Termination of Service.
Section 17-321	Sanitary Sewer / Re-connection of Service.
Section 17-322	Sanitary Sewer / Abatement of Nuisance.
Section 17-323	Sanitary Sewer / Access and Entry.
Section 17-324	Sanitary Sewer / Optional Penalty.
Section 17-325	Sanitary Sewer / Optional Abatement Procedure.
Section 17-326	Sanitary Sewer Back-Flow Prevention/Pop-off Devices

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ARTICLE A

SECTION 17-301 GENERAL PROVISIONS.

A. Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the City of Sapulpa and enables the City to comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 *et seq.*), and the General Pretreatment regulations (40 CFR Part 403). The objectives of this ordinance are to:

1. Prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW.
2. Prevent the introduction of pollutants into the POTW which will pass through the POTW inadequately treated, into the receiving waters or otherwise be incompatible with the POTW.
3. Ensure that the quality of the wastewater treatment plant sludge quality is maintained at a level which allows reuse and/or disposal in compliance with applicable statutes and regulations.
4. Protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public.
5. Enable the City of Sapulpa to comply with its NPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.
6. Improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.

This ordinance shall apply to all industrial users of the POTW. The article authorizes the issuance of industrial wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

B. Administration

Except as otherwise provided herein, the City Manager shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or duties imposed

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upon the City Manager may be delegated by the City Manager to other City personnel.

### C. Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

1. Act or "The Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
2. Approval Authority. The administrator of The U.S. Environmental Protection Agency (EPA) Region VI, Dallas, TX or its authorized designee and/or agent.
3. Authorized Representative of the Industrial User. If the industrial user is authorized representative a corporation, shall mean:
  - a. A principal executive officer, president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions.
  - b. A manager of one or more manufacturing, production, or operational facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty six million dollars (\$26,000,000) in second-quarter 1980 dollars if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - c. If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively.
  - d. If the industrial user is a Federal, State or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his designee.
  - e. The individuals described in paragraphs 1-3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and written authorization is submitted to the City of Sapulpa.

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4. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of mass and concentration (milligrams per liter (mg/l)).
5. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with section 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
6. Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
7. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
8. Control Authority. The POTW if the POTW's submission for its pretreatment program has been approved by the U.S. EPA.
9. Daily Average Discharge Limit. The maximum allowable concentration of a pollutant in a composite sample obtained from an industry during an operational day.
10. Domestic Sewage. Shall mean water-carried wastes normally discharging into the sanitary sewers of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm, surface water and industrial wastes.
11. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.
12. Existing Source. Any source of discharge, the construction or operation commenced prior to the publication 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.
13. Garbage. Solid wastes and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.
14. Grab Sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

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15. Indirect Discharge or Discharge. The introduction of (non-domestic) pollutants into the POTW from any non-domestic source regulated under Section 307 (b), (c) or (d) of the Act.
16. Industrial User or User. A source of indirect discharge or a permitted discharger.
17. Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the City of Sapulpa's treatment process or operations which contributes to violation of any requirement of the City's NPDES Permit including an increase in the magnitude or duration of the violation. The term includes prevention of sewage sludge use or disposal by the City of Sapulpa in accordance with Section 405 of Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (including Title II commonly referred to as the Resource and Recovery Act (RCRA);, the Clean Air Act, the Toxic Substance Control Act; the Marine Protection, Research and Sanctuaries Act, or more stringent State of Oklahoma criteria (including those contained in any State of Oklahoma Sludge Management Plan prepared pursuant to Title VI of SWDA) applicable to the method of disposal or use employed by the City of Sapulpa.
18. City Manager. The person designated by the City of Sapulpa to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this article or his duly authorized representative or agent.
19. Medical Waste. Isolation wastes, infectious agents, sharps, human blood and blood byproducts, pathological waste, body parts, fomites, etiologic agents, contaminated bedding, surgical waste, potentially contaminated laboratory waste and dialysis waste.
20. Milligram per Liter (mg/l). An expression of concentration relating the weight of a pollutant per volume of sample. One milligram per liter is equivalent to 8.34 pounds per million gallons.
21. Monitoring. The performance of wastewater flow measurements, wastewater sampling, sample analysis, and like procedures necessary to determine wastewater discharge compliance and/or to verify the flow or strength of wastewater.
22. New Source.
  - (a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which

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commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (i) The building, structure, facility or installation is constructed at a site which no other source is located; or
  - (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (iii) The production or wastewater generating process of the building, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility installation meeting the criteria of subsections (i), (ii) or (iii) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a new source as defined under the paragraph has commenced if the owner or operator has:
- (1) Begun, or caused to begin as part of a continuous on site construction program:
    - (i) Any placement, assembly, or installation of facilities or equipment; or,
    - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of a new source facilities or equipment; or,
    - (iii) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a

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reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contractual obligation under this paragraph.

23. Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
24. Normal Domestic Sewage. Sewage of the City of Sapulpa in which the average concentration of suspended materials and five-day BOD is established at two-hundred fifty milligrams per liter (250 mg/l).
25. Operational Day. The period of time during a twenty-four (24) hour period during which the facility is operating and consequently discharging wastewater.
26. Pass Through. A discharge which exits the treatment plant into waters of the United States in quantities or concentration which, either from one user or in conjunction with several users of the sewer system, is a cause of violation of any requirement of the treatment plant's NPDES permit including an increase in the magnitude or duration of the violation.
27. Person. An individual, 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 assignees. This definition includes all Federal, State or local governmental entities.
28. PH. A measure of the acidity or alkalinity of a substance, expressed in standard units.
29. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial waste, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor).
30. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited herein.
31. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

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32. Pretreatment Standards or Standards. Prohibitive discharge standards, categorical pretreatment standards, and local limits.
33. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 112.1 of this ordinance.
34. Publicly Owned Treatment Works or POTW. A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the City of Sapulpa. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial waste and any conveyances which convey wastewater to a treatment plant.
35. Sanitary Sewer. A sewer that conveys sewage or wastewater, and into which storm, surface and ground waters are not intentionally admitted.
36. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
37. Sewer Service Charge. The charge made on all users of the sanitary sewer system whose wastes do not exceed in strength the concentration values established in this ordinance.
38. Sewer System. All facilities for collecting, pumping, treating and disposing of wastewaters and shall include wastewater treatment facilities.
39. Significant Industrial User. Except as provided in paragraph MM (3) of this section, the term Significant Industrial User shall apply to:
  - (a) Industrial users subject to categorical pretreatment standards;
  - (b) Any other industrial user that;
    - (i). Discharges an average of 25,000 gallons per day or more of industrial process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
    - (ii). Contributes an industrial process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
    - (iii). Is designated as a significant industrial user by the City of Sapulpa on the basis that the industrial user has a

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reasonable potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8 (f) (6)).

- (c). Upon finding that an industrial user meeting the criteria in paragraph NN (a) or NN (b) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City Manager may at any time, on his own initiative or in response to a petition received from an industrial user and in accordance with 40 CFR 403.8 (f) (6), determine that such industrial user is not a significant industrial user.
- 40. Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 112.1 of this ordinance or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.
- 41. Standard Industrial Classification Code (SIC). Classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.
- 42. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting there from, including snowmelt.
- 43. Surcharge. The charge in addition to the sewer service charge, which is made on those industrial users whose wastes are greater in strength than the concentration values established as representative of normal domestic sewage.
- 44. Suspended Solids. The total suspended matter that floats on surface of or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- 45. Toxic Pollutant. One of the 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of Section 307 (33 U.S.C. 1317) of the Act.
- 46. Wastewater. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- 47. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.
- 48. Shall. The action described as "shall....." means the action is mandatory.

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49. May. The action described as “may.....” means the action is permissible.

The use of the singular shall be construed to include the plural and plural shall include the singular as indicated by the context of its use.

### D. Abbreviations/Acronyms.

Abbreviations and Acronyms shall be interpreted to have the meanings and usage prevalent in the in the industrial pretreatment program. If industry usage will conflict, the industry term shall be fully spelled out to avoid confusion.

Use of upper or lower case shall not change the meaning as described here.

The following abbreviations shall have the designated meanings/usage:

- A. BOD. Biochemical Oxygen Demand
- B. CFR. Code of Federal Regulations
- C. COD. Chemical Oxygen Demand
- D. EPA. U. S. Environmental Protection Agency
- E. GPD. Gallons per day
- F. L. Liter
- G. mg. Milligrams
- H. mg/l. Milligrams/Liter
- I. NPDES. National Pollutant Discharge Elimination System
- J. O & M. Operation and Maintenance
- K. POTW. Publicly Owned Treatment Works
- L. RCRA. Resource Conservation and Recovery Act
- M. SWDA. Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
- N. TSS. Total Suspended Solids
- O. USC. United States Code
- P. s.u. Standard Units, the measurement used to identify the strength of an .acidic or basic solution.

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### SECTION 17-302 GENERAL SEWER USE REQUIREMENTS

#### A. Prohibited Discharge Standards

No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirement. Furthermore, no industrial user may contribute the following substances to the POTW.

1. Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 deg. centigrade) using test methods specified in 40 CFR 261.21.
2. Any industrial wastewater having a pH of less than 6.0 s.u. or, greater than 10.5 s.u., if in the opinion of the City Manager it can be deleterious or damaging to the treatment processes or otherwise causing corrosive or structural damage to the POTW or equipment, or endangering City personnel. The City Manager may establish stricter pH limits for those industries which have a potential to be in violation of this discharge standard.
3. Solids or viscous substances in quantities capable of causing obstruction to the flow in sanitary sewers or otherwise interfering with the proper operation of the sewerage works, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, whole blood, paunch, manure, hair and fleshing, entrails, lime slurry, lime residue, slops, chemical residues, paint residues, fiberglass or bulk solids.
4. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD), etc), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW, or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.
5. Any wastewater or vapor having a temperature greater than 150 degrees F (65 deg. C), or will inhibit biological activity in the wastewater treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 deg. C).
6. Free or emulsified oil and grease exceeding on analysis an average of three hundred milligrams per liter (300 mg/l) of either free of

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- emulsified oil and grease or both or a combination of same, if, in the opinion of the City Manager, it appears probable that such wastes:
- a. Can deposit grease or oil in the sanitary sewer lines in such manner as to clog the sanitary sewers.
  - b. Can overload the industrial user's skimming and grease handling equipment.
  - c. Are not amenable to biological oxidation and will therefore pass through to the receiving waters without being affected by normal wastewater treatment processes.
  - d. Can have deleterious effects on the treatment process due to the excessive quantities.
7. Any pollutant which results in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute)worker health and safety problems.
  8. Any trucked in waste, except as provided in Section 17-303(D).
  9. Any noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to; create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
  10. Any substance which either singly or by interaction with other waste, are capable of:
    1. Forming solids in concentrations exceeding limits established herein.
    2. Creating a condition deleterious to structures or treatment processes.
    3. Requiring unusual facilities, attention or expense to handle.
  11. Any wastewater containing radioactive materials exceeding the existing standard of the Oklahoma State Department of Health, unless they comply with the Atomic Energy Commission Act of 1954 (68 O.D. 919) as amended and Part 20, Subpart D - Waste Disposal, Section 20.303, of the Regulations issued by the Nuclear Regulatory Commission (formerly the Atomic Energy Commission), or amendments thereto.
  12. Any sludge, screenings, or other residues from the pretreatment of industrial wastes.
  13. Any wastewater causing the treatment plant's effluent to fail toxicity testing.
  14. Any waste containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

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15. Any water or wastes which contain wax, grease, oil, plastic, or other substances that will solidify or become discernibly viscous at temperatures between 32 degrees F (0 deg. C) to 150 degrees F (65 deg. C).
16. Any wastewater or wastes which contain materials which exert or cause;
  - a. Unusual concentrations of solids or composition, such as total suspended solids or inert nature (such as Fuller's Earth) and/or total dissolved solids (such as sodium chloride, calcium chloride, or sodium sulfate),
  - b. Excessive discoloration.
  - c. Unusual biochemical oxygen demand or an immediate oxygen demand.
  - d. High hydrogen sulfide content.
  - e. Unusual flow and/or concentration.
17. Any wastewater containing toxic substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters, unless they are pretreated to a concentration acceptable to the City of Sapulpa.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

### B. Specific Pollutant Limitations

The City will have the authority to establish maximum allowable discharge loadings for each industrial user. In no case will the sum of the industrial allocations exceed the loadings established in the following tables.

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### Total Industrial Mass Allocation

Pollutant	Daily Maximum (lbs/day)	Monthly Average (lbs/day)
Arsenic	5.171	5.076
Cadmium	0.08	0.0598
Chromium	1.12	1.0796
Copper	0.956	0.565
Lead	0.35	0.214
Mercury	0.33	0.0257
Nickel	7.675	7.681
Silver	8.13	8.1
Zinc	6.012	4.5

The sum of the industrial allocations applies at the point where the industrial waste is discharged to the POTW. All limits for metallic substances are based on total metals. After technical evaluation, the City Manager may impose more stringent limits by permit if needed. Such modification would be subject to the appellate processes presented in Section I of this Code.

#### C. City's Right of Revision

The City of Sapulpa reserves the right to establish, by ordinance or in discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 17-301 and the general specific prohibitions in section 17-302 of this Code.

#### D. Federal Categorical Pretreatment Standards

The national categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405°471 are hereby incorporated.

Upon promulgation of a Federal Categorical Pretreatment Standard for a particular industrial subcategory, if the discharge limitations defined in those regulations are more stringent than imposed under this ordinance, the Categorical Standards shall govern and apply. It is incumbent upon the User to assure compliance, proper categorization, and notification of intent and to make timely application for permit to discharge.

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### E. Special Agreement

The City of Sapulpa reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.15

### F. Dilution

No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The City Manager may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

### G. Storm Water

Storm water, surface water, ground water, and roof runoff shall not be discharged to the POTW, unless specifically authorized by the City Manager.

### H. Additional Discharge Requirements

1. The City Manager may require review and acceptance prior to the discharge into the public sanitary sewers of any wastes or waters having;
  - a. A five (5) day, twenty degree (20 deg.) centigrade biochemical oxygen demand (BOD) greater than two hundred fifty milligrams per liter (250 mg/l).
  - b. Suspended solids containing greater than two hundred fifty milligrams per liter (250 mg/l).
  - c. The potential to be a prohibited discharge.
2. Industrial users discharging wastes which exhibit none of the characteristics of wastes prohibited in this ordinance, other than excessive BOD or suspended solids, but have an average concentration during a twenty-four (24) hour period of BOD or

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suspended solids content in excess of "normal domestic sewage" may be required to pretreat the industrial wastes to meet the requirements of "normal domestic sewage"; however, such wastes may be accepted for treatment if all the following requirements are met:

- a. The wastes will not cause damage to the sanitary sewer collection system.
  - b. The wastes will not impair the wastewater treatment process.
  - c. The discharger of the wastes is surcharged over and above the published sewer rates if deemed appropriate by the City Manager.
3. All Industrial Users shall promptly notify the City Manager in advance of any substantial change in the volume or character of pollutants in their discharge including the listed or characteristic hazardous waste for which the Industrial User has submitted initial notification required by Section 17-306 (l) of this Code.
  4. When the volume of a single toxic industrial waste discharge, or the combined toxic industrial waste discharges of a group of industries within a single contributory area, is so large as to raise a question of the ultimate concentration of the toxic substances entering a treatment plant or a receiving stream, the City Manager shall impose separate or special concentration limits upon the discharge to insure;
    - a. That the concentration of the toxic substance in the wastewater shall not exceed those concentrations in the influent of any wastewater treatment plant which are toxic to biological wastewater treatment processes, or which adversely affect sludge digestion, or "sludge quality", or any biochemical, biological or other wastewater treatment process,
    - b. That in no instance will the combined concentrations of any toxic substances in the effluent of any wastewater treatment plant exceed the discharge stream limitations as published by the State's regulatory agency.
  5. When wastewater containing any of the aforementioned materials is discharged into the sanitary sewer and is not properly pretreated or otherwise corrected, the City Manager may:
    - a. Reject the wastes and terminate the service to the industrial user.

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- b. Require control of the quantities and rates of discharge of such wastes with flow regulating devices,
- c. Require payment of surcharges for the excessive cost of treatment, provided that such wastes are amendable to treatment by existing wastewater treatment plant facilities.

## SECTION 17-303 . PRETREATMENT OF WASTEWATER

### A. Pretreatment Facilities

1. Industrial users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 17-302 above within the time limitations specified by the EPA, the State, or the City Manager, whichever is more stringent. Any facilities required to pre-treat wastewater to a level acceptable to the City of Sapulpa shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the POTW for review, and shall be acceptable to the City of Sapulpa before construction of the facility. The review of such plans and operating procedures in no way relieve the industrial use from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City of Sapulpa under the provisions of this ordinance.
2. Grease, oil and sand traps or interceptors shall be provided for the proper handling of liquid wastes containing pollutants in excessive amounts, flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwellings. All interceptors shall be of a type and capacity approved by the City Manager and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials, capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. All installed grease, oil and sand interceptors shall be maintained in continuously efficient operation by the owner at his expense. The use of hot water, enzymes, chemicals, other agents or devices for the purpose of causing the oil, grease, or sand to pass

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through the interceptor and/or the facility provided is prohibited. Materials removed from these facilities shall be either utilized by the industrial user or disposed of at designated approved locations.

### B. Accidental Discharge/Slug Control Plans

The City Manager may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the City Manager shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges.
2. Description of stored chemicals.
3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 17-302 of this Code.
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures may include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

### C. Tenant Responsibility

Where an owner of a property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

### D. Hauled Wastewater

1. Septic tank waste may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the City Manager, provided such wastes do not violate Section 2 of this ordinance or any other requirement established or adopted by the City of Sapulpa.
2. Fees for dumping septic waste may be established as part of the industrial user fee system as authorized in Section 17-314.

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### E. Vandalism

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any persons found in violation of this requirement shall be subject to the sanctions set out in Sections 17-310 to 17-312 below .

## SECTION 17-304 WASTEWATER DISCHARGE PERMIT ELIGIBILITY

### A. Wastewater Survey

1. When requested by the City Manager all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The City Manager is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be grounds for terminating service to the industrial user and shall be considered a violation of this ordinance.
2. The City Manager or his representatives shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this ordinance is being met and whether the industrial user is complying with all the requirements thereof. The industrial user shall allow the City Manager or his representative's ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

### B. Wastewater Discharge Permit Requirement

1. It shall be unlawful for any significant industrial user to discharge wastewater into the POTW without a valid wastewater discharge permit issued by the City Manager. Any violation of the terms and conditions of an industrial wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 17-310 to 17-312. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal pretreatment standards or requirements or with any other requirements of Federal, State and local law.
2. The City Manager may require certain other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of the ordinance.

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### C. Wastewater Discharge Permitting - Existing Connections

Any significant industrial user which began discharging industrial waste into the POTW prior to the effective date of this ordinance, not currently permitted, and who wishes to continue such discharges in the future, shall within 120 days after said date, apply to the City of Sapulpa for a wastewater discharge permit in accordance with Section 17-304 (E) below, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the City Manager.

### D. Wastewater Discharge Permitting - New Connections

Any significant industrial user proposing to begin or recommence discharging industrial waste into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. The industrial wastewater permit must be applied for in accordance with Section 17-304(E) below. The City Manager may require the application for the wastewater discharge permit to be filed at least 90 days prior to discharging.

### E. Wastewater Discharge Permit Application Contents

In order to be considered for an industrial wastewater discharge permit the information required by Section 17-306 (A)(2) of this Code must be submitted. The City Manager shall approve a form to be used as a permit application. In addition, the following information may be requested:

1. Description of the activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility.
2. Number and type of employees, hours of operation, and proposed or actual hours of operation.
3. Each product produced by type, amount, process or processes, and rate of production.
4. Type and amount of raw materials processed (average and maximum per day).
5. The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
6. Time, type and duration of discharge(s).
7. Any other information as may be deemed necessary by the City Manager to evaluate the wastewater discharge permits application.

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Incomplete or inaccurate applications will not be processed and will be returned for revision.

### F. Applications Signatories and Certification

All wastewater discharge permits applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

### SECTION 17-305 WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

#### A. Wastewater Discharge Permit - Duration

Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the City Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

#### B. Wastewater Discharge Permit Contents

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the City Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

1. Wastewater discharge permits must contain the following conditions:
  - a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed 5 years.
  - b. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the City Manager.
  - c. Self monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall

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include an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law.

- d. Statements of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements.
  - e. Effluent limits applicable to the user based on applicable standards in Federal, State, and local law.
2. Wastewater discharge permits may contain, but need not be limited to, the following:
- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
  - b. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
  - c. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
  - d. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.
  - e. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
  - f. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.
  - g. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
  - h. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State and local pretreatment standards,

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including those which become effective during the term of the wastewater discharge permit.

- i. Other conditions as deemed appropriate by the City Manger to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

### C. Wastewater Discharge Permit Appeals

Any person, including the industrial user, may petition the City of Sapulpa to reconsider the terms of a wastewater discharge permit within 15 days of its issuance.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
2. In its petition, the appealing party must indicate the wastewater discharge permit provision(s) objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

### D. Wastewater Discharge Permit Modification

The City Manager may modify the wastewater discharge permit for good cause including, but not limited to the following:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
2. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance.
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
4. Information indicating that the permitted discharge poses a threat to the POTW, City Personnel, or the receiving waters.
5. Violation of any terms or conditions of the wastewater discharge permit.
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or any required reporting.
7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR Part 403.13.
8. To correct typographical or other errors in the wastewater discharge permit.

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9. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay or hold in abeyance any wastewater discharge permit condition or penalty for lack thereof.

### E. Wastewater Discharge Permit -Transfer

A wastewater discharge permit may be reassigned or transferred to a new owner/operator only if the permittee gives at least 60 days advance notice to the City Manager and the City Manager approves the wastewater discharge permit transfer. The notice to the City Manager must include a written certification by the owner and/or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
2. Identifies the specific date on which the transfer is to occur.
3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.
4. Identifies the contact person assuming responsibility for compliance to wastewater discharge permit requirements.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void on the date of facility transfer.

### F. Wastewater Discharge Permit - Revocation

Wastewater discharge permits may be revoked for the following reasons:

1. Failure to notify the City of Sapulpa of significant changes to the wastewater prior to a change in discharge.
2. Failure to provide prior notification to the City of Sapulpa of changed condition pursuant to Section 17-306(F).
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
4. Falsifying self-monitoring reports.
5. Tampering with monitoring equipment.

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6. Refusing to allow Representatives of the City of Sapulpa access to the facility premises and records.
7. Failure to meet effluent limitations.
8. Failure to pay fines.
9. Failure to pay sewer charges and/or industrial pretreatment fees.
10. Failure to meet compliance schedules.
11. Failure to complete a wastewater survey or the industrial pre-treatment permit application.
12. Failure to provide advance notice of the transfer of a permitted facility.
13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be void upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

### G. Wastewater Discharge Permit Re-issuance

Industrial users shall apply for wastewater discharge permit re-issuance by submitting a complete wastewater discharge permit application in accordance with Section 17-304(E) a minimum of 30 days prior to the expiration date of the industrial user's existing wastewater discharge permit.

## SECTION 17-306 REPORTING REQUIREMENTS

### A. Baseline Monitoring Reports

1. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR Part 403.6 (a) (4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the City of Sapulpa a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City of Sapulpa a report

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which contains the information listed in (a) through (h) below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.

2. The industrial user shall submit the information required by this section including:
  - a. Identifying Information. The name and address of the facility including the name of the operators and owners.
  - b. Wastewater Discharge Permits. A list of any environmental control wastewater discharge permits held by or for the facility.
  - c. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications (SIC codes) of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - d. Flow Measurement. Existing Source: Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from the regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR part 403.6(e). The City Manager may allow for verifiable estimates of these flows where considerations justified by cost or feasibility.  
  
New Source (for baseline monitoring report only): Supply estimates of the anticipated flow(s) to the POTW from the regulated waste stream(s).
  - e. Measurement of Pollutants.
    - (i) Identify the categorical pretreatment standards applicable to each regulated process.
    - (ii) Existing Source: Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required) of regulated pollutants in the discharge from each regulated process. Both daily maximum and daily average concentration values shall be reported. The samples shall be representative of a typical

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operating day and shall be analyzed in accordance with procedures set out in Section 17-306(J), New Source (for baseline monitoring only): Submit estimates of the concentrations of the regulated pollutants the operator anticipates to be in the regulated waste stream(s) discharged to the POTW.

- (iii) All sampling must be performed in accordance with procedures set out in Section 17-306(K).
- f. Attestation Statement. All baseline monitoring reports must include a signed statement in accordance with Section 4.6 of this ordinance.
- g. Certification. A statement signed by the industrial user's authorized representative, indicating whether pretreatment standards are being met on a consistent basis--and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- h. Compliance Schedule. If additional pretreatment and/or operation and maintenance (O&M) will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such pretreatment and/or O&M.

The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 17-306(B) of this Code.

### B. Compliance Schedule Progress Report

The following conditions shall apply to the schedule required by Section 17-306(2)(h). The schedule shall contain progress increments in the form of the dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events as hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the City Manager no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, (if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event

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shall more than nine (9) months elapse between such progress reports to the City Manager.

### C. Report on Compliance with Categorical Pretreatment Standard - 90 Day Report

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the City of Sapulpa a report containing the information described in Section 17-306(2)(d-h). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Part 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 17-304(F).

### D. Periodic Compliance Reports

1. All significant industrial users shall, at a frequency to be determined by the City Manager, but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by any Federal, State or local discharge standard, and the measured or estimated average and maximum daily flows for the reporting period. This report shall include sampling location, sampling technique and chain of custody for all samples taken pursuant to this requirement. The city manager may require significant industrial users to submit additional information regarding either the operation of the facility or other pollutants with the report.
2. All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring facilities (sampling locations), shall be kept clean and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sampling results are unrepresentative of its discharge.
3. If an industrial user subject to the reporting requirements in and of this section monitors any regulated pollutant more frequently than required by the POTW, using the procedures prescribed in Section 17-306(K) of this article the results of this monitoring shall be included in the report.

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### E. Report of Changed Conditions

Each industrial user is required to notify the City Manager of any planned significant changes to the industrial user's operations which might alter the nature, quality or volume of its wastewater at least 30 days before the change.

1. The City Manager may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 17-304(E).
2. The City Manager may issue a wastewater discharge permit under Section 4 or modify an existing wastewater discharge permit under Section 17-305(D).
3. No industrial user shall implement the planned changed condition(s) until and unless the City Manager has responded to the user's notice.
4. For the purposes of this requirement flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

### F. Reports of Potential Problems

1. In the case of any discharge, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problem to the POTW (including a violation of the prohibited discharge standards in Section 17-302(A) of this Code), it is the responsibility of the industrial user to immediately telephone and notify the City of Sapulpa of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.
2. Within five (5) days following such discharge, the industrial user shall, unless waived by the City Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this ordinance.

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3. Failure to notify the City of Sapulpa of potential problem discharges shall be deemed a separate violation of this ordinance.

### G. Reports from Non-significant Industrial Users

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the City of Sapulpa as the City Manager may require.

### H. Notice of Violation/Repeat Sampling and Reporting

1. If sampling performed by an Industrial User indicates a violation:
  - a. The user shall notify the Control Authority within 24 hours of becoming aware of the violation, and
  - b. The User shall repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation, and
  - c. The User shall continue to resample as long as results indicate the effluent is in violation of discharge limits or the discharge of industrial waste water is terminated.
2. The Industrial User is not required to resample if:
  - a. The Control Authority performs sampling at the Industrial User at a frequency of at least once per month, or,
  - b. The Control Authority performs sampling at the user between the time when the User performs its initial sampling and the time when the User receives the results of the sampling.
  - c. The most recent sample analysis indicates the user's effluent is no longer in violation of discharge limits.

### I. Notification of Hazardous Waste Discharge

1. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste under 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following

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information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 6.5 above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Sections 17-306(A)(C) and (D) above.

2. Discharges are exempt from the requirements of paragraph (1) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous,. Discharge of more than 15 kilograms per calendar month of non-acute hazardous waste or any quantity of acute hazardous waste as specified in 40 CFR Part 261. 30(d) and 261.33(e) requires a one time notification.
3. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
4. In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of the hazardous waste generated to the degree it has been determined to be economically practical.

### J. Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question,

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sampling and analyses must be performed in accordance with procedures approved by the EPA.

### K. Sample Collection

1. Except as specified in (B), below, the industrial user must collect wastewater samples using flow proportional-composite collection techniques. In the event flow proportional sampling is not feasible, the City Manager may authorize the use of time proportional sampling through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
2. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab sampling techniques.

### L. Determination of Noncompliance - Grab Samples

The City Manager may use a grab Sample(s) to determine noncompliance with pretreatment standards.

### M. Receipt of Reports

Required reports and permit applications will be deemed to be submitted on the date postmarked. For documents not mailed, or illegibly postmarked, the date of receipt of the document will govern.

### N. Record Retention

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this ordinance or any permit or order issued hereunder. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this ordinance, or where the industrial user has been specifically notified of a longer retention period by the City Manager.

### O. Fraud and False Statements

Reports and other documents required to be submitted or maintained by this ordinance, or any permit or order issued hereunder, shall be subject to the provisions of 18 U.S.C. Section 1001 regarding fraud or false statements and the provisions of 309c(4) of the Act, as amended, governing false statements, representations, or certification.

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### SECTION 17-307 COMPLIANCE MONITORING

#### A. Sampling Locations

All significant industrial users shall provide and maintain, at the industrial user's expense, location(s) adequate to obtain representative samples for the purpose of monitoring compliance with applicable pretreatment standards, permit or orders issued hereunder. The City Manager may require non-significant industrial users to provide sampling locations adequate to monitor for compliance with this ordinance or any permit or orders issued hereunder. All sampling locations shall be accessible to personnel of the City of Sapulpa during the user's entire operational day.

#### B. Sample Chambers

The City Manager may require an industrial user to construct, and maintain, at the industrial user's expense, a sample chamber (s) at a location (s) to be used for the purpose of obtaining compliance monitoring samples by the industrial user and representatives of the City of Sapulpa. Sample chambers shall be accessible to personnel of the City of Sapulpa during the user's entire operational day. The City Manager may require sample chambers to be of such construction as to accommodate sampling equipment, to protect samples from freezing, and to provide adequate security for the POTW's sampling equipment. The industrial user shall submit plans and drawings of any proposed sample chamber to the City Manager for his/her approval prior to installation. If an existing sample chamber is incapable of meeting the requirements of this section, the industrial user shall, at its expense, replace, modify, or relocate said sample chamber as the City Manager directs.

#### C. Inspection and Sampling

Representatives of the City of Sapulpa shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this ordinance, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the City Manager or his representative's ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

1. Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the City of Sapulpa, the State and the EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

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2. The City of Sapulpa, the State, and the EPA shall have the right to install on the industrial users property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
3. The City of Sapulpa may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense.
4. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the City Manager and shall not be replaced. The costs of clearing such access shall be born by the industrial user.
5. Unreasonable delays in allowing City personnel access to the industrial user's premises shall be a violation of this article.

### D. Search Warrants

If the City Manager or his agent has been refused access to a building, structure or property or any part thereof, and if the City Manager has demonstrated probable cause to believe that there may be a violation of this ordinance or that there is a need to inspect as part of a routine inspection program of the City of Sapulpa designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Municipal Court of the City of Sapulpa shall issue a search and/or seizure warrant describing therein the specific location subject of the search. The warrant shall specify what, if anything may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the City Manager in the company of a uniformed police officer of the City of Sapulpa. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

### SECTION 17-308 CONFIDENTIAL INFORMATION

Information and data provided to the City of Sapulpa with respect to the nature and frequency of discharge shall be available to the public without restriction. All other information which is submitted to the POTW shall be available to the public at least to the extent provided by 40 CFR Part 2.302.

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### SECTION 17-309 PUBLICATION OF SIGNIFICANTLY VIOLATING INDUSTRIAL USERS

The City of Sapulpa shall publish annually, in the largest daily local newspaper, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a 6-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter taken during a 6-month period equal or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the City Manager has determined has caused, alone or in combination with other discharges, interferences or pass through (including the endangering the health of POTW personnel or the general public),
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR Part 403.8(f) (1) (vi) (B) and Section 17-310(F) of this Code.
- E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- F. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic compliance reports and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.

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- H. Any other violation or group of violations which the City of Sapulpa determines will adversely affect the operation of the local pretreatment program.

### SECTION 17-310 ADMINISTRATIVE ENFORCEMENT REMEDIES

#### A. Notification of Violation

When the City Manager finds that any industrial user has violated or is in violation of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the City Manager or his agent may serve upon the industrial user a written Notice of Violation. Within 15 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the industrial user to the City Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the City of Sapulpa to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

#### B. Consent Orders

The City Manager is hereby empowered to enter into Consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial user responsible for noncompliance. Such order will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections D and E below and shall be judicially enforceable.

#### C. Show Cause Hearing

The City Manager may order any industrial user which causes or contributes to violation(s) of this ordinance, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the City Manager and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered mail (return receipt requested) at least 7 days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the industrial user.

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### D. Compliance Orders

When the City Manager finds that an industrial user has violated or continues to violate this ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time period. If the user does not come into compliance within this time period, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

### E. Cease and Desist Orders

When the City Manager finds that a user is violating this ordinance, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur the City Manager may issue an order to the industrial user directing it to cease and desist all such violations and directing the user to:

1. Immediately comply with all requirements.
2. Take such appropriate remedial or preventive actions as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking other action against the user.

### F. Administrative Fines

1. Notwithstanding any other section of this ordinance, any user that is found to have violated any provision of this ordinance, its wastewater discharge permit, orders issued hereunder, or any other pretreatment standard or requirement may be fined an amount not to exceed one thousand dollars (\$1,000). Such fines shall be assessed on a per violation, per day basis.
2. Such fines must be paid within thirty (30) days from the receipt of the notice.

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3. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property.
4. Any user desiring to dispute such fines must follow the procedures set out in section (I), below.
5. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

### G. Emergency Suspensions

The City Manager may immediately suspend a user's discharge permit (after informal notice to the user) whenever suspension is necessary in order to stop an actual or threatened discharge permit which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City Manager may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

1. Any user notified of a suspension of its discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City Manager shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City Manager that the period of endangerment has passed, unless the termination proceedings set forth in Section 17-310(H) are initiated against the user.
2. Any user responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the City Manager, prior to the date of any show cause or termination hearing under Sections 17-310(C) and (H).

Nothing in this section shall be interpreted as requiring a hearing, to any emergency suspension under this section.

### H. Termination of Discharge

In addition to those provisions in Section 17-305(F) of this Code, any user that violates the following conditions is subject to discharge termination.

1. Violation of wastewater discharge permit conditions.

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2. Failure to accurately report the wastewater constituents and characteristics of its discharge.
3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
5. Violation of the pretreatment standards in Section 2 of this ordinance.

Such user shall be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 17-310(C) of this Code why the proposed action should not be taken.

### I. Appeals

#### 1. City Manager

Any person affected or aggrieved by any administrative notice or order which has been entered in connection with the enforcement of any provisions of this ordinance or of any rule or regulation adopted pursuant thereto, shall be granted a hearing before the City Manager. Such a person shall file, with the office of the City Manager, a request, stating the grounds for the hearing, within fifteen (15) days after the notice or order was served upon the person. Upon receipt of the request, the City Manager shall set a time and place for the hearing and shall give the petitioner written notice. At such hearing, the petitioner shall be given an opportunity to show why the City Manager's notice or order should be modified or withdrawn. The hearing shall be held within fifteen (15) days after the request is filed in the City Managers offices unless the petitioner requests and shows good cause for postponement. The City Manager shall be the sole judge of whether good cause is shown. After the hearing, the City Manager may sustain, modify or withdraw the notice or order. The decision of the City Manager shall be final unless a written notice for appeal to the Board of Commissioners of the City of Sapulpa is filed with the City Clerk within fifteen (15) days of said decision.

#### 2. Board of Commissioners

Appeals from any final order of the City Manager may be made to the Board of Commissioners of the City of Sapulpa. A notice of appeal, specifying the grounds for such appeal, must be filed with the City Clerk's office within fifteen (15) days after service on the petitioner of

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the City Manager's decision. All such appeals shall be perfected when the notice of appeal is filed. Hearing on the appeal shall be de novo before the Board of Commissioners at its second regular meeting following the filing of the notice of appeal.

The proceedings of any hearing held pursuant to this section, including the findings and decisions of the City Manager and Board of Commissioners, shall be summarized, reduced to writing and entered as a matter of public record in the office of the City Manager.

### SECTION 17-311 JUDICIAL ENFORCEMENT REMEDIES

#### A. Injunctive Relief

Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the City Manager may petition the Court for the issuance of a preliminary or permanent injunction (or both as may be appropriate) which restrains or compels the activities on the part of the industrial user. The City Manager shall have such remedies to collect fees as are available to collect other sewer service charges. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

#### B. Civil Penalties

1. Any user which has violated or continues to violate this ordinance, any order or wastewater discharge permit issued hereunder, or any other pretreatment standard or requirement shall be liable to the City of Sapulpa for a maximum civil penalty of one thousand dollars (\$1,000) per violation per day.
2. The City of Sapulpa may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Sapulpa.
3. In determining the amount of civil liability, the Court shall take into account all relevant circumstances.

#### C. Remedies Nonexclusive

The provisions in Sections 17-309 and 17-310 are not exclusive remedies. The City of Sapulpa reserves the right to take any, all, or any combination of these actions against a noncompliant user. Further, the City of Sapulpa is empowered

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to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

### SECTION 17-312 SUPPLEMENTAL ENFORCEMENT ACTION

#### A. Performance Bonds

The City Manager may decline to issue a wastewater discharge permit to any user which has failed to comply with the provisions of this Code, any order, or a previous wastewater discharge permit issued hereunder, unless the user first files a satisfactory bond payable to the City of Sapulpa, in a sum not to exceed a value determined by the City Manager to be necessary to achieve consistent compliance.

#### B. Liability Insurance

The City Manager may decline to issue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any order, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

#### C. Water Supply Severance

Whenever a user has violated or continues to violate the provisions of this ordinance, orders, or wastewater discharge permits issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after the user has satisfactorily demonstrated its ability to comply.

### SECTION 17-313 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

#### A. Upset

1. Definition. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. Effect of an upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3) are met.

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3. Conditions necessary for a demonstration of upset. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and the industrial user can identify the cause(s) of the upset.
  - b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
  - c. The industrial user has submitted the following information to the POTW within 24 hours of becoming aware of the upset (if this information is provided orally. A written submission must be provided within five days):
    - i. A description of the indirect discharge and cause of noncompliance.
    - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
    - iii. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
4. Burden of proof. In any enforcement proceeding, the industrial user seeking to establish the occurrence of a upset shall have the burden of proof.
5. Judicial Review. Industrial users will have the opportunity for a judicial determination on any claim of upset in an enforcement action brought for noncompliance with a pretreatment standard.
6. User responsibility in case of upset. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

### B. General/Specific Prohibitions

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An industrial user shall have an affirmation defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 17-302 of this Code if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference and that either:

1. A local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference.
2. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the POTW was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### C. Bypass

1. Definitions (pursuant to a "septic sewer bypass")
  - a. "Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.
  - b. "Severe property damage" means substantial damage to the property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
2. Bypass not violating applicable pretreatment standards and requirements.

An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (1) and (2) of this section.

3. Notice
  - a. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, if possible at least ten days before the date of the bypass.
  - b. An industrial user shall submit oral notice of unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time the industrial user becomes aware of the bypass.

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A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

4. Prohibition of bypass
  - a. Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:
    - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
    - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during the normal periods of downtime. This conditions is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.
    - (iii) The industrial user submitted notices as required under paragraph (3) of this section.
  - b. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph (4) (a) of this section.

## SECTION 17-314 MISCELLANEOUS PROVISIONS

### A. Pretreatment Charges and Fees

The City of Sapulpa may adopt reasonable charges and fees for reimbursement of costs of operating and maintaining the City's Pretreatment Program which may includes

1. Fees for wastewater discharge permit applications including the cost of review and processing such applications.

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2. Fees for monitoring, inspecting, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial user.
3. Fees for filing appeals.
4. Other fees as the City of Sapulpa may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines and penalties chargeable by the City of Sapulpa.

### B. Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force.

### C. Conflicts

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of the inconsistency or conflict.

## ARTICLE B

### SANITARY SEWER REGULATIONS

#### SECTION 17-315 PERMITS AND FEES.

There is hereby imposed a required industrial pretreatment permit and fee upon designated users of the city wastewater system as reflected by the Master Fee Schedule.

#### SECTION 17-316 STATE PERMIT EXEMPTIONS.

A. DEFINITIONS. The following terms shall have the ascribed meaning as used in this section:

1. *DEQ* means the Oklahoma State Department of Environmental Quality, its successors, designees and assigns.
2. *Municipal systems* means sanitary sewage collection systems constructed, operated or maintained by a municipality or trust for the benefit of such a municipality.

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3. *Sewage collection systems* includes gravity sewage collection lines not exceeding 500 feet in length nor larger than twelve inches in diameter and except systems constructed in whole or in part with funds from EPA and/or administered by DEQ.

### B. MUNICIPAL SYSTEMS.

1. *Purpose.*

The purpose of this subsection is to qualify for exemptions from the Department of Environmental Quality construction permit requirement for wastewater collection systems, pursuant to Chapter 656 of the Oklahoma Administrative Code, entitled "*Water Pollution Control Construction Standards*", adopted by the Board of Environmental Quality on September 28, 1999. Gravity sewage construction lines not exceeding 500 feet in length nor larger than twelve inches in diameter is the only system eligible for the exemption from the requirements of issuance of state construction permits, provided all systems constructed in whole or in part with funds from the United States EPA and/or with funds administered by the DEQ shall not be exempt from the requirement of obtaining a state construction permit.

2. *System and Connection Requirements.*

All municipal systems and connections thereto must be constructed in compliance with the applicable regulations, rules and requirements of the DEQ or the regulations, rules and requirements regulations of the City, whichever standard is more stringent.

3. *Approval Required.*

All sewer line extensions to sewage treatment plants, lift stations, and interceptor lines must be approved by the designated City representative prior to actual construction.

4. *Approval Withheld.*

Approval shall be withheld if the sewage treatment plant, lift station or interceptor line to which the sewer line extension is to attach has reached or, with the addition of the proposed sewer line extension, would reach treatment or hydraulic capacities. Further, approval shall also be withheld if the sewer line extension does not meet or exceed the standards of the DEQ and the City, or may be withheld for any other reason.

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### 5. *Review and Approval of Plans and Specifications for sewage collection systems.*

Prior to construction, plans and specifications for sewage collection systems must be reviewed, approved and signed by a professional engineer licensed by the State of Oklahoma and designated by the designated City representative as being in responsible charge of connections to the sewage collection systems for the municipality. All approved plans and specifications must be signed by said designated professional engineer indicating approval to proceed with construction in accordance with the approved plans and specifications. No sewage collection system construction shall proceed until plans and specifications have been reviewed and approved in this manner.

### 6. *Listing of Projects.*

The designated City representative must supply DEQ with one copy of all such approved plans and specifications together with a listing of all approved projects quarterly. The listing shall include the name, location and date of approval of each such project.

### 7. *Inspection.*

The City's engineer shall inspect each approved project and shall prohibit commencement of any sewage collection systems construction or connection prior to approval of plans and specifications in accordance with this division.

### 8. *System Operation.*

The City shall operate its wastewater system in compliance with the applicable rules of DEQ.

### 9. *System Capacity Exception.*

Should any proposed City sewer line extension bring a connected lift station, interceptor line or sewage treatment plant to its design capacity, the construction or connection of the proposed sewer line extension may still be allowed, to the extent approved by DEQ, under the following circumstances:

- (a) The City must apply, in writing, to the DEQ for a variance allowing the specified construction to proceed within the area.
- (b) The application must detail what the City will do to ensure that the

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construction or connection will not worsen problems or treatment capacity, flow or bypassing of sewage.

- (c) The application must include timetables for correcting any stated problems, prior to the connection of any additional loadings or flows, as a result of the construction for which approval is sought.
- (d) The application, if approved, will become a condition of any permit issued for such construction by the DEQ.
- (e) Approval of construction in an area at design capacity, which has not received such a variance from the DEQ, will result in revocation of the City's overall sewer line permit exemption status, as provided by the rules and regulations of DEQ.

### SECTION 17-317 SANITARY SEWER / RESPONSIBILITY OF PROPERTY OWNERS.

To minimize groundwater infiltration and inflow to the public sewer system that may overload and inhibit wastewater treatment, the City hereby requires that all property owners utilizing the sewage system of the city of Sapulpa be responsible for the maintenance of all connections, lines, and fixtures in a manner sufficiently watertight so as not to allow, and cause such to be, leakage out of or seepage into said connections, lines, and fixtures from the place of discharge to the place of connection to the public sewage system main. At the discretion of the City of Sapulpa, such connections, lines, and fixtures shall be subject to inspection and testing by the City of Sapulpa, or its designated agent.

### SECTION 17-318 SANITARY SEWER / PROHIBITED CONNECTIONS.

No person shall henceforth make connection of roof down-spout or leaders, interior or exterior foundation drains, clean-outs, sump pumps, cellar, yard, and area drains, cooling water discharges, drains from springs or swampy areas, or other sources of surface, storm or ground water to a structure sewer or structure drain which is connected, either directly or indirectly, to the sanitary sewer system.

### SECTION 17-319 SANITARY SEWER / DISCONNECT ORDER.

The Director of the Department of Public Works or his designated agent may issue a disconnect order directing the owner of the real estate or structure to disconnect private infiltration or inflow waters from the sanitary sewer system. The order shall be effective not less than 30 days from its date of issuance. The order may state a deadline for compliance but such deadline shall, in no event, be more than three

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(3) months after issuance of the order.

### SECTION 17-320 SANITARY SEWER / TERMINATION OF SERVICE.

The City of Sapulpa, Department of Public Works, may order the termination of sanitary sewer service and/or water service to any real estate or structure if the owner has refused to allow access and entry or has failed or refused to comply with the disconnect order requiring that the private infiltration or inflow waters be prevented from entering the sanitary sewer system. The termination shall be effective 30 days after the service upon the owner. Service of the order shall be in person or by restricted delivery mail.

### SECTION 17-321 SANITARY SEWER / RE-CONNECTION OF SERVICE.

Sanitary sewer service disconnected under the provisions of this chapter shall not be reconnected until sources of infiltration or inflow have been disconnected. The cost of disconnection and re-connection shall be the burden and responsibility of the owner or lessee.

### SECTION 17-322 SANITARY SEWER / ABATEMENT OF NUISANCE.

In addition to or in lieu of termination of service and/or prosecution in Municipal Court, the Department of Public Works may maintain a civil action by injunction, in the name of the City Council of Sapulpa, Oklahoma, to abate and temporarily or permanently enjoin the continuation of the private infiltration/inflow and/or as a nuisance, in any court of competent jurisdiction.

### SECTION 17-323 SANITARY SEWER / ACCESS AND ENTRY.

(A) Access: Representatives of the Department of Public Works shall have the right to make an inspection of any parcel of real estate and/or structure for the purpose of determining compliance with this chapter. Inspections shall be done at a reasonable hour of the day.

(B) Notice: If the structure or real estate to be inspected is occupied, the representative shall first present proper credentials and request entry. If the structure or real estate is unoccupied, he shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the structure or real estate and request entry.

(C) Search Warrants: If, after proper request, entry or access is refused, the Department of Public Works may compel such access by application to a court of competent jurisdiction for a search warrant in compliance with the provisions of

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Section 15 of the Oklahoma Bill of Rights and the Fourth and Fourteenth Amendments of the United States Constitution relating to unreasonable searches and seizures.

### SECTION 17-324 SANITARY SEWER / OPTIONAL PENALTY.

If property owner is unable or refuses to comply with Section 17-305 (repair or disconnection of infiltration and inflow source), the City may, at its discretion, contract with a plumbing contractor of the City's Choice to make the required repair/replacement/disconnection to remove the infiltration and inflow source. The cost of the abatement may include but not be limited to: repair of the defect; repair of streets, alleys, curbs, and parking. The cost of such action will be filed as a lien on the property.

If the affected utility account is in the name of the property owner, a charge of not less than \$25.00 per month shall be added to the utility bill of the property owner for that address until the lien amount is paid in full. If the account is closed or transferred to a different owner, the amount of the outstanding balance on the lien shall become due in full immediately.

If the utility account is not in the name of the owner of the property, the full amount of the costs of repair shall become due and owing upon filing of the lien and shall be collected as a debt due the City by any and all legal means, including foreclosure of the lien.

Upon receipt by the City of the total cost of repairs, a lien release shall be issued and filed."

### SECTION 17-325 SANITARY SEWER / OPTIONAL ABATEMENT PROCEDURE.

If property owner is unable or refuses to comply with Section 17-305 (repair or disconnection of infiltration and inflow source), the City may, at its discretion, contract with a plumbing contractor of the City's Choice to make the required repair/replacement/disconnection to remove the infiltration and inflow source. The cost of the abatement may include but not be limited to: repair of the defect; repair of streets, alleys, curbs, and parking. The cost of such action will be filed as a lien on the property. A charge of not less than \$25.00 per month will be added to the utility bill of the property owner or utility user of that address until paid in full. Lien release will be issued on receipt of total cost."

### SECTION 17-326 SANITARY SEWAGE BACK-FLOW PREVENTION / POP-OFF DEVICES

- A. Back-flow Prevention Devices Required. All private service lines connected

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to the City of Sapulpa public sewer system shall include a pop-off device, or other city-approved backflow prevention device, connected to the sanitary sewer clean out, to protect against backflow. Said device shall be of sufficient size and quality to prevent backflow to individual residences or businesses. All installed pop-off devices shall be registered with the City of Sapulpa and properly maintained and secured by said property owner.

B. Access and Entry. Representatives of the Department Public Works shall have the right to make inspection of any parcel of real estate and/or structure for the purpose of determining compliance with this Section.

C. Implementation. As a means to implement this Section, the City shall provide and install pop-off valves on clean outs connected to the city sewer system upon written authorization from the property owner and/or utility customer in writing on forms approved by the City. The pop off devices and installation services shall be provided at no additional expense for owners and customers who elect participation on or before June 30, 2014. On and after July 1, 2014, the pop off devices and installation services shall be provided upon written authorization from the property owner and/or utility customer in writing on forms approved by the City at a cost set forth and assessed in the Master Fee Schedule.

D. Limitation of Liability. The failure of any property owner or utility customer to meet the conditions of this Section shall effectively exempt the City of Sapulpa from all liability in the event of a sanitary sewer back-up. [Ord. No. 2687.]

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CHAPTER 4

SEPTIC TANKS

Section 17-401	License required; fee; term.
Section 17-402	Examination, certificate and bond required of applicants; exception as to licensed plumbers.
Section 17-403	Permit for installation required; fee.
Section 17-404	Inspection and approval of system; discontinuance or refusal of water service to premises with defective system.
Section 17-405	Minimum construction, requirements for private sewage systems.
Section 17-406	Haulers; disposal requirements.
Section 17-407	Storm Water Haulers; Disposal Requirements; Fees

SECTION 17-401 LICENSE REQUIRED; FEE; TERM.

Before any person shall engage in the business of installing or repairing septic tank systems within the city, a license shall be obtained by a such person from the city clerk. The fee for the issuance of such license shall be the sum as set by the Master FeeSchedule, which shall entitle the holder thereof to engage in such business for a period of one year from the date of such license. (Prior Code, Sec. 30-37; Ord. No. 1079, Sec. 1.)

SECTION 17-402 EXAMINATION, CERTIFICATE AND BOND REQUIRED OF APPLICANTS; EXCEPTION AS TO LICENSED PLUMBERS.

In order to obtain a license for the purposes set forth in this chapter, a person shall first take and pass an examination given by the city-county sanitarian upon a form prescribed by the director of the city-county health department, and shall present to the city clerk a certificate issued by such department showing he is qualified to perform such work, and shall also obtain and file with the city clerk a bond in the penal sum as set by the city executed by a surety company authorized to do business in the state conditioned for the payment of damages and injury resulting from negligent or improper construction or repair of septic tanks by the licensee; provided, that a plumber licensed to do business in the city may perform the work of installing or repairing septic tanks within the city without the license provided for in this chapter and without furnishing the bond required by this section. (Prior Code, Sec. 30-38; Ord. No. 1079, Sec. 2.)

SECTION 17-403 PERMIT FOR INSTALLATION REQUIRED; FEE.

- A. Before a septic tank system is connected to a residence or other structure

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for human use and occupation connected with the water system of the city, either within or without the city, a permit for such installation shall be obtained from the director of the city-county health department, or his authorized representative. The failure to obtain such permit shall be grounds for the discontinuance of water service to the occupied residence or structure.

- B. The fee for the permit for installation of such septic tanks is hereby fixed at the sum as set by the Master Fee Schedule, and the same shall be paid to the city clerk prior to the issuance thereof. (Prior Code, Sec. 30-39; Ord. No. 1079; Sec. 3; Ord. No. 1091, Sec. 1.)

### SECTION 17-404 INSPECTION AND APPROVAL OF SYSTEM; DISCONTINUANCE OR REFUSAL OF WATER SERVICE TO PREMISES WITH DEFECTIVE SYSTEM.

After the issuance of the permit for the installation of the septic tank system mentioned in this chapter, it shall be the duty of the director of the city-county health department and city building inspector to inspect the plans of the proposed construction, the location and other conditions existing, and upon completion of the work, such director shall approve the septic tank system prior to any use being made thereof. Where any defective or dangerous condition exists by reason of such construction, the city is authorized to discontinue or refuse water service to the building or structure served by such septic tank system. (Prior Code, Sec. 30-40; Ord. No. 1079, Sec. 4.)

### SECTION 17-405 MINIMUM CONSTRUCTION, REQUIREMENTS FOR PRIVATE SEWAGE SYSTEMS.

- A. No private sewage disposal system shall hereafter be constructed in the city unless the same shall comply with the minimum requirements of the bureau of sanitary engineering of the state board of health.
- B. The method of sewage disposal for new construction within the city shall not include pit privies, but may include septic tanks, open sand filters or other methods approved by the state health department. The failure or inability to make provisions for such approved methods of sewage disposal shall justify the refusal of a building permit for such new construction. (Prior Code, Sec. 30-41; Ord. No. 1079, Secs. 5, 6.)

### SECTION 17-406 HAULERS; DISPOSAL REQUIREMENTS; FEES.

- A. The City of Sapulpa Regional Wastewater Treatment Plant shall accept domestic septic wastewater from haulers, providing, the service is being

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provided to a residence or commercial customer located within Creek County or the Sapulpa Municipal Authority service area. No industrial waste will be accepted.

- B. Every operator of a motor vehicle licensed to collect waste shall maintain a septic wastewater manifest, which shall be completed as appropriate, be a true, current and legible record of the domestic waste collected, removed, transported and disposed of at the Sapulpa Regional Wastewater Treatment Plant.
- C. Each septic wastewater manifest required by this section shall be maintained on the form provided by the City of Sapulpa. The City Manager may approve alternative forms if in his/her opinion the relevant information is contained upon such alternate forms.
- D. Each septic waste hauler shall retain a copy of the manifest for a period of no less than (3) years from the date of the completion of the manifest.  
Manifests shall be maintained in records retrievable by vehicle, and in chronological order. Records shall be surrendered to the City Manager or the Industrial Pretreatment Coordinator upon written request.
- E. Each septic waste hauler shall establish and maintain an account with the City of Sapulpa Utility Collections Department to which all charges will be made for disposal of waste at the facility. No payment will be received at the treatment facility.
- F. If in the opinion of the Superintendent of Wastewater Treatment the septic waste hauler, or their employee, is not complying with treatment plant requirements for the disposal of septic wastewater the septic waste haulers access to the facility will be denied.

### SECTION 17-407

### STORM WATER HAULERS; DISPOSAL REQUIREMENTS; FEES

- A. The City Regional Wastewater Treatment Plant shall accept for disposal from haulers commercial non-hazardous storm water. The disposal of wastes from this

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source is restricted to storm water collection basins and leach field collection systems. Wastes from commercial sources must be certified by the owner of the system as to “Not contain industrial process wastes.” All such haulers are deemed Significant Industries (“SIU”) and are required to pay to the City an annual permit fee and monthly service fee as set forth in the Master Fee Schedule prior to disposing of said storm water.

- B. Each such hauler shall sign for a copy of and agree to be bound by the “Conditions for Dumping Non-Hazardous Storm Water” to be provided by the Superintendent of the wastewater treatment plant, or his designated representative. Failure to comply with said conditions shall result in the revocation of said hauler’s dumping privileges.
- C. Each hauler shall desiring to dump such storm water shall open and maintain an account with the City Utility Collections Department and pay a deposit fee as set forth in the Master Fee Schedule. In addition, there shall be a fee as set forth in the Master Fee Schedule for each load of storm water dumped pursuant to this section.
- D. Each hauler shall be required to maintain a manifest on a form as supplied by the City.

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CHAPTER 5

REFUSE COLLECTION

ARTICLE A

COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE

Section 17-501	Definitions.
Section 17-502	Reservation of rights by city.
Section 17-503	Containers required.
Section 17-504	Depositing garbage or trash not in containers for collection.
Section 17-505	Unauthorized collection, removal or transportation.
Section 17-506	Unlawful accumulations.
Section 17-507	Tampering with containers.
Section 17-508	Contracts for collection and removal.
Section 17-509	Vehicles; place of disposal.
Section 17-510	Frequency of collections.
Section 17-511	Rates and charges; billing.
Section 17-512	Enforcement of article.

ARTICLE B

COLLECTION AND CONTROL OF SOLID WASTE

Section 17-521	
Section 17-522	Waste collector's license.
Section 17-523	License application, requirements, issuance, denial.
Section 17-524	Waste management restrictions.
Section 17-525	Solid waste manifest, required.
Section 17-526	Falsification of solid waste manifest, failure to provide, penalty.
Section 17-527	Disposal.
Section 17-528	Impoundment of vehicles.
Section 17-529	Special orders of city manager.

ARTICLE C

SAPULPA CONVENIENCE STATION USE REGULATIONS

Section 17-530	Definitions.
Section 17-531	Sapulpa convenience station fees.
Section 17-532	Requirements for vehicles used for hauling.
Section 17-533	Acceptable waste and material.

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Section 17-534	Unacceptable waste/banned waste.
Section 17-535	Proof of residency.
Section 17-536	Refuse from outside of the City of Sapulpa.
Section 17-537	Recycling
Section 17-538	Littering, unlawful dumping
Section 17-539	Hazards associated with convenience station operations.
Section 17-540	Scavenging unlawful.
Section 17-541	Rules and regulations.
Section 17-542	Prohibitions

ARTICLE A

COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE

SECTION 17-501 DEFINITIONS.

For the purpose of this article, the following words shall have the following meanings:

1. "Garbage" means every accumulation of animal or vegetable matter, or both, likely to decay or usually discarded as waste matter from kitchens, dining rooms, hotels, restaurants, boardinghouses and dwelling houses of every kind, and such term shall include such waste animal or vegetable matter from public institutions, businesses, stores, markets, or other establishments; and
2. "Trash" means any accumulation of broken or discarded boxes, paper, straw, sawdust, ashes, iron or other metal, clothing and other similar waste matter, other than garbage as defined above, usually discarded by business establishments or occupants of dwellings and living quarters; provided, that waste building materials accumulated from the remodeling or repairing of buildings or dwellings shall not be considered trash for the purpose of collection.

SECTION 17-502 RESERVATION OF RIGHTS BY CITY.

The city hereby reserves unto itself the exclusive right and privilege of the collection, removal and disposition of all garbage and trash within the city, either by contracting with a suitable person for the collection and removal thereof or by the collection and removal thereof by employees of the city, either method to be at the discretion of the city council.

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### SECTION 17-503 CONTAINERS REQUIRED; PLACEMENT.

- A. It is hereby made the duty of every owner, occupant, tenant or lessee occupying a business establishment, dwelling house or apartment, and every person in charge of a hotel or other living quarters in the city, to place all household generated garbage and trash securely within in collection carts/containers provided by the city.
- B. Collection carts/containers and any yard waste shall only be placed at curbside on designated neighborhood collection days and thereafter shall be set back and remain at least twenty-five (25) feet from curbside. No residential collection cart/container shall be placed at curbside any earlier than 6 p.m. the day before collection and shall be removed from curbside the same day of collection. Curbside means that portion of the right-of-way adjacent to a paved or traveled road or street. On collection days, collection carts/containers shall be placed no more than three feet from curbside and as close as practical without interfering with or endangering the movement of vehicles and/or pedestrians and otherwise placed within the sanitation collector's view. The city or it's agent may refuse to collect any non-conforming container or any container that is improperly placed at curbside or that does not meet any of the requirements of this chapter.
- C. Any permanent structure placed in the city's right-of-way or easement shall be immediately removed. Any permanent structure outside the city's right-of-way or easement existing as of July 20, 1999 and which completely conceals the presence of the collection carts/containers within said structure shall be allowed to remain where located. Any other existing permanent structure and all permanent structures built after July 20, 1999 shall be located at least twenty-five feet from curbside. Permanent structure means any structure with a minimum of two inch concrete, brick or similar hard surfaced base material affixed to the ground and with brick, wood, or similar rigid materials for wall enclosures.
- D. The owner, person having control, or occupant of any premises in the city who fails, neglects or refuses to use or deposit garbage or trash into the collection carts/containers provided for by this chapter, or who fails or refuses or neglects to pay without just cause any uncontested bills for service rendered under this chapter for a period of ten days after notice of such failure, neglect or refusal, or who violates any of the provisions of this article is guilty of an offense punishable under Section 1-108 of the code. (Prior Code, Sec. 22-6; Ord. No. 2288, Sec. 1.)

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### SECTION 17-504 DEPOSITING GARBAGE OR TRASH NOT IN CONTAINERS FOR COLLECTION.

It shall be unlawful for any person to deposit upon the streets, alleys, parking or on private property any garbage or trash for collection unless the same is placed in a container as required by this chapter, except that yard waste consisting of leaves, grass clippings etc. may be placed at curbside in plastic bags, appropriately secured, or two 2 foot by 4 foot secured bundles, the collective weight of which is 50 pounds or less. (Prior Code, Sec. 22-7; Ord. No. 2288, Sec. 1)

### SECTION 17-505 UNAUTHORIZED COLLECTION, REMOVAL OR TRANSPORTATION.

It shall be unlawful for any person, except as duly authorized under the terms of this article, to collect or remove any garbage or trash as defined herein and to transport, haul or carry the same over the streets and alleys of this city. (Prior Code, Sec. 22-8; Ord. No. 739, Sec. 5.)

### SECTION 17-506 UNLAWFUL ACCUMULATIONS.

It shall be unlawful for any owner, occupant or other person to charge of any lot, tract of ground or other premises in the city to allow garbage or trash to accumulate thereon and to permit water or other putrid substances whether animal or vegetable, to so accumulate, so as to cause an offensive odor to be emitted therefrom or to cause a condition dangerous to the health of any person. (Prior Code, Sec. 22-9; Ord. No. 739, Sec. 6.)

### SECTION 17-507 TAMPERING WITH CONTAINERS.

It shall be unlawful for any person not duly authorized as provided in this article, to tamper with, overturn, remove or destroy any garbage or trash container of a residence, business or other establishment in this city. (Prior Code, Sec. 22-10; Ord. No. 739, Sec. 7)

### SECTION 17-508 CONTRACTS FOR COLLECTION AND REMOVAL.

The city council of the city may contract with some suitable person for the collection and removal of garbage and trash upon such terms and conditions as may under the terms of this article be deemed for the best interests of this city; provided, that any party so contracting with the city shall furnish to the city clerk a bond in a sum set by the city, conditioned upon the faithful performance of such contract, and shall further furnish and deposit with the city clerk a policy of contractor's liability insurance in an amount set by the city, and policies of public liability and property damage insurance covering the vehicles to be used by him in an amount set by the city, such policies of insurance to be

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in companies accepted to the city clerk; and, provided further, that unless such a contract is duly entered into, the city shall have the right to provide for the collection and removal of garbage and trash by its own employees. (Prior Code, Sec. 22-11; Ord. No. 739, Sec. 8.)

### SECTION 17-509 VEHICLES; PLACE OF DISPOSAL.

- A. All vehicles used in the collection, removal and disposal of garbage and trash shall be so constructed as to prevent such waste matter from spilling, blowing or falling off while being transported, and all garbage and trash shall be removed to and dumped at the place designated therefor by the city manager.
- B. The vehicles mentioned in this section shall at all times be subject to inspection by any person duly authorized to enforce the provisions of this article and if found to be defective or unfit for such service shall not be used therefor until such defect is remedied and the use of the vehicle approved by such official. (Prior Code, Sec. 22-12; Ord. No. 739, Sec. 9.)

### SECTION 17-510 FREQUENCY OF COLLECTIONS.

Collections of garbage and trash shall be made not less than once a week from all residences in the city and not less than twice a week from all business establishments; provided, that collection of garbage and trash either from residences or business establishments shall be made at shorter intervals where necessary for sanitary purposes and when required by the city manager. (Prior Code, Sec. 22-13; Ord. No. 739, Sec. 10; Ord. No. 742, Sec. 3)

### SECTION 17-511 RATES AND CHARGES; BILLING.

Rates and charges for the refuse collection services shall be as set by the Master Fee Schedule.

### SECTION 17-512 ENFORCEMENT.

The city manager shall be charged with the enforcement of the terms of this article, and for such purpose he is authorized to designate such other employees of the city as shall be necessary to assist in the enforcement hereof; provided, that nothing in this section shall in any way abrogate the duty of other officers of the city to enforce this article.

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ARTICLE B

COLLECTION AND CONTROL OF SOLID WASTE

SECTION 17-521 DEFINITIONS.

As used in this article, and any rules and regulations promulgated hereunder, the following terms shall have the following meanings:

1. "Collectable residential solid waste" means solid waste, except non-collectable solid waste, generated from any unit used as a place of habitation with facilities for living, sleeping, cooking and eating;

2. "Commercial solid waste" means all solid waste emanating from all units having zoning classification other than low or medium intensity residential uses;

3. "Commercial waste collector" means any person who collects, removes, or transports commercial solid waste as defined herein;

4. "Construction and demolition waste collector" means any person who collects, removes, transports, or disposes of waste or large bulky items, such as brush, tree cuttings, lumber, concrete, bricks, plumbing fixtures, plastics and other waste generated by construction and demolition activities;

5. "Garbage" means such accumulation of animal or vegetable matter, or both, that is the refuse matter from any place where such putrescible wastes are prepared for food for immediate consumption and shall include all waste containing organic matter that was intended to be used as food or has resulted from the preparation of food;

6. "Hazardous waste" means any portion of solid waste which is defined as hazardous under Title 42 U.S.C., Chapter 82 et seq., as amended and Section 1-2001 et seq., of Title 63 of the Oklahoma Statutes as amended, including any material that is harmful, toxic or dangerous to handle by collectors or transport for disposal;

7. "Hazardous waste collector" means any person who collects, removes, or transports wastes which are flammable, explosive, corrosive, toxic, infectious or are otherwise classified as hazardous or controlled industrial waste under federal, state or municipal laws, ordinances, rules or regulations;

8. "Non-collectable solid waste" includes hazardous wastes, large bulky objects (such as automobile frames, large trees or limbs and materials that may cause damage to collection equipment or personal injury to collectors), dirt, rocks or debris resulting from

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construction projects, body waste, animal excretion or any article or substance soiled by human or animal excretion that has not been wrapped and tightly sealed in containers prior to placement for collection;

9. "Person" means every natural person, firm, partnership, association or corporation;

10. "Residential waste collector" means any person who collects, removes, or transports residential solid waste;

11. "Solid waste" means all putrescible and non-putrescible refuse in solid or semi-solid form;

12. "Trash and rubbish" means the normal accumulation of non-putrescible solid wastes by families or commercial establishments of matter other than garbage that is a threat to public health or offensive to sight or smell; and

13. "Vehicle" means any truck, trailer, semi-trailer or other equipment used to collect, remove, transport or dispose of solid waste, and over any public way, street, avenue, road, alley or highway.

(Prior Code, Sec. 22-36; Ord. No. 2035, 2/5/90)

### SECTION 17-522 WASTE COLLECTOR'S LICENSE.

- A. No person, except as otherwise provided in this article, shall engage in the business, trade, avocation, operation or occupation of collection, removal, or transportation of solid waste, including hazardous waste, within the jurisdiction and control of the city, unless such person possesses a valid waste collector's license issued pursuant to the provisions of this article.
- B. It shall be unlawful and an offense for any commercial waste collector, construction and demolition waste collector, hazardous waste collector, or residential waste collector to be engaged in the business, trade, avocation, operation, or occupation of collection, removal, or transportation of solid waste or hazardous waste within the city, without first being in possession of a valid and effective waste collector's license, issued by the city clerk of the city.
- C. Every person convicted of a violation of this section shall be punished as provided in Section 1-108 of this code. (Prior Code, Sec. 22-37; Ord. No. 2035, 2/5/90)

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### SECTION 17-523 LICENSE APPLICATION, REQUIREMENTS, ISSUANCE, DENIAL.

- A. The waste collector's license, as referenced above, shall be issued by the office of the city clerk of the city. Prior to the issuance of the waste collector's license, application for a waste collection compliance permit shall be made to and approved by the Northeast Oklahoma Solid Waste Management Authority which may charge a fee in an amount not to exceed the sum set by the city council by motion or resolution for the processing thereof. Applications for such permit shall include the following information:
1. Name and home address of the applicant;
  2. Business name and address;
  3. Business and home telephone number;
  4. Make, model and year of each truck;
  5. Color of cab and packer or truck bed;
  6. Packer or truck bed capacity;
  7. Current state safety inspection number;
  8. An attached schedule of all waste collection services, indicating type of solid waste collected, site, or area if residential, of collection;
  9. Landfills used;
  10. Name of liability insurance company and policy number;
  11. Information regarding rates, frequency of pickups and other limitations on service; and
  12. Any other information deemed necessary by the Northeast Oklahoma Solid Waste Management Authority or the city.
- B. At the time of the application, the applicant shall secure and present to the Northeast Oklahoma Solid Waste Management Authority a Certificate of Insurance upon a form provided by the Northeast Oklahoma Solid Waste Management Authority and then issued by an insurance company licensed to do business in the state, providing liability insurance coverage for each vehicle in an amount not less than Two Hundred Fifty Thousand Dollars

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(\$250,000.00) for bodily injury to or death of one person in any one occurrence, respectively, and property damage insurance in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) arising out of damage to or destruction of property of others in any one occurrence. The policy must run concurrently with the waste collector's license. All certificates of insurance shall contain statements that at least ten (10) days' written notice of cancellation shall be given by the insurer to the Northeast Oklahoma Solid Waste Management Authority. If any waste collector licensee shall fail within the ten (10) days to provide another policy of like kind, then the license provided for herein shall terminate and shall be of no further effect.

- C. Upon presentment of the Northeast Oklahoma Solid Waste Management Authority waste collection compliance permit, and payment of the fee set forth below, waste collector's license shall be issued, but for a period not to exceed one year, and will expire at the end of such fiscal year for which such license is issued. The fee may be pro-rated on a monthly basis where less than twelve (12) months remain in the fiscal year at the time of the application. For collectors under contract with the city, multi-year licenses whose period of effect are co-terminus with the contracts, may be permitted. For such contract the fee shall be the sum set by the city per year times the number of years covered by the term of the license.
- D. Otherwise, the annual fee for the waste collector's license shall be in the amount set by the city, and shall be payable to the city clerk of the city, in advance of issuance of the waste collector's license. Should the city clerk determine to deny a license, or revoke same under authority of this article, notice thereof shall be provided to the applicant/licensee containing such proposed denial or revocation and the reasons therefore. Revocation of any license issued under this article shall not be effective until the expiration of ten (10) days from the date of serving notice upon licensee of such revocation, absent an emergency situation. Any applicant denied a license, or licensee whose license is revoked, may appeal such denial or revocation to the city commission of the city. Appeal from denial of application for license or revocation of same shall occur upon written notice requesting same addressed to the city clerk within ten (10) days of the denial of the application for license or, as pertains to the revocation of such license, within the ten (10) days preceding the effective date of such revocation as above provided. In the event a licensee shall request an appeal before the city commission regarding revocation of such license, the effective date of the revocation shall be stayed pending determination by the city commission of the city. (Prior Code, Sec. 22-38; Ord. No. 2035, 2/5/90)

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### SECTION 17-524 WASTE MANAGEMENT RESTRICTIONS.

- A. Waste collectors who in the course of their business provide containers for the collection of solid waste shall display information on each container, such as a business name, trade name or license number, which shall sufficiently identify the licensee providing waste collection services to the establishment using the waste container. Characters, letters and numbers displaying the foregoing information shall be at least two (2) inches tall, one-half (1/2) inch wide and applied in such a way so as to become permanent. Characters shall be no lower than twelve (12) inches from the bottom of the container and shall be in a contrasting color to the container so as to be clearly visible. Containers shall be constructed in such a way as to prevent leakage, spillage or blowing debris from escaping in order to secure the public health and safety.
- B. No person shall collect any solid waste inside the corporate limits of the city within six hundred (600) feet of any residential building unless it is after 6:00 A.M. and before 10:00 P.M.
- C. Any vehicle used in the collection, removal, transportation or disposal of solid waste shall:
  - 1. Be maintained in such a manner as will prevent any solid waste from spilling, falling or blowing out of the vehicle on to any public way, street, avenue, alley, highway, road, or any other public or private place, except when being loaded or unloaded;
  - 2. Bear a numbered windshield decal annually issued by the city clerk, designed to have a distinct color which shall change annually, decals shall be affixed to the upper left hand corner of the windshield, all expired or otherwise invalid decals shall be immediately removed;
  - 3. Be parked at least one hundred (100) feet from any residential building, if parked over six (6) consecutive hours while containing a partial load of solid waste;
  - 4. Be required to be reasonably clean and sanitized if the vehicle is declared to be a health hazard by the Creek County Health Department; and
  - 5. Comply with all other requirements and restrictions imposed pursuant to the rules and regulations of solid waste management adopted by the city commission of the city.
- D. Every licensed waste collector shall maintain a full, true, current and legible list of all residential and non-residential customers and clients that are

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provided waste collection services, which shall include an itemization of the customer's names, service address, waste container size or sizes, the frequency of service measured in days per week, and an indication of the type of customer, i.e., residential, commercial, office or industrial. Upon written notice from the director of the Northeast Oklahoma Solid Waste Management Authority or the city manager of the city, waste collectors shall permit authorized designees of the city and agents of the Northeast Oklahoma Solid Waste Authority reasonable access to customer lists at the offices of the waste collector. It is the purpose of such examination to verify the accuracy of reports provided to the Trust by the haulers. Such lists are not to be reproduced or removed from the premises.

- E. Any vehicle used in the collection, removal, transportation or disposal of solid waste within the jurisdiction and control of the city shall be subject to reasonable inspections initiated to insure compliance with this section and conducted by duly authorized inspectors of the city, Creek County Health Department or the city police department.
- F. No person shall collect, remove or transport solid waste, including hazardous waste, in a manner so as to scatter or spill such waste, either at the point of collection or while transporting the same of disposal unless such waste is immediately retrieved and removed in its entirety. Immediately after collection, containers which have been used to store solid waste shall be closed, with each lid or cover being reasonably secured. In the event of spillage of hazardous waste as defined herein, the person responsible for transport of such hazardous waste shall immediately notify the hazardous materials section of the city fire department. (Prior Code, Sec. 22-39; Ord. No. 2035, 2/5/90)

### SECTION 17-525 SOLID WASTE MANIFEST, REQUIRED.

- A. Every operator of a motor vehicle licensed to a waste collector shall maintain a daily solid waste manifest, which shall be full, true, current and legible record of all residential waste collected, removed, transported or disposed of during each day such vehicle is operated.
- B. Each solid waste manifest required by this section shall be maintained on a form provided by the city clerk and the Northeast Oklahoma Solid Waste Management Authority; the forms to be utilized for residential and non-residential shall be those attached to the Ordinance 2035, made a part hereof and marked Exhibit "A" and "B", respectively. The city clerk may approve alternative forms if in his or her opinion the relevant information is contained upon such alternative forms.

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- C. Every operator of a motor vehicle licensed to a waste collector shall have an accurate and current daily solid waste manifest in his immediate possession at all times and shall display same on demand of any officer of the city or the Northeast Oklahoma Solid Waste Management Authority who shall show written evidence of authority to examine same.
- D. Each waste collector shall, on a monthly basis, forward to the Northeast Oklahoma Solid Waste Management Authority, postage prepaid, a report on the forms provide by the Northeast Oklahoma Solid Waste Management Authority.
- E. Each waste collector shall retain each operator's daily solid waste manifest for a period no less than five (5) years from the date the manifest was completed. Manifests shall be retained separately for each vehicle, in chronological order and shall be surrendered to the city manager or the director of Northeast Oklahoma Solid Waste Management Authority upon written notice. (Prior Code, Sec. 22-40; Ord. No. 2035, 2/5/90)

### SECTION 17-526 FALSIFICATION OF SOLID WASTE MANIFEST, FAILURE TO PROVIDE, PENALTY.

- A. It shall be unlawful and an offense for any person to willfully and knowingly prepare or execute a false solid waste manifest; or to induce or coerce any other person to prepare or execute a false solid waste manifest, or for any waste collector to fail or refuse to provide the solid waste manifest or access thereto as called for in this article.
- B. Every person convicted of a violation of this section shall be punished as provided in Section 1-108 of this code.
- C. In addition to the penalty provided for in Subsection B above, any violation of this section shall be deemed just cause for the cancellation, suspension, or revocation of the person's waste collector's license. (Prior Code, Sec. 22-41; Ord. No. 2035, 2/5/90)

### SECTION 17-527 DISPOSAL.

Waste collectors shall, upon ninety (90) days written notice to the waste collector, provide for disposal of all collectable residential solid waste and commercial solid waste at disposal sites authorized, created and operated, in accordance with the procedures and provisions of the Oklahoma Solid Waste Management Act, as amended, Sections 2251 et seq. of Title 63 of the Oklahoma Statutes, by the Northeast Oklahoma Solid Waste Management Authority. Waste haulers shall maintain written evidence of such disposal. (Prior Code, Sec. 22-42; Ord. No. 2035, 2/5/90)

## Utilities

### SECTION 17-528 IMPOUNDMENT OF VEHICLES.

- A. It shall be unlawful and a public nuisance for any person, owner or operator to park, drive or permit to be parked or permit to be driven on any public way, street, avenue, alley, road or other public property while engaging in the business, trade, avocation, operation, or occupation of collection, removal, transportation, or disposal of solid waste without first having been issued a waste collector's license or while such a waste collector's license is under a period of suspension or revocation. Any vehicle used in violation of the provisions of this section is hereby declared to be a public nuisance and after notice set forth herein may be impounded or caused to be impounded by any police officer or other duly authorized person.
- B. Before impoundment of a vehicle as provided herein, written notice shall first be given to the owner of such vehicle that impoundment is contemplated, the grounds therefore and the place to which the vehicle will be removed. The owner of the vehicle shall be given five (5) working days to show cause in writing, filed with the city clerk as to why his vehicle should not be impounded. Within five (5) working days the city clerk shall notify the owner in writing, by mail as to whether impoundment has or has not been ordered and stating or restating the grounds therefore.
- C. The charge for towing or removal of any vehicle under this section, including storage charges, shall be based upon the actual expenses incurred in such towing and storage.
- D. Any vehicle impounded pursuant to this section shall be released upon the owner obtaining the license provided for herein or the execution of a written assurance that the vehicle will not be used in violation of this chapter and the payment of all towing and storage charges.
- E. Any vehicle impounded and stored under the terms of this article and which is not claimed and removed by the owner thereof upon the expiration of sixty (60) day period of time may be sold in accordance with surplus property provisions of the city and Section 91 of Title 42 of the Oklahoma Statutes. (Prior Code, Sec. 22-43; Ord. No. 2035, 2/5/90)

### SECTION 17-529 SPECIAL ORDERS OF CITY MANAGER.

- A. The city manager of the city is hereby authorized and directed to develop and promulgate rules and regulations governing the collection of solid waste within the city. Application for an acceptance of a license shall be deemed to constitute the licensee's acceptance of the provisions of this article as well as any rules and regulations promulgated pursuant hereto. Failure to adhere

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to the provisions of this article, or any rules and regulations promulgated pursuant hereto, shall constitute grounds for denial or revocation of the license.

- B. The rules and regulations shall, subsequent to development and promulgation, be adopted, amended, or repealed by the city commission of the city. (Prior Code, Sec. 22-44; Ord. No. 2035, 2/5/90)

## ARTICLE C

### SAPULPA CONVENIENCE STATION USE REGULATIONS

Section 17-530	Definitions.
Section 17-531	Sapulpa convenience station fees.
Section 17-532	Requirements for vehicles used for hauling.
Section 17-533	Acceptable waste and material.
Section 17-534	Unacceptable waste/banned waste.
Section 17-535	Proof of residency.
Section 17-536	Refuse from outside of the City of Sapulpa.
Section 17-537	Recycling
Section 17-538	Littering, unlawful dumping
Section 17-539	Hazards associated with convenience station operations.
Section 17-540	Scavenging unlawful.
Section 17-541	Rules and regulations.
Section 17-542	Prohibitions

#### SECTION 17-530

#### DEFINITIONS.

1. "Commercial Waste Collector", means any party or person being compensated for their service, including but not limited to private collection services or any trash business operating for profit while engaged in the act of collection of solid waste and/or hauling/ transporting such waste.

2. "Construction/Demolition Waste", means the waste building materials, packaging and rubble resulting from personal construction, remodeling, and repair at residences, that does not include pavements, bricks, stones, blocks, concrete and waste building materials from commercial buildings and other large structures. Non-inert wastes and asbestos wastes are not considered to be demolition waste.

3. "Convenience Station", means the area, which acts as a temporary holding place for bulk items too large to be picked up by the contracted waste hauler for the City.

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It is a facility for the temporary deposit of items, prior to being transported to a processing facility or final disposal site by the contracted waste hauler for the City.

4. "Disposal", means-the -storage, treatment, utilization, processing of, final disposition of solid waste, specifically including discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

5. "Environmentally Unsound", means any persistent or continuous condition resulting from the methods of operation or design that impairs the quality of the environment when compared to the surrounding background environment or violates any Federal, State, County or Municipal standard.

6. "Hazardous Waste", means any refuse, sludge or other material or combination of refuse, sludge, or other waste materials in solid, semi-solid, liquid or gaseous form, which because of its quantity, concentrations, or chemical, physical or infectious characteristics, may pose a substantial present or potential hazard to human health or the environment, when improperly treated, stored, transported, or disposed of; or otherwise managed. Categories of hazardous waste materials, include, but are not limited to, explosives, flammables, oxidizers and reactive wastes, poisons, irritants and corrosives.

7. "Household Waste", means any solid waste, bulky waste, delivered from households, single and multiple residences, which because of their size or weight require special handling, other than through the normal contracted waste hauler.

8. "Heavy Brush", means solid waste consisting of trees, shrubs, limbs and trimmings which are greater than three inches in diameter, tree trunks, root balls and other large plant matter.

9. "Non-inert Wastes and Asbestos Wastes", means any material that contains more than one percent asbestos by weight and that can be crumbled, pulverized or reduced to powder when dry, by hand pressure or otherwise could become airborne.

10. "Scavenge or Scavenging", means removal of items from the transfer station after such items have been placed for delivery to a hauler.

11. "Yard Waste", means solid waste solely consisting of vegetative matter generated in the maintenance of gardens, yards, lawns or landscaped residential areas such as: leaves, weeds, dead flowers, pruning, brush, branches, grass clippings, stumps, wood shavings, and Christmas trees.

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### SECTION 17-531

### SAPULPA CONVENIENCE STATION FEES.

The City of Sapulpa Public Works Department operates a "Convenience Station" located at 816 West Dewey, where residents can dispose of items too large for the bulk trash pick up service, contracted by the City; there is hereby assessed and imposed certain fees, as set forth in the Master Fee Schedule for services rendered by the Public Works Department, to residents of the City of Sapulpa during the normal course of business.

There shall be charged, assessed and collected from all users of the City's "Convenience Station", a fee for refuse disposal services. Said fees shall be payable in cash at the convenience station; since scales are not available to determine precise tonnage of each load, estimated fees will be assessed based on the amount of material brought for disposal and the size of the vehicle used for transporting. There will be a minimum fee for all loads, the only exception for payment of a fee, will be with the presentation of an appropriate "Pride Day" coupon for a specified clean up day, sponsored by the City of Sapulpa and the Chamber of Commerce.

### SECTION 17-532

### REQUIREMENTS FOR VEHICLES USED FOR HAULING.

Pursuant to City of Sapulpa Code, Section 17-509, A., all vehicles used in the collection, removal, hauling, and disposal of refuse to the convenience station, or through the city, must be covered or carried in vehicles so constructed as to prevent such waste matter from spilling, blowing, falling or littering while being transported. All loads must be secured to prevent littering; violation of this regulation shall be a violation of the City of Sapulpa's adopted codes.

### SECTION 17-533

### ACCEPTABLE WASTE AND MATERIAL

A. All solid waste delivered to the convenience station must be in secured plastic bags, boxed or bundled. Bulky solid waste white goods, generally weighing more than fifty pounds including, but not limited to the following; washers, dryers, dish washers, etc., must be unloaded by the resident, as directed by the Le Dump attendant. Recycling regulations require separation of materials into designated dumpsters and holding areas. Persons not obeying the directions of such signs and attendant; may be prohibited from subsequent entry and use of the convenience station.

B. The following items are considered to be acceptable solid waste; yard and garden waste, household furniture, appliances such as washer, dryer, dishwasher, refrigerators previously stripped of their compressors. Microwaves, water heaters, stoves, trash compactors, tree trimmings, limited construction/demolition debris such as plywood and wallboard, television sets, computers, bicycles, lawnmowers, weed eaters, crockery, household utensils.

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### SECTION 17-534 UNACCEPTABLE WASTE/BANNED WASTE.

A. Any person delivering-unacceptable waste, including-waste generated outside the City limits, or waste found in a load of other acceptable waste, shall be the grounds for the attendant to designate the entire load as unacceptable waste. Independent commercial waste haulers, receiving a profit from their hauling service are not allowed to use the City of Sapulpa's Convenience site for disposal of collected trash.

B. The following items are considered to be unacceptable solid waste, that can not be deposited; all putrescible waste, including food waste, any type of tire, electric motors, dead animals, air conditioners, batteries, gas tanks, refrigerators, freezers, roof shingles from a contractor or resident, household garbage, explosives, smoldering ashes, herbicides, pesticides, pressurized tanks, gas or propane tanks, automobile or boat parts, small engines, appliances with a motor, petroleum products or empty containers of same, paints, oils, fluids, chemicals or empty containers of same, food waste, and containers of same. Concrete, bricks, rocks, sand, etc. are not accepted. No auto scraps or auto metals that held fluids such as but not limited to auto batteries, air conditioners, differentials, gas tanks, oil filters, oil pans, radiators, shocks and struts or torque converters.

C. It shall be prohibited and forbidden to deposit any commercial waste. Independent trash haulers picking up trash from outside the waste management pickup area, can not deposit trash.

D. It shall be prohibited and forbidden to deposit any hazardous waste, medical waste, sludge, septic tank waste, asbestos material, or agricultural waste.

E. The list of unacceptable waste/banned waste is not considered to be all and inclusive, the City of Sapulpa reserves the right to leave the final decision to the discretion of the attendant.

### SECTION 17-535 PROOF OF RESIDENCY.

Drivers of vehicles or passengers MUST be a resident or property owner in the City of Sapulpa. Proof such as identification providing residence, or ownership of property or business within the City of Sapulpa. Driver's license, utility bill (with garbage charge indicated), vehicle registration, property tax bill, or other acceptable documentation MUST be presented to the attendant prior to using the convenience station. Anyone refusing to provide the requested information will be denied use of the facility.

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### SECTION 17-536                      REFUSE FROM OUTSIDE OF THE CITY OF SAPULPA.

No person shall place, deposit, or dump, or cause to be placed, deposited or dumped, in or upon the City-owned convenience station, any solid waste *originating* from outside the City of Sapulpa.

### SECTION 17-537                      RECYCLING.

Newspaper, mixed waste paper (junk mail, magazines, catalogs) plastic, cardboard, green glass, clear glass, brown glass, plastic containers, laundry detergent bottles, bleach bottles and fabric softener bottles, cans and aluminum or tin containers, milk and water bottles or jugs, phone books and shredded office paper are encouraged to be deposited at The Met Recycling Center, 21 East Taft, Sapulpa, at no charge.

### SECTION 17-538                      LITTERING, UNLAWFUL DUMPING.

It shall be unlawful and an offense for any person to place, dump, throw away, drop, discard, cast or deposit, or in any manner leave or abandon any solid waste/trash outside of the entrance gate to Le Dump, during and/or after posted working hours.

It shall be unlawful and an offense for any person to place, dump, throw away, drop, discard, cast or deposit, or in any manner leave or abandon any solid waste/trash on property owned by another person, or upon any public property, right of way of any kind, or private land, including but not limited to any street, road, or park, owned or operated by the City of Sapulpa.

Violation of this regulation shall be a violation of the City of Sapulpa's adopted codes, Part 8, Health & Sanitation, Chapter 1, Section 8-101 through Section 8-112.

### SECTION 17-539                      HAZARDS ASSOCIATED WITH CONVENIENCE STATION OPERATIONS.

Any person entering upon the City-operated convenience station, for any purpose, shall be conclusively presumed to know and appreciate the hazard and potential extent of the damage that accompanies the accumulation of scrap wood, glass, nails, brush, and trash of every description. Every person entering upon the City-operated convenience station, shall be conclusively presumed to have assumed the risk of injury connected with, or resulting from, such hazards and danger, and by his or her actions in entering upon such site, in consideration of the permission granted by the City of Sapulpa to enter upon such site, every person shall covenant and be deemed to have covenanted not to sue, and to indemnify, save harmless and defend the City of Sapulpa and its' agent, attendant, officer and employee from and against any and all claims of any nature whatsoever, for injury or damage to person or property, whether real or asserted, arising out of, or resulting from, the entry by such person upon any City-operated site.

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### SECTION 17-540                    SCAVENGING UNLAWFUL.

It shall be unlawful for any person to enter upon the City-operated convenience station, for the purpose of uncontrolled and unauthorized removal of any material at any point in the station site, but; shall not mean the searching for and retrieval of articles and/or items of value inadvertently placed at the site.

### SECTION 17-541                    RULES AND REGULATIONS.

The City Manager of the City of Sapulpa is hereby authorized and directed to develop and promulgate rules and regulations governing the deposit of solid waste, and other acceptable items within the city-operated convenience station. Such fees, rules and regulations are necessary to operate an orderly, safe and efficient convenience station.

The schedule of fees, rules and regulations shall, subsequent to development and promulgation, be adopted, amended, or repealed by the City Council of the City of Sapulpa.

### SECTION 17-542                    PROHIBITIONS.

No person shall violate any regulation prescribed by this code, regulating the use of the City-owned convenience station, or fail to obey any posted sign giving notice of any regulation maintained at such site. Stake trucks, dump trucks, double axle trailers, and/or trailers over ten (10) feet in length are prohibited and forbidden access for the purpose of depositing any and all solid waste. Violation of any regulation set forth in this code, shall be a violation of the City of Sapulpa's adopted codes.

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CHAPTER 6

WATER DISTRICT

Section 17-601	Definitions.
Section 17-602	Established and described.
Section 17-603	Extension of police, powers of city.
Section 17-604	Applicability of health regulations.
Section 17-605	Caretaker.
Section 17-606	Rules and regulations generally.
Section 17-607	Additional rules and regulations; extension of district.
Section 17-608	Burials and interments.
Section 17-609	Pollution generally.
Section 17-610	Violations and penalty.

State Law Reference: For state law as to water districts generally, see 11 O.S., 298 et seq.

SECTION 17-601 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. "Centerline" means the centerline of the watercourse as defined and described in this section;
2. "High water line" means the margin of the city reservoirs when the surface thereof is at the following elevations on the following reservoirs:
  - a. Sapulpa Lake Reservoir, seven hundred and twenty-three (723) feet above sea level;
  - b. Middle Dam Reservoir, six hundred and eighty-four (684) feet above sea level;
  - c. Pump Station Reservoir, six hundred and seventy-two (672) feet above sea level;
  - d. Pretty Water Reservoir, seven hundred and thirty-four (734) feet above sea level; and
  - e. Lake Sahoma Reservoir, seven hundred and twelve (712) feet above sea level; according to U. S. C. & G. datum;

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3. "Linear distance" of a structure or object from a reservoir, or from a watercourse, means the shortest horizontal distance from the nearest point of the structure or object to the high water line of such reservoir or centerline of a watercourse;

4. "Reservoirs" mean the city reservoirs, maintained as a water supply by the city, or to any tributary which serves as a source of the city reservoirs; and

5. "Watercourses" mean every spring, pond, stream, ditch, gutter or other channel of every kind, the waters of which when running, whether continuously or occasionally, eventually flow or may flow into the city reservoirs.

(Prior Code, Sec. 30-27; Ord. No. 764, Secs. 5 to 8.)

### SECTION 17-602 ESTABLISHED AND DESCRIBED.

Under and by virtue of the authority granted by Sections 298 and 299 of Title 11 of the Oklahoma Statutes, there is hereby created and established a water district in the county, designated as the Sapulpa Water District, which shall embrace all the land in the county and state within the following metes and bounds:

Beginning at a point which point is 300 feet east 1700 feet north of the SW corner Section 34 Township 18 N Range 11 E thence N 69° 55 feet W a distance of 3300 feet; thence S 33° 10 feet W a distance of 1800 feet; thence S 23° 40 feet W a distance of 2100 feet; thence S 41° 50 feet W a distance of 2800 feet; thence S 23° 55 feet W a distance of 2450 feet; thence S 63° 10 feet W a distance of 1750 feet; thence N 71° 25 feet W a distance of 2880 feet; thence S 61° 10 feet W a distance of 3790 feet; thence S 77° 45 feet W a distance of 1000 feet; thence N 34° 35 feet W a distance of 2350 feet; thence N 5° 10 feet E a distance of 3200 feet; thence West a distance of 900 feet; thence N 76° 10 feet W a distance of 3250 feet; thence N 9° 40 feet W a distance of 2150 feet; thence N 69° 50 feet W a distance of 2820 feet; thence N 53° 20 feet W a distance of 2400 feet; thence N 70° 0 feet W a distance of 3650 feet; thence S 71° 25 feet W a distance of 900 feet; thence N 78° 45 feet W a distance of 1000 feet; thence N 55° 40 feet W a distance of 3350 feet; thence N 30° 0 feet W a distance of 1500 feet; thence N 21° 10 feet W a distance of 1600 feet; thence N 25° 25 feet E a distance of 950 feet; thence N 42° 50 feet E a distance of 2000 feet; thence N 7° 30 feet E a distance of 1520 feet; thence N 36° 0 feet W a distance of 850 feet; thence N 56° 45 feet W a distance of 1900 feet; thence N 31° 10 feet W a distance of 1100 feet; thence N 5° 15 feet E a distance of 1000 feet; thence N 27° 15 feet E a distance of 1000 feet; thence N 45° 30 feet W a distance of 2000 feet; thence N 27° 10 feet W a distance of 2800 feet; thence N 64° 20 feet W a distance of 1400 feet; thence N 44° 20 feet W a distance of 1750 feet; thence S 61° 10 feet W a distance of 1200 feet; thence S 44° 30 feet W a distance of 1400 feet; thence West a distance of 600 feet; thence N 6° 0 feet W a distance of 1290 feet; thence N 35° 0 feet W a distance of 1600 feet; thence N 13° 40 feet W a distance of 900 feet; thence N 2° 35 feet W a distance of 4150

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feet; thence N 45° 0 feet E a distance of 500 feet; thence N 81° 30 feet E a distance of 1200 feet; thence N 13° 35 feet E a distance of 990 feet; thence N 7° 12 feet W a distance of 9650 feet; thence N 22° 3 feet E a distance of 1100 feet; thence N 62° 30 feet E a distance of 900 feet; thence N 72° 15 feet E a distance of 1600 feet; thence N 81° 10 feet E a distance of 4300 feet; thence N 56° 5 feet E a distance of 1350 feet; thence N 41° 25 feet E a distance of 3280 feet; thence S 89° 10 feet E a distance of 1200 feet; thence S 48° 45 feet E a distance of 6300 feet; thence S 61° 40 feet E a distance of 1550 feet; thence S 85° 30 feet E a distance of 3950 feet; thence N 72° 35 feet E a distance of 1550 feet; thence N 54° 30 feet E a distance of 2100 feet; thence N 80° 20 feet E a distance of 900 feet; thence S 64° 30 feet E a distance of 1050 feet; thence S 39° 15 feet E a distance of 650 feet; thence S 63° 15 feet E a distance of 850 feet; thence S 32° 15 feet E a distance of 1220 feet; thence S 26° 40 feet E a distance of 3000 feet; thence S 64° 15 feet E a distance of 700 feet; thence N 88° 0 feet E a distance of 2500 feet; thence S 79° 25 feet E a distance of 1900 feet; thence S 55° 0 feet E a distance of 1300 feet; thence S 10° 45 feet E a distance of 950 feet; thence S 28° 0 feet W a distance of 700 feet; thence S 34° 50 feet W a distance of 2450 feet; thence S 4° 5 feet E a distance of 1900 feet; thence S 37° 45 feet E a distance of 1950 feet; thence S 51° 35 feet E a distance of 1220 feet; thence S 68° 45 feet E a distance of 1700 feet; thence 49° 0 feet E a distance of 1000 feet; thence S 30° 0 feet E a distance of 3750 feet; thence S 76° 35 feet E a distance of 1000 feet; thence N 84° 45 feet E a distance of 2700 feet; thence N 87° 0 feet E a distance of 4810 feet; thence S 79° 0 feet E a distance of 1500 feet; thence S 88° 0 feet E a distance of 1500 feet; thence S 12° 0 feet E a distance of 3400 feet; thence S 41° 0 feet E a distance of 1300 feet; thence S 12° 15 feet W a distance of 1410 feet; thence S 21° 0 feet W a distance of 1580 feet; thence S 79° 40 feet W a distance of 700 feet; thence S 89° 45 feet W a distance of 1900 feet; thence S 69° 30 feet W a distance of 1490 feet; thence N 83° 0 feet W a distance of 1490 feet; thence N 59° 35 feet W a distance of 1300 feet; thence N 85° 15 feet W a distance of 1800 feet; thence S 77° 10 feet W a distance of 1700 feet; thence S 48° 10 feet W a distance of 3500 feet; thence S 38° 35 feet E a distance of 3300 feet; thence S 8° 0 feet E a distance of 850 feet; thence S 1° 15 feet W a distance of 3210 feet; thence S 49° 55 feet E a distance of 4300 feet; thence S 8° 10 feet E a distance of 2800 feet to the point of beginning as here first described. (Prior Code, Sec. 30-28; Ord. No. 764, Sec. 1.)

### SECTION 17-603 EXTENSION OF POLICE, POWERS OF CITY.

As authorized by the laws of the state, the police power of the city is hereby extended over all lands embraced within the water district described by this chapter, and it is hereby declared that the jurisdiction of the city, the city council thereof, the courts and all proper officers of the city, in the fullest degree conformable to law, extends over and applies to the entire water district described by this chapter for the protection of the health of the inhabitants and the purity of the water supply of the city. (Prior Code, Sec. 30-29; Ord. No. 764, Sec. 2.)

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### SECTION 17-604 APPLICABILITY OF HEALTH REGULATIONS.

All the rules and regulations of the state, county and city boards of health or health departments, and of the state commissioner of health, and of the county and city health officers respectively, now in force, are hereby extended over and shall apply and have full force and effect within the water district established and described by this chapter; and all such rules and regulations that may lawfully be made in the future shall extend over and have the same effect within such water district as within the city. (Prior Code, Sec. 30-30; Ord. No. 764, Sec. 3.)

### SECTION 17-605 CARETAKER.

The city manager is hereby authorized to appoint a caretaker, whose duty it shall be to maintain complete oversight and inspection of the water district established and described by this chapter and the watershed of the city's reservoirs and shall note any violation of the rules and regulations and, also, any cases of sickness existing within such water district or upon such watershed and make report thereof to the city manager, and he shall perform such other duties as may be required of him. The salary of such caretaker shall be fixed by the city council. (Prior Code, Sec.30-31; Ord. No. 764, Sec. 4.)

### SECTION 17-606 RULES AND REGULATIONS GENERALLY.

The following rules and regulations of the state commissioner of health are hereby ordained and declared to be in force and effect within the water district established by this chapter:

1. Rule 1. No human excrement or compost containing human excrement or the content of any privy, cesspool, septic tank or other receptacle for the reception or storage of human excrement shall be deposited or discharged into or upon the ground in such water district at a point within six hundred sixty (660) feet of the high water line of a city water reservoir or within three hundred thirty (330) feet of the center of a watercourse in such district unless the natural drainage from such point is not into a water reservoir or watercourse. No privy, cesspool, septic tank, sewer or other receptacle for reception or storage of human excrement shall be erected or located within six hundred sixty (660) feet of the high water line of a city water reservoir or within three hundred thirty (330) feet from the center of any watercourse within such district unless the natural drainage therefrom is not into such reservoir or watercourse. However, a septic system approved by the Oklahoma State Department of Health may be located no closer than one hundred (100) feet of the high water line of a city water reservoir or one hundred (100) feet of the center of a watercourse in such water district;

2. Rule 2. No house slop, sink waste, water which has been used for washing or cooking, or other polluted water shall be discharged into the city reservoirs, or into any

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watercourse within such water district; and no slop, sink waste, water which has been used for washing or cooking, or other polluted water shall be discharged into or upon the ground in such water district within six hundred sixty (660) feet of the high water line of the city reservoirs, or within three hundred thirty (330) feet of the center line of any watercourse as defined and described in this chapter. However, a septic system approved by the Oklahoma State Department of Health may be located no closer than one hundred (100) feet of the high water line of a city water reservoir or one hundred (100) feet of the center of a water course in such water district;

3. Rule 3. No garbage, manure or putrescible matter whatsoever shall be put into the city reservoirs or into any watercourse as defined in this chapter; and no garbage, manure or putrescible matter whatsoever shall be put upon the ground in such water district, within six hundred sixty (660) feet of the high water line of the city reservoirs, or within three hundred thirty (330) feet of the center line of any watercourse as defined in this chapter;

4. Rule 4. No stable, pig sty, hen house, barn house, hog yard, hitching or standing place for horses, cattle or animals, or other place where animal manure is deposited or accumulated, shall be located, constructed or maintained in such water district, any part of which is within six hundred sixty feet (660) feet of the high water line of such reservoirs, or within three hundred thirty (330) feet of the center line of any watercourse; except, that the construction and use of buildings, animal lots and pasture land may be permitted only by permission granted in writing by authorized representatives of the city upon the recommendation of local health authorities. Such use shall be permitted only so long as changing conditions in the opinion of local health authorities do not create a health menace;

5. Rule 5. No refuse, industrial waste or other waste products or polluting liquids, or other substances of a nature poisonous or injurious whether to human beings or animals, or of such nature as would impart an objectionable taste or odor to any water into which it might be discharged and no putrescible matter whatsoever shall be discharged directly into or at any place from which it may flow or be washed or carried into such reservoirs, or into any watercourse as defined in this chapter;

6. Rule 6. No system of sewers or other works for the collection, conveyance, disposal or purification of domestic or manufacturing wastes, or drainage or any other putrescible matter whatsoever shall, except in accordance with plans first approved in writing by the state health department, be constructed or maintained at any place within the water district established by this chapter;

7. Rule 7. No private or separate sewers shall be constructed or maintained in such water district having an outlet upon or in the ground within six hundred sixty (660) feet of the high water line of the city reservoirs, or within three hundred thirty (330) feet of the centerline of any watercourse;

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8. Rule 8. No public or private hospital, or other place intended for the reception or treatment of persons afflicted with a contagious or infectious disease shall, until the location and construction thereof have been approved in writing by the state board of health, be located or constructed at any place within the water district established by this chapter. No public or private hospital or other place intended for the reception or treatment of persons afflicted with a contagious or infectious disease shall be maintained any place within such water district unless all the provisions required by the state board of health for the purification or disposal of sewage, drainage or other polluting or organic matter, which may be discharged therefrom, have been complied with and unless all orders issued from time to time by the state board of health, in relation to the purification and disposal of sewage, drainage and other polluting or organic matter, which may be discharged therefrom, are fully complied with;

9. Rule 9. No persons shall bathe in or wade or seine, or drive or put any animal into the city reservoirs, or bathe or wade in any watercourse;

10. Rule 10. No human habitation, cottage, tent, camping site or residence of any kind, temporary or permanent, shall hereafter be built, set up and occupied by persons within six hundred sixty (660) feet of the high water line of the city reservoirs or within three hundred thirty (330) feet of the center line of any watercourse, except at such place the natural drainage of which is not into any such reservoirs or watercourses; provided, however, that the city under the supervision of its duly constituted health officer may construct or maintain such structures within the prohibited territory as may be necessary for the protection of such reservoirs from contamination and pollution and the enforcement of the provisions of this code and other ordinances of the city and statutes of the state, relating to such water reservoirs;

11. Rule 11. No manufacturing establishment at which more than five (5) persons are employed, and no slaughterhouse or rendering establishment shall be located upon the watershed of the city reservoirs, unless the state board of health be first notified regarding such manufacturing establishment and consents thereto and issues a permit therefor;

12. Rule 12. It is hereby made the duty of all persons having any knowledge of the existence of any contagious or infectious disease, or of any nuisance or violation of the law or of these rules within the limits of the water district established by this chapter, to immediately report the same to the city health officer, who shall at once take such action as the case may require;

13. Rule 13. No gasoline drips or waste oil drips or drain pipe drips shall be allowed to be placed or used within such water district of the city, and all drips that might be located within such district shall be removed or placed in condition that they do not drain within such water district;

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14. Rule 14. No owner or occupant of land within the water district established by this chapter shall permit the carcass or any part of any dead animal to remain on the land under his control within such district. It shall be the duty of all owners or occupants of land within such district to immediately remove all dead animals from or upon their premises to points not less than six hundred sixty (660) feet from the high water mark of any reservoir or within three hundred thirty (330) feet of the center line of any watercourse, or of any lake, pond, stream, ditch, watercourse or other body of water, the water of which flows, or may flow, directly or ultimately, into the city reservoirs; and

15. Rule 15. There shall be no camping within the water district established by this chapter within a distance of six hundred sixty (660) feet of the high water mark of any reservoir or within three hundred thirty (330) feet of the center line of any watercourse.

### SECTION 17-607 ADDITIONAL RULES AND REGULATIONS; EXTENSION OF DISTRICT.

The city council of the city may from time to time promulgate such additional rules and regulations as may be deemed advisable, by resolution duly published and served as provided by law, and may by ordinance extend, modify or change the metes and bounds of the water district established and described by this chapter so as to embrace any additional lands directly or indirectly flowing or shedding into the city's reservoir basin. (Prior Code, Sec. 30-33; Ord. No. 764, Sec. 9.)

### SECTION 17-608 BURIALS AND INTERMENTS.

No burials or interments shall be made in the water district established by this chapter, in any cemetery that may be within such water district or in any other place within such water district. (Prior Code, Sec. 30-34; Ord. No. 764, Sec. 11.)

### SECTION 17-609 POLLUTION GENERALLY.

No person shall permit or cause any waste matter from oil or gas wells, or any salt water, or other substance of any nature whatsoever that would pollute the water of the city reservoirs, to flow across, over or under any land in the water district established by this chapter in such a manner that such waste matter, salt water or other substance will flow directly or ultimately into the city reservoirs, or into any reservoir, lake, pond, stream, ditch, watercourse or other body of water, the water of which flows or may flow directly or ultimately into the city reservoirs. (Prior Code, Sec. 30-35; Ord. No. 764, Sec. 12.)

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### SECTION 17-610 VIOLATIONS AND PENALTY.

Any violation of any of the provisions of this chapter or of any of the rules and regulations set forth herein, or that may hereafter be promulgated for the water district established by this chapter, shall be punishable as prescribed by Section 1-108 of this code. Each day's violation of any of the sections or provisions of this chapter, or of such rules and regulations, shall constitute a separate offense. (Prior Code, Sec. 30-36; Ord. No. 764, Sec. 13.)