

ORDINANCE NO. 2009-__006__

**A COMPREHENSIVE ORDINANCE RELATED TO THE
CITY OF SIMPSONVILLE SANITARY SEWER COLLECTION
AND TREATMENT SYSTEM AND OPERATION AND
MANAGEMENT THEREOF**

WHEREAS, the City of Simpsonville, Kentucky has operated, managed and maintained a sanitary sewer collection and treatment system since 1981; and,

WHEREAS, during the years of operation of said sewer system, the City has adopted various Ordinances related to the construction, financing, management, operation and control of said sewer collection and treatment system and all of which have been aimed at providing for efficient and economical sewer collection and treatment services for the citizens of the City of Simpsonville, Kentucky and certain adjacent non-resident properties; and,

WHEREAS, it is the belief of the City Commission of the City of Simpsonville, Kentucky that it is in the best interest of the citizens of the City of Simpsonville, Kentucky and of city management that a comprehensive ordinance be adopted addressing all aspects of the sewer collection, administration and the treatment facility and which ordinance will contain all appropriate provisions of previously existing ordinances in one comprehensive document;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION
OF THE CITY OF SIMPSONVILLE, KENTUCKY AS FOLLOWS:**

TABLE OF CONTENTS FOR COMPREHENSIVE ORDINANCE

I.	Definitions	page 2
II.	Management and Control by Sewer Board	page 15
III.	Tap On and Capacity Charges	page 20
IV.	User Rates	page 24
V.	Use Regulations	page 28
VI.	Pollutant Discharge Limits and Pre-treatment Requirements	page 40
VII.	Pretreatment Plan Administration	page 47
VIII.	Construction / Development Regulations	page 64
IX.	General Provisions	page 68
X.	Powers and Authority of Inspectors	page 70
XI.	Penalties	page 72
XII.	Prior Ordinance Repealer / Interpretation of Ordinance	page 74

Section I.

Section I. **DEFINITIONS.**

For purposes of this ordinance, the following terms shall be defined as follows unless the context clearly indicates otherwise. Terms not specifically defined shall be interpreted according to their commonly accepted definition.

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.

Approval Authority - The Energy and Environmental Protection Cabinet or an authorized representative thereof.

Authorized Representative - An authorized representative of a user may be: (1) a principal executive officer if the industrial user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

An authorized representative of the City may be any person designated by the City to act on its behalf.

Baseline Monitoring Report (BMR) - A report submitted by categorical industrial users within 180 days after the effective date of a categorical standard which indicates the compliance status of the user with the applicable categorical standard (40 CFR 403.12(b)).

BOARD – Sewer Board

B.O.D. - (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed in parts per million weight.

BUILDING DRAIN - shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from sewerage drainage pipes inside the walls of the building and conveys it to the building sewer, ending five (5) feet outside of the inner surface of the building wall.

BUILDING SEWER - shall mean the extension from the building drain to the point of connection with the public sewer or other place of disposal.

Section I.

BUILDING SEWER PERMIT - As set forth in "Building Sewers and Connections" (Section V).

CATEGORICAL INDUSTRIAL USER - An industrial user subject to categorical pretreatment standards which have been promulgated by EPA.

CATEGORICAL PRETREATMENT STANDARDS - National Categorical Pretreatment Standards or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

CITY – The City of Simpsonville, Shelby County, Kentucky, a municipal corporation of the Fifth Class, presently governed by a City Commission according to the provisions of Chapter 83A of the Kentucky Revised Statutes ("KRS").

CLEAN WATER ACT (CWA) - (Also known as the Federal Water Pollution Control Act) enacted by Public Law 92-500. October 18, 1972. 33 USC 1251 et seq: as amended by PL 95-217. December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.

COMBINED WASTESTREAM FORMULA (CWF) - Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other non-regulated wastestreams prior to treatment (40 CFR 403.7).

COMMERCIAL USER - shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments. Also included in this definition are nursing and convalescent homes, office condominiums, building and lodging homes, bed and breakfasts.

COMMISSION - The City Commission of the City of Simpsonville, Kentucky.

COMPATIBLE POLLUTANT - Biochemical oxygen demand, suspended solids and fecal coliform bacteria; plus any additional pollutants identified in the POTW's NPDES/KPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants so as to ensure compliance with the POTW's NPDES/KPDES permit.

CONCENTRATION-BASED LIMIT - A limit based on the relative strength of a pollutant in a wastestream, usually expressed in mg/l.

Section I.

CONTROL AUTHORITY - The term "control authority" shall refer to the City when there exists an approved Pretreatment Program under the provisions of 40 CFR 403.11.

COOLING WATER - The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DAILY MAXIMUM - The maximum allowable value for any single observation in a given day.

DEVELOPER – Landowner, person having land under contract or otherwise authorized to act on behalf of said persons where there is intent to develop property thru division, construction enhancement or increase of current use.

DILUTE WASTESTREAM - Boiler blowdown, sanitary wastewater, noncontact cooling water and certain process wastestreams that have been excluded from regulation in categorical pretreatment standards because they contain none or only trace amounts of the regulated pollutant.

DIRECT DISCHARGE - The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.

DISCHARGER - Any person that discharges or causes a discharge to a public sewer.

DOMESTIC WASTEWATER - The water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.

EASEMENT - An acquired legal right for the specific use of land owned by others.

EFFLUENT - The liquid overflow of any facility designed to treat, convey or retain wastewater.

EPA – The Environmental Protection Agency of the United States Government.

EQUALIZATION - shall mean reduction in magnitude of sewage discharge flow rate.

EQUIPMENT - All movable, non-fixed items necessary to the wastewater treatment process.

FISCAL YEAR – The fiscal year of the municipal Sewer System, commencing July 1 of each year and ending June 30 of the following year.

FLOW PROPORTIONAL COMPOSITE SAMPLE - Combination of individual samples proportional to the flow of the wastestream at the time of sampling.

Section I.

FLOW WEIGHTED AVERAGING FORMULA (FWA) - A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and nonregulated wastestreams combine after treatment, but prior to the monitoring point as defined in 40 CFR 403.

GARBAGE - shall mean solid waste from the preparation, cooking and dispensing of food, and from handling, storage and sale of produce.

GOVERNMENTAL USER - shall include legislative, judicial, administrative, and regulatory activities of Federal, State and Local governments.

GRAB SAMPLE - A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

HOLDING TANK WASTE - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INDIRECT DISCHARGE - The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER - shall mean a source of Indirect Discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Clean Water Act. (may include commercial)

INDUSTRIAL WASTE - shall mean the liquid waste from industrial or other technical processes.

INSTITUTIONAL USER - shall include social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing home, penal institutions and similar institutional users.

INTERCEPTOR - A device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes which permits normal sewage or liquid wastes to discharge into the sewer or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil, or sand trap.

INTERFERENCE - A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

Section I.

- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).

KRS – The Kentucky Revised Statutes.

MAY - is permissive.

MAYOR – The chief executive officer of the City under the Commission form of government.

MONTHLY AVERAGE - The maximum allowable value for the average of all observations obtained during one month.

MULTI-UNIT SEWER CUSTOMER - A location served where there are two or more residential units or apartments, two or more businesses in the same building or complex or where there is any combination of business and residence in the same building or complex.

NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARD - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

NATIONAL (or Kentucky) POLLUTANT DISCHARGE ELIMINATION SYSTEM or NPDES/KPDES PERMIT - A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.

NATURAL OUTLET - shall mean any outlet into a water course, pond, ditch, lake or other body of surface or ground water.

NEW SOURCE - Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which

Section I.

will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (A) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (C) The production or wastewater generating processes of the building, structure, facility or installation are 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.

NINETY (90) DAY COMPLIANCE REPORT - A report submitted by a categorical industrial user, within 90 days following the date for final compliance with applicable categorical standards that documents and certifies the compliance status of the user (40 CFR 403.12(d)).

NORMAL DOMESTIC WASTEWATER - shall mean wastewater that has a BOD concentration of not more than 300 mg/l and a suspended solids concentration of no more than 350 mg/l and chlorine of not more than 50 mg/l.

OPERATION AND MAINTENANCE - shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and for which such works were designed and constructed. The term “operation and maintenance” includes replacement as defined below.

OPERATION AND MAINTENANCE FUND – The “City of Simpsonville Sewer Operation and Maintenance Fund” created in and by this Ordinance.

ORDINANCE - This Ordinance, unless otherwise specified.

PASS THROUGH - A discharge of pollutant which cannot be treated adequately by the POTW, and therefore exits into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3).

Section I.

PERIODIC COMPLIANCE REPORT - A report on compliance status submitted by significant industrial waste users to the Control Authority at least semiannually (40 CFR 403.12(e)).

PERSON - shall mean any individual, firm, company, association, society, corporation or group.

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

POLLUTION - The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

POLLUTANT - Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical, wrecked or discharge equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

POTW TREATMENT PLANT - That portion of the POTW designed to provide treatment to wastewater.

PRETREATMENT OR TREATMENT - 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 a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process change(s), or other means, except as prohibited by 40 CFR 403.6(d).

PROCESS WASTEWATER - Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product, or waste product.

PRODUCTION-BASED STANDARD - A discharge limitation expressed in terms of allowable pollutant mass discharge rate per unit of production and is applied directly to an industrial user's manufacturing process.

PROHIBITIVE DISCHARGE STANDARD - Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.(5).

PROPERLY SHREDDED GARBAGE - shall mean the waste from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles

Section I.

will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

PUBLICLY OWNED TREATMENT WORKS (POTW) - A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purpose of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

PUBLIC SEWER - shall mean a sewer controlled by the City of Simpsonville, to which owners of the abutting properties shall have access. In general, the public sewer shall include the main sewer in the right of way or easement and the service branch to the easement or property line, or a main sewer upon private property and any sewers which are connected with the sewage system of the City of Simpsonville to the extent of ownership by public authority.

REGULATED WASTESTREAM - An industrial process wastestream regulated by an National Categorical Pretreatment Standard.

REPLACEMENT - shall mean expenditures for obtaining and installing equipment, accessories or appurtenance which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

RESIDENTIAL – A use of independent housekeeping and which shall include multi-family dwellings such as duplex, apartments, condominiums, house trailers, trailer courts, trailer parks and the like. (See Section III, A 3 for residential unit)

RESIDENTIAL USER - shall mean any contributor to the Simpsonville City's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

REVENUES – Moneys received by the City through the exaction of rates and charges for use of the services and facilities of the Sewer System (as distinguished from monies which may be received on a one time basis as tap on charges, capacity charges, the proceeds of insurance, and the like).

Section I.

SANITARY SEWER - shall mean a sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.

SEWAGE - shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

SEWAGE TREATMENT PLANT - shall mean any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS - shall mean all facilities for collecting, pumping, treating and disposing of sewage.

SEWER - shall mean a pipe or conduit for carrying sewage.

SEWER BOARD - The duly appointed sewer board established by Section II of this Ordinance.

SEWER SYSTEM – The sanitary sewer system constructed and installed in the City of Simpsonville, Kentucky and/or within the city service area.

SEWER USER CHARGES - A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement, or such works.

SEWERAGE - Any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.

SHALL - is mandatory.

SIGNIFICANT INDUSTRIAL USER (SIU) - Defined by EPA guidance as: (A) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and (B) any noncategorical industrial user that (i) discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary noncontact cooling, and boiler blowdown wastewaters) or (ii) contributes a process wastestream which makes up to five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant or (iii) has a reasonable potential, in the opinion of the Control or Approval Authority, to adversely affect the pollutants, sludge contamination or endangerment of POTW workers).

SLUG - shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of

Section I.

duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration of flow during normal operation.

SLUG DISCHARGE - Any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or non-customary batch discharge or any discharge of water or wastewater in which the concentration of any given constituent or quantity of flow exceeds, for any period or duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation which adversely affects the POTW.

SLUG LOAD - Any pollutant (including Biochemical Oxygen Demand) released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works or which exceeds limits set forth in the Industry's Discharge Permit and which include accidental spills.

SPILL PREVENTION AND CONTROL PLAN - A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

SPLIT SAMPLE - Portion of a collected sample given to the industry or to another agency to verify or compare laboratory results.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) - A classification scheme based on the type of industry or process at a facility.

STANDARD METHODS - The examination and analytical procedures set forth in the recent editions of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation and as set forth in the Congressional Record 40 CFR 136.

STATE - Commonwealth of Kentucky.

STORM DRAIN - shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and polluted industrial waste.

STORM SEWER - shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and polluted industrial waste.

STORM WATER - Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Section I.

SUPERINTENDENT - The person designated by the City to supervise the publicly owned treatment works and who is charged with certain duties and responsibilities by this article or his duly authorized representative.

SURCHARGE - A charge for services in addition to the basic sewer user and debt service charges, for those users whose contributions contain Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Oil & Grease or Ammonia-nitrogen (NH₃ -N) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the control authority, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.

SUSPENDED SOLIDS - shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

SYSTEM - Sewer system as defined above.

TIME PROPORTIONAL COMPOSITE SAMPLE - Combination of individual samples with fixed volumes taken at specific time intervals.

TOXIC ORGANIC MANAGEMENT PLAN - Written plan submitted by industrial users as an alternative to TTO monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.

TOXIC POLLUTANT - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of EPA under the provisions of the Clean Water Act 307(a) or any amendments thereto.

TREATMENT WORKS - shall mean any devise or system for the storage, treatment, recycling and reclamation of municipal wastewater, domestic wastewater or liquid industrial wastes. These include intercepting sewers, outfall sewers, wastewater collection systems, pumping, power and other equipment and their appurtenances, extensions, improvement, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or used for ultimate disposal of residues resulting

Section I.

from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in sanitary sewer systems.

UNPOLLUTED WATER - Water of quality equal to or better than the treatment works effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

UNREGULATED WASTESTREAM - A wastestream that is not regulated by a National Categorical Pretreatment Standard.

USER - Any person who contributes, causes or permits the contribution of wastewater into the POTW.

USER CHARGE - shall mean the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, replacement and debt service expenses of the wastewater treatment works.

WASTEWATER - The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial waste.

WASTE DISCHARGE PERMIT (WDP) - A permit issued to industrial users which authorizes discharges to the public sewer as set forth in the Administration Section of this Ordinance.

WASTEWATER FACILITIES - The structures, equipment, and processes required to collect, carry away, treat domestic and industrial wastes, and dispose of the effluent.

WASTEWATER TREATMENT WORKS - An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "sewage treatment plant."

WATER METER - shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by the West Shelby Water District (excludes discharge meter).

Section I.

WATERCOURSE - shall mean a channel in which a flow of water occurs either continuously or intermittently.

WATERS OF THE STATE - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Words importing the singular number shall include the plural number and vice versa, and words importing persons shall include, as in the context may be appropriate, firms, associations, partnerships (including limited partnerships), trusts, joint ventures,, corporations, or other legal entities including public bodies, as well as natural persons.

Section II.

Section II. **MANAGEMENT AND CONTROL BY SEWER BOARD**

A. That the management of the Simpsonville Municipal Sewer System shall be carried on by a Sewer Board created, appointed, and performing the functions as hereinafter provided.

B. The Sewer Board shall consist of three members. The Mayor, by and with the approval of the Simpsonville City Commission, by resolution duly adopted and recorded in its minutes shall appoint three persons to serve as Sewer Board members. Each of said persons shall either reside in or be full time employed in the City, or own real estate within the corporate limits of the City and shall be at least 25 years of age. One of said three members shall be a City Commissioner for the City of Simpsonville, Kentucky.

In addition to said three members, the Mayor of the City of Simpsonville, Kentucky and the remaining three members of the Simpsonville City Commission shall serve as ex officio members who shall have no right to vote and who shall not be included in determining whether a quorum exists.

C. Each member of said Sewer Board shall be appointed for a term of three years. Members now serving shall each respectively serve the remainder of their three-year term which terms are now established so as to expire in successive years. Any member shall be eligible for reappointment upon the expirations of his or her term. At the expiration of each term, that sewer board member shall continue to have authority to vote and shall be considered a de-facto member until that member is either reappointed or replaced. Sewer board members shall be selected by the Mayor of the City of Simpsonville subject to approval of the Simpsonville City Commission. The Sewer

Section II.

Board may submit recommendations to the Mayor for appointment to fill any vacancy but which shall not be binding upon the Mayor or City Commission. If a vacancy occurs prior to the expiration of a term, then the appointment shall be for the unexpired term of the member being replaced.

D. At the first meeting of the sewer board following July 1 each year, it shall organize by designation of one of the members to act as chairman and another to act as vice chairman. The chairman, or in the absence of the chairman, the vice chairman shall preside at all meetings. Provisions shall be made for holding not less than one regular meeting each month. With the approval of the Simpsonville City Commission, the sewer board may establish as many as two regular meetings per month. Special meetings may be called as required. Special meetings may be called by the chairman or by a majority of all other board members and shall be called in conformity with Kentucky statute. The city clerk/treasurer shall be custodian of the records of the proceedings of the board, which shall be made available for inspection as are other municipal records. Any appointed member of the sewer board failing to attend three successive meetings without cause acceptable to and approved by the sewer board shall be thereby automatically removed from office and the vacancy shall be filled as herein above provided. Sewer board members and the chairman of the sewer board shall each be compensated for their services. The compensation to be paid to the chairman of the sewer board shall not exceed \$500.00 per month nor be less than \$200.00 per month and the compensation to be paid to board members shall not exceed \$300.00 per month nor be less than \$100.00 per month. The rate of compensation within said ranges may be modified by the Simpsonville City Commission by resolution duly adopted and recorded and without

Section II.

amendment of this ordinance. Provided, the maximum and minimum compensation may be modified only by ordinance. In addition to the forgoing, an annual cost of living increase shall be automatically in effect based on the cost of living index as established by the Commonwealth of Kentucky and which is applicable to other city officers.

E. The Sewer Board shall supervise and manage said sewer system including, but not limited to administration, maintenance, and operation thereof. All employment by the Sewer Board shall occur only after approval of the City Commission. The City Administrator or a designee from the City Commission shall review and evaluate all personnel working for the sewer board and any violation of the personnel policy or other job related problems. The City Administrator or the designee from the City Commission may request a review of any sewer board employee issues with a joint committee consisting of the Mayor, the Sewer Board Chairman and the City Administrator and/or City Commission designee. This committee shall review said issues and make recommendations to the City Commission. However, all sewer board employees shall be subject to city ordinances related to employee conduct, rights, and discipline.

All bills for services rendered by the sewer system shall be collected and accounted for by the City Clerk / Treasurer in the manner and form required by law. He/she shall cause said funds to be deposited in a bank and be withdrawn on checks signed by two persons. Authorized signatures on said checks shall be limited to the Mayor, City Administrator, Chairman of the Sewer Board, City Clerk / Treasurer and one City Commissioner as designated by the Mayor and approved by the City Commission.

The Sewer Board shall have the responsibility of reviewing contracts and making recommendations thereon to the city commission, which shall have ultimate

Section II.

responsibility for approval or disapproval thereof. Provided nothing herein shall prevent the Sewer Board from engaging in ordinary day-to-day operations and approving expenditures within the approved budget.

F. The Municipal Sewer System shall be operated on a fiscal year basis, commencing each year on the first day of July, and ending June 30 of the following year. At least ninety (90) days prior to the beginning of each fiscal year the Sewer Board shall cause to be prepared and recommended a detailed budget of the estimated amounts of money to be received in connection with the operation of said System and the necessary expenditures in connection therewith for the next ensuing fiscal year, a copy to be presented to the City Commission for approval which shall be filed with the City Administrator. Expenditures from the approved budget of the sewer board may be made at the Sewer Board's direction but subject to verification with the City Administrator or City Clerk/Treasurer as to the availability of funds.

G. The Sewer Board shall perform any and all covenants and agreements contained in any contract or obligation between the City and the holder of any revenue bonds secured by the revenues of such system, to the full extent permitted by law.

H. The Sewer Board shall have such authority as is necessary to carry out the management and administration of the sewer system subject to the terms hereof.

I. The accounts of the Sewer System and the records of said Sewer Board shall be audited by a Certified Public Accountant each year and a report of such audit shall be filed with the Simpsonville City Commission. The expenses of preparing such annual audit shall be charged to the operation of said Sewer System.

Section II.

J. A majority of said Sewer Board shall constitute a quorum for the transaction of business, but the affirmative vote of two members shall be necessary for the adoption of any motion, resolution, order, or the approval of any matter under consideration.

K. All rates for sewer services as well as charges for hookups, capacity charges and other related fees shall be as are established by city ordinance.

L. The City Commission, acting by and through it's City Administrator and/or City Clerk/Treasurer shall enforce the regular and prompt collection of revenues due from patrons for the sewer services and are specifically authorized and directed to invoke the provisions of the agreement with the West Shelby Water District so that the water service of any patron who fails to pay the account due for sewer service will be disconnected; and to fix a reasonable charge for restoration of service, as determined by the Sewer Board.

M. Within ninety days of the end of each fiscal year, the City Clerk / Treasurer shall cause to be paid to the City from sewer board revenues a sum not to exceed ten (10) percent of the gross revenues collected by the sewer board for the prior fiscal year. The actual amount shall be as decided by the Simpsonville City Commission. Said percentage shall be of gross revenues for sewer service only and shall not include tap on or capacity charges.

Section III.

Section III. **TAP ON AND CAPACITY CHARGES –**

The City of Simpsonville hereby establishes the following tap on capacity charges for each separate unit / user connected to the Simpsonville Sewer System:

A. RESIDENTIAL CONNECTIONS:

1. **TAP-ON CHARGE.** A connection charge of \$2,000.00 for each separate residential dwelling unit / user connected to the system is hereby assessed.
2. **CAPACITY CHARGE.** A capacity charge of \$2,000.00 for each new residential dwelling unit / user connected to the system is hereby assessed.
3. A residential dwelling unit herein shall be defined as a family unit maintaining separate and independent housekeeping. This is further defined to include each single family dwelling and each separate residence in a multiple dwelling unit / user, such as each unit in a duplex, apartment, condominium, town house, trailer court, trailer park and the like.

B. FEES FOR ALL OTHER CLASSIFICATIONS.

1) A tap-on charge is hereby assessed as prescribed for all non-residential properties and for all other classifications, including, but not limited to, commercial, industrial, public and quasi-public uses: a connection charge to be calculated and computed at the rate of \$400.00 per 1,000 gallons monthly water usage based upon the estimated average monthly usage for one year; to be adjusted at the end of the first year of actual use, said adjustment to be an additional assessment or a credit according to the variance (plus or minus) from the initial estimate used in calculating the connection fee but in no event shall the tap-on fee be less than \$2,000.00.

Section III.

2) The capacity charge for all non-residential classifications of properties within the city limits shall be assessed and computed at the rate of \$400 per 1,000 gallons of monthly water usage, based on the estimated average monthly usage for one year; said charge to be paid in advance at or before the time of connection to the sewer system; to be adjusted at the end of the first year of actual usage, said adjustment to be an additional assessment, or a credit, according to the variance (plus or minus) from the initial estimate used in calculating the capacity charge, but in no event shall the capacity charge be less than a minimum charge of \$2,000.00; further, the City through its Sewer Board hereby reserves the right at any time in the future to increase and / or impose and collect an additional capacity charge should the average monthly usage of any previously connected customer increase over usage as calculated and determined for the first year.

C. PROPERTIES SITUATED OUTSIDE CITY LIMITS.

1) All properties situated outside the corporate limits of the City of Simpsonville are deemed to be distinct from similar properties located within the city limits in that these properties outside the city, including residential, are more expensive to provide services to and are not subject to the City of Simpsonville property taxes, zoning regulations and the other regulatory laws of the City. Therefore, such properties are declared to belong to a separate category and classification, distinct from properties situated within the city limits.

2) All the provisions applicable to the various classifications of properties situated within the city limits are applicable to the several classifications of properties in this category, that is, properties situated outside the city limits, including the tap-on and capacity charge rates, except that such rates (user rate, capacity and tap on charge) are

Section III.

hereby increased by 40% of the amount assessed for similar properties within the city limits. Provided, however, those entities known as the Whitney Young Job Corp Center and the “Rest Stop” facility of the Commonwealth of Kentucky pre-existed the adoption of this 40% extra charge and shall continue at a 20% charge above the otherwise established rates for property located in the City.

D. PAYMENT.

All sums payable pursuant to this Section(III) shall be paid in advance of issuance of any tap-on permit and before connection to the sewer system of the City of Simpsonville.

E. OTHER PROVISIONS.

1) The terms hereof shall apply both to direct and indirect connections and include any connection that results in sewer waste being deposited into the Simpsonville Sewer System. Provided, however, no new indirect connections shall be permitted. All connections to the Simpsonville Sewer System shall be made by direct tap on. Further, the Superintendent and the Sewer Board shall take steps to amortize out of existence those indirect connections now in existence and may, in their discretion, take steps to enforce elimination of the indirect connections and indirect taps where reasonably possible.

2) Funds collected pursuant to this section (III) shall be utilized as follows:

a) Tap-on charges – For all purposes related to the operation, maintenance, expansion or otherwise for the Simpsonville Sewer System and including debt service.

Section III.

- b) Capacity charges shall be reserved and utilized for facilities expansion, upgrade, construction and related expenses.
- 3) Where a current tap-on exists but the nature of the classification is changed in a manner that will increase the burden on the system, adjustments may be required in the discretion of the Sewer Board for increased tap-on and capacity charges consistent with the modified classification.

F. RECONNECTION AFTER DISCONTINUANCE OF SERVICE.

Should sewer service be disconnected for some reason other than non-payment of fees for violation of this Ordinance, reconnection may be made without any additional capacity charge unless required because of a change of use or increase of flow in which case, the users shall pay the increased difference. Further, no additional tap on or capacity charge shall be charged upon reconnection under the provisions of this paragraph except should the customer reconnecting sewer service require a new physical connection in which case a new tap on charge shall be paid.

Section IV.

Section IV. **USER RATES.**

A. Rates and charges for sewer service shall be based insofar as possible upon the quantity of water supplied to the respective buildings or premises by the water district or such other source as may be a source of water thereto in accordance with the following schedule:

Monthly Sewer Rates

Minimum Bill – First 2,000 gallons -	\$10.15
All over 2,000.00 gallons -	5.075 per 1,000 gallons

B. In the event that a building or premises discharging sewage, water or other flowable wastes into the municipal sewer facilities uses water from a well, cistern, or on other than a metered basis from either a private or public water supply, then in each such case the sewer user may elect, either:

- 1) To install, solely at the expense of the sewer user, a water meter or other measuring device, acceptable to the governing body of the City or to its duly authorized agent in charge of the operation of the municipal sewer system; and the quantity of water, sewage, or other flowable wastes, as measured by such meter or device shall be used in determining the monthly sewer bill, according to the rates set forth herein; or
- 2) To be billed based upon a minimum usage of 5,000 gallons per month.

The City may require that there be installed, solely at the expense of the sewer user, a sewer cut-off valve, approved by the City or its duly authorized agent in charge of the operation of the municipal sewer system; and in the event of delinquency in the payment of the monthly sewer service bill to the premises, the City may order that such sewer cut-off valve be closed, whereupon the sewer user will become subject to the penalties prescribed in Section XI hereof

Section IV.

as in the case of sewer users otherwise failing or refusing to comply with the provisions of this Ordinance. In case of such cut-off, the City shall have no liability for damage to person or property resulting from use or installation of a cut-off valve.

C. UNUSUAL SEWAGE DISCHARGES.

In the event the sewage, water or other liquid wastes being discharged into the municipal sewer facilities from any building or premises contains unduly high concentrates of any substances which add to the operating costs of the municipal sewer facilities, then special rates, rentals, or charges may be established, charged and collected as to such building or premises, or the owner or other interested party may be required to specially treat such sewage, water or other liquid wastes before it is discharged into the municipal sewer facilities. (See Sections VI and VII). Such charges, rentals and special rates may be retroactive to the time it is determined that such unduly high concentrations began.

D. OTHER SPECIAL CLASSIFICATIONS.

Whenever it is determined by the governing body of the City or its duly authorized agent which may be in charge and control of the operations of said municipal waterworks and sewer systems, to be necessary to classify any commercial institutions or industries by reason of the unusual purpose for which water is used, or by reason of the the character of the sewage, water or other liquid wastes discharged therefrom, or whenever the established schedules of rates and charges for any reason are not applicable, then special rates or other charges may be established by the governing body of the City, and any person, firm or corporation being dissatisfied with the established schedules of

Section IV.

rates and charges by reason of peculiar or unusual use or occupancy or any premises, and consequently alleging peculiar or unusual uses of water, may file application with the governing body of the City or with any other board or body of said City which may be in charge and control of the municipal waterworks and sewer systems, for special classification rates and charges. (SEE SECTIONS VII and VIII)

E. OWNERS AND OCCUPANTS JOINTLY LIABLE.

The rates and charges aforesaid shall be billed to the owners or occupants of the premises, and if the occupant of any premises is not also the owner, both the owner and the occupant shall be responsible for the payment of the sewer bill, which, if unpaid, shall constitute a lien upon the premises.

F. In the event that any single family residential connection uses water in excess of 10,000 gallons during the months of June, July or August (being billings that are sent in July, August and September), then it will be presumed that any amount in excess of 10,000 gallons was utilized for lawn watering, swimming pool filling and/or other non-sewered purposes and the sewer bill shall be based upon 10,000 gallons of consumption for that month.

G. In the event that any residential building or premises uses water in excess of 10,000 gallons per month as shown by the water meter readings for a period not exceeding 2 consecutive months and it can be shown by the customer that a substantial portion of the water as so measured does not and cannot enter the municipal sewer system, then the sewer board or its agent may, upon timely request of the customer, make adjustment to the sewer bill for the portion of the sewer bill attributable to the portion shown not to have entered the municipal sewer facilities. If the reason for the requested

Section IV.

adjustment is a break in a water line, then the request of the customer must be accompanied by proof of repairs. If the cause of the excess water usage is other than a leak (e.g. watering, filling swimming pool or some other use) then the request must be accompanied by such proof as is satisfactory to the sewer board or its agent. A request shall be deemed timely only if made before the payment due date for the bill on which adjustment is requested.

H. By agreement between the City and West Shelby Water District (the District), the District will furnish to the City the monthly water meter readings of all customers of the District which are connected with the City Sewer facilities and the City's sewer bills to such users will be calculated upon the basis of such water meter readings.

Section V.

Section V. **USE REGULATIONS.**

A. PRIVATE SEWAGE DISPOSAL

1. Where a public sanitary sewer is not available the sewer shall be connected to a private sewage disposal system complying with the provisions of this Article. Public sanitary sewers are deemed to be available if the structure or the generating source is located in the City.
2. The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the City of Simpsonville, the Shelby County Health Department, and State and Federal Agencies.

Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit issued by the Sewer Board after approval of the system by the Shelby County Health Department, and the State if required. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Sewer Board.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Sewer Board, the City of Simpsonville, the Shelby County Health Department, and the State, if required. They shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Sewer Board when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Sewer Board, Saturdays, Sundays and holidays excepted.

Section V.

4. At such times as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer at the property owner's expense in compliance with this Ordinance and any septic tanks, cesspools or other private sewage disposal facilities shall be abandoned and filled with suitable material, or salvaged and removed.
5. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City of Simpsonville.
6. No requirement of this section shall be construed to interfere with any additional requirements that may be imposed by the City of Simpsonville, the Shelby County Health Department, or the State.

B. BUILDING SEWERS AND CONNECTIONS

1. No person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Sewer Board.
2. There shall be two (2) classes of building sewer permits:
 - (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent, shall make application on a special form furnished by the City of Simpsonville. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. Commercial shall be deemed industrial when the character and quantity of waste requires.
3. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City of Simpsonville

Section V.

from any loss or damage that may directly or indirectly be occasioned by the installation or operation of the building sewer. Fees for permit applications, inspections, and connection shall be as required elsewhere in this ordinance, or as established by the City of Simpsonville in the future.

4. A separate and independent sewer connection shall be provided for every building on any particular lot, except where the primary structure is residential and there are separate ancillary structures such as a workshop or garage, then no separate connection shall be required for that ancillary structure.

5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Sewer Board (at owner's expense), to meet all requirements of this Ordinance.

6. In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved means and discharged to the building sewer. Any apparatus related thereto shall be operated and maintained by the property owner.

7. No person shall make connection of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

8. Floor, basement or crawl space drains which are lower than ground surfaces surrounding the building shall not be connected to the building sanitary sewer. No sanitary inlet which is lower than six (6) inches above the top of the lowest of the two

Section V.

adjacent public sanitary sewer manholes shall be connected by direct drainage to the building sanitary sewer.

9. The building sewer shall be connected into the public sewer, only upon authorization and inspection by authorized agents of the Sewer Board. The invert of the building sewer at such joint of connection with a wye saddle shall be in the upper quadrant of the main line of the public sewer. A neat workmanlike connection not extending past the inner surface of the public sewer shall be made and the saddle made secure and watertight by encasement in concrete, or with Epoxy cement specially prepared for this purpose. The first length of the building sewer after the connection to the public sewer shall be a wye-branch, with the branch laid on top pointing away from the public sewer, temporarily plugged for use in smoke testing of the building sewer and with clean outs at locations approved by the Superintendent.
10. The applicant for the building sewer permit shall notify the Sewer Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard on streets, sidewalks, parkways and other public property satisfactory to the City of Simpsonville. All OSHA requirements must be met. Wherever there is a road cut, then there shall be a bond provided by the person or entity making the road cut and in an amount established by the Sewer Board to secure the cost of restoration and repair of the road cut. Additionally, there shall be a minimum of a \$2,000,000.00 liability insurance policy naming the City of

Section V.

Simpsonville as an additional insured and protecting against property damage and personal injury resulting from said road cut.

12. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Simpsonville, the Shelby County Health Department, or the State. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF* Manual of Practice No. 9 shall apply.

*American Society for Testing and Materials and Water Pollution Control Federation

C. USE OF THE PUBLIC SEWERS

1. No persons shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage or cellar drainage of ground water origin, cooling water or unpolluted industrial process water to any sanitary sewer. The Superintendent or his representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections to building sewers and require disconnection of any pipes carrying such water to the building sewer. No sanitary drain sump, sump pump discharge by manual switchover of discharge connection shall have a dual use for removal of such water. Facilities shall be entirely separate.

2. Except as permitted in Section VI, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

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

Section V.

b) Any waters or wastes containing toxic or poisonous liquids, solids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

c) Any waters or wastes having a pH lower than (6.0) or greater than (9.0), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

e) Any water or waste that contains cyanide or cyanate.

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

Section V.

of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).
- b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) ppm or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).
- c) Any garbage that has not been properly shredded to 7 ml per liter of solids capable of settling. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, to such degree that exceeds the limits which may be established by the Superintendent for such materials.
- f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations that will impair the quality of the body of water receiving the treatment plant effluent.
- g) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

Section V.

h) Any waters or wastes having a pH in excess of (9.0).

i) Materials which exert or cause: (1) Unusual concentrations of inert suspended solids (350 ppm), such as, but not limited to Fullers earth, lime slurries, and lime residues; or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate. (2) Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions. (3) Unusual BOD (300 ppm), chemical oxygen demand, or chlorine requirements (50ppm) exceeding the above guide lines or, when in the opinion of the Superintendent , in such quantities that it interferes with the operation of the sewer system or the sewer treatment plant. (4) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

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

4. If any waters or wastes are discharged, or are proposed to be discharged to public sewers, which waters contain the substances or possess the characteristic enumerated in Section IV or which violate any provisions of this Ordinance, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

a) Reject the wastes.

b) Require pretreatment to an acceptable condition for discharge to the public sewers.

Section V.

- c) Require equalization or other control over the quantities and rates of discharge, and/or
- d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
- e) Terminate authorization to discharge to the City's sewerage works.
- f) If the Superintendent permits the pretreatment or equalization of waste flows, the plans, specifications and any other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for the approval of the Simpsonville Sewer Board. No construction of such facilities shall be commenced until said approvals are obtained in writing.

5. Where preliminary treatment facilities are provided for any water or waste, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located so 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 temperatures. They shall be of substantial

Section V.

construction, watertight and equipped with easily removable covers, which, when bolted in place shall be gastight and watertight.

7. Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his expense, in continuously efficient operation at all times.
8. Within three (3) months from the effective date of this Ordinance, and on a quarterly basis thereafter, all users of the sewerage system who discharge industrial wastes to the public sewers, shall file with the Superintendent an industrial waste characterization, based on a twenty-four (24) hour survey sampling which shall furnish pertinent data inclusive of quantity and rate of flow and an analysis of the waste discharge to the sewage works. Similarly, any person desiring to make a new connection to the sewage works for the purpose of discharging industrial wastes to the public sewers, shall file with the Superintendent an industrial waste characterization which shall furnish pertinent or predicted data inclusive of flow rate and an analysis of the industrial waste to be discharged into the sewerage system. Thereafter, such waste characterizations based on twenty-four (24) hour survey samples shall be filled quarterly with the Superintendent.
9. The owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

When in the opinion of the Superintendent, based upon his review of the wastewater questionnaire or upon requirements of a State or Federal regulation, an

Section V.

automatic sampling device is needed for taking continuous samples of the discharge water, such a device shall be furnished and installed at the owner's expense in the control manhole or other location suitable to the Superintendent. Samples from such device shall be tested for pollutants as determined by the Superintendent in accordance with Section 5.11 herein at the owner's expense by either an independent laboratory or the City of Simpsonville at the City's treatment facility.

10. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

11. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Simpsonville and any industrial concern

Section V.

whereby an industrial waste of unusual strength or character may be accepted by the City of Simpsonville for treatment, subject to the payment therefore by the industrial concern.

D. ABUTTING OWNERS MUST CONNECT TO SEWER LINES.

Sewer connection is mandatory for all structures and uses generating waste water unless sewer connection is not available. Sewer services are deemed to be available if the structure or use generating waste water is within the City.

E. SEWER CONNECTIONS REQUIRED FOR NEW BUILDINGS.

Except as provided elsewhere in this Ordinance, all architects, contractors, builders, or other persons, before commencing the erection of any building or other improvement capable of emitting liquid wastes or sewage, on any lot or parcel of land shall before erecting or installing such building or improvement, exhibit to the governing body of the City, or to such official as the governing body may designate, satisfactory evidence that a means has been provided or will be provided for connecting the sanitary sewage drain pipes from such building or other improvement with such sewer collection line. No storm water or other surface or sub-surface water shall be otherwise introduced into the sewer system.

Section VI.

Section VI. **POLLUTANT DISCHARGE LIMITS AND PRE-TREATMENT REQUIREMENTS.**

A. General Conditions

1. The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentration or quantities which: will not harm either the sewers, wastewater treatment process or equipment, will maintain and protect water quality in the receiving stream, and will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set additional limitations or limitations more stringent than those established in the provisions below if in his opinion more severe limitations are necessary to meet the above objectives. Further, the Superintendent may grant waivers of the limits set by this Article when determined by him/her to be in the best interest of the community and the sewer system. In forming his opinion as to the acceptability of a discharge, the Superintendent shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors.

B. Restricted Discharges

1. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
2. Wastewater containing floatable oils, fat, or grease, whether emulsified or not, in excess of 100 milligrams per liter (100mg/l) or containing substances which may solidify or become viscous at temperatures 32-150° (0-65°C).
3. Any food waste that has not been properly shredded. Food waste grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals,

Section VI.

catering establishments, or similar places where food waste originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. Paper products are prohibited from being discharged into the sewer system.

4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants which: injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, causes the City to violate the terms of its KPDES permit, prevents the use of acceptable sludge disposal methods, or exceed a limitation set forth in a Categorical Pretreatment Standard.

5. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State or Federal Regulations.

6. Any water or wastes which by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

7. Any wastewater with objectionable color which cannot be removed to an acceptable level within the operation of the wastewater treatment process but in no case, wastewater with a color that exceeds 250 ADMI units.

8. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the City's NPDES/KPDES permit.

9. Any waste(s) or wastewater(s) classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) or any other applicable federal, state or local

Section VI.

regulation without a 60 day prior notification of such discharge to the Superintendent.

This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The Superintendent may prohibit or condition the discharge(s) at any time.

10. Any water or wastes which have characteristics based on a 24 hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater parameter concentrations:

<u>Parameter</u>	<u>Maximum Allowable Concentrations</u>
BOD	250 mg/l
COD	350 mg/l
TSS	250 mg/l
NH3-N	40 mg/l

11. The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system. All significant commercial/industrial users must comply with these limitations where they are more stringent than applicable State and/or Federal Regulations.

<u>Parameter</u>	<u>Maximum Daily Concentration (mg/l)</u>
Arsenic	0.10
Cadmium	0.01
Chromium	0.596
Copper	0.248
Cyanide, Amenable	0.10
Lead	0.05
Mercury	0.00025
Nickel	0.05
Silver	0.331
Zinc	0.28

Section VI.

12. The City has received authority through the U.S. EPA and State Statutes to enforce the requirements of 40 CFR Subchapter N, 40 CFR 403, and 40 CFR Part 35. All users shall comply with the requirements of those regulations.

Dilution of Wastewater Discharge

No 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 the limitations contained in the Federal Categorical Pretreatment Standards, or in any pollutant specific limitation developed by the City or State.

Grease, Oil, and Sand Interceptors

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. Further, all restaurants, carry-out food establishments and other commercial cooking facilities shall install grease traps (interceptors). All interceptors shall be of a type and capacity approved by the Superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, identity of hauler and means of disposal. The City requires hauling of the collected materials to be done by currently licensed waste disposal firms. Interceptors shall also comply with applicable regulations of the County Health Department.

C. Special Industrial Pretreatment Requirements

Section VI.

1. Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all Pretreatment Standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial dischargers to public sewer systems are hereby made a part of this ordinance. Any industrial waste discharge which violates these EPA Pretreatment Standards shall be in violation of this ordinance.
2. Where pretreatment by flow equalizing facilities are provided or required for any waters or wastes, the industry shall be solely responsible for the continued maintenance to assure satisfactory and effective operation of such facilities and at their expense.

D. Protection from Accidental and Slug Discharges

1. Each significant commercial/industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this ordinance which adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Periodically, the Superintendent will determine whether each commercial/industrial user needs to develop or update a plan to control accidental or slug discharges. If the Superintendent determines that an accidental/ slug control plan or revision is necessary, the plan shall contain the following:

- a. Description of discharge practices
- b. Description of stored chemicals

Section VI.

- c. Procedures for notifying the POTW
- d. Prevention procedures for spills

In the case of all possible or actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the Superintendent and Shelby County Dispatch. Said notification shall be in accord with standard operating procedures. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

2. Written Notice. Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article, the Enforcement Response Plan or other applicable law.

3. Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

E. State Requirements.

Section VI.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

F. City's Right of Revision

The city reserves the right to establish more stringent limitations, or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this ordinance.

G. Federal Categorical Pretreatment Standards

Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance.

H. Industrial

Industrial shall be interpreted to include "commercial" when the discharge would otherwise invoke the provisions of this section.

Section VII.

Section VII – **PRETREATMENT PROGRAM ADMINISTRATION**

A. Wastewater Discharges

It shall be unlawful to discharge to the POTW any wastewater except as authorized by the City in accordance with the provisions of this ordinance.

Any agency, nondomestic user, and/or commercial/industry outside the jurisdiction of the City that desires to contribute wastewater to the POTW must execute (through and authorized representative) an interjurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this ordinance and State and Federal regulations. A Commercial/Industrial User Permit may then be issued by the Superintendent in accordance with Section B or this article.

B. Industrial User Discharge Permits

1. General

All significant commercial/industrial users proposing to connect to or to contribute to the POTW shall obtain an Industrial User Permit/Commercial User Permit before connecting to or contributing to the POTW.

2. Permit Application

Users required to obtain an Industrial User Permit/Commercial User Permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by a permit fee. New users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. Existing permit holder shall apply no later than sixty (60) days prior to expiration of permit. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- a. Name, address, and location if different from the address;

Section VII.

- b. SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1972, as amended;
- c. Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the City; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- d. Time and duration of contribution;
- e. Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- g. Material Safety Data Sheets and inventory for hazardous substances / materials.
- h. Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;
- i. Where known, the nature and concentration of any pollutants in the discharge which are limited by the City, State or Federal Pretreatment Standards, and a statement regarding whether the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable Pretreatment Standards;
- j. If additional pretreatment will be required to meet the Pretreatment Standards, the user shall adopt the shortest schedule by which the user will provide such

Section VII.

additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standards;

The following conditions shall apply to this schedule:

1. The schedule must be acceptable to the City.
 2. The schedule shall contain increments of progress in the form of 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.
 3. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress and the reason for delay, and the steps being taken by the user to return the construction to the schedule established.
- k. Each product produced by type, amount, process or processed, and the rate of production;
 - l. Type and amount of raw materials processed (average and maximum per day);
 - m. Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
 - n. Any other information as may be deemed by the City to be necessary to evaluate the permit application;

Section VII.

- o. A copy of the industry's written environmental control program, comparable document, or policy.

3. Issuance

The City shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent or his designee may issue an Industrial Wastewater Discharge Permit subject to terms and conditions provided herein.

C. Permit Modifications

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standards, the Commercial/Industrial Wastewater Discharge Permit of users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a user, subject to National Categorical Pretreatment Standards, has not previously submitted an application for a Commercial/Industrial Wastewater Discharge Permit as required, the user shall apply for a Commercial/Industrial Wastewater Discharge Permit within ninety (90) days after the promulgation of the applicable National Categorical Pretreatment Standards. In addition, the user with an existing Commercial/Industrial Wastewater Discharge Permit shall submit, to the Superintendent within ninety (90) days after the promulgation of an applicable Federal Categorical Pretreatment Standard, the information required by this ordinance.

D. Permit Conditions

Section VII.

Commercial/Industrial Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

1. The unit surcharges or schedule of other charges and fees for the wastewater to be discharged to a community sewer;
2. Limits on the average and/or maximum wastewater constituents and characteristics;
3. Limits on average and/or maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Specifications for monitoring programs which may include sampling location; frequency of sampling; number, type and standards for tests; and reporting schedule;
6. Compliance schedules;
7. Requirements for submission of technical reports or discharge reports;
8. Requirements for maintaining and retaining, for a minimum of three (3) years, all plant records relating to pretreatment and/or wastewater discharge as specified by the City, and affording City access thereto as required by 40 CFR 403.12(o)(2); and other federal, state and local regulations.
9. Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character

Section VII.

of the wastewater constituents being introduced into the wastewater treatment system;

10. Requirements for notification of slug discharges;
11. The permit may require the user to reimburse the City for all expenses related to monitoring, sampling and testing performed at the direction of the Superintendent and deemed necessary by the City to verify that the user is in compliance with the said permit;
12. Other conditions as deemed appropriate by the City to ensure compliance with this ordinance.

E. Discharge Limits

Where an effluent from a categorical industrial process(es) is mixed prior to treatment with wastewater other than that generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the Superintendent. These alternative limits shall be applied to the mixed effluent and shall be calculated using the Combined Wastestream Formula and/or Flow-Weighted Average Formula as defined in Section I.

Where the effluent limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or of effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits.

Section VII.

All categorical users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical user must notify the Superintendent thirty (30) days in advance of any major change in production levels that will affect the limits for the discharge permit.

Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

The user shall apply for permit reissuance a minimum of sixty (60) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit. The user shall be informed of any proposed changes in their permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

F. Permit Transfer

Commercial/Industrial User Permits are issued to a specific user for a specific operation. An Industrial User Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without a thirty (30) day prior notification to the Superintendent and provision of a copy of the existing permit to the new owner. The Superintendent may deny the transfer of the permit if it is deemed necessary.

G. Compliance Data Reporting

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards or, in the case of a new user, following

Section VII.

commencement of the introduction of wastewater into the POTW, any user subject to Federal Categorical Pretreatment Standards and Requirements shall submit, to the Superintendent, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Categorical Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such Categorical Standards and Requirements. The report shall state whether the applicable Categorical Pretreatment Standards and Requirements are being met on a consistent basis and, if not, what additional pretreatment and time schedule is necessary to bring the user into compliance with the applicable Categorical Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the user.

H. Periodic Compliance Reports

1. All significant commercial/industrial users shall submit, to the Superintendent, every three (3) months (on dates specified in the Industrial User Permit) unless required more frequently by the Permit, a report indicating, at a minimum, the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards or discharge permit. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.
2. All analyses shall be performed by a laboratory acceptable to the City. Analytical procedures shall be in accordance with procedures established by the U.S. EPA

Section VII.

Administrator pursuant to Section 304(g) if the Act and contained in 40 CFR, Part 136 and amendments thereto and 40 CFR 261 or with any other test procedures approved by the U.S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA Administrator.

3. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant(s) in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA Administrator.

4. A Baseline Monitoring Report (BMR) must be submitted to the Superintendent by all categorical industrial users at least ninety (90) days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:

- a. Production Data: a process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category (if applicable), and a schematic which indicates points of discharge to the sewer system.
- b. Identifying information to include name, address of facility, owner(s), contact person and any other permits held by the facility.
- c. Wastewater characteristics: total plant flow, types of discharges, average and maximum flows from each process.
- d. Nature/Concentration of pollutants: analytical results for all pollutants regulated by this ordinance and/or any applicable federal pretreatment standard and

Section VII.

sample type and location. All analyses must conform with 40 CFR, Part 136 and amendments thereto.

e. Information concerning any pretreatment equipment used to treat the facility's discharge.

5. New sources shall give estimates of the information requested in sections (c) and (d) above, but at no time shall a new source commence discharge(s) to the public sewer of substances that do not meet provisions of this ordinance. All new sources must be in compliance with all provisions of this ordinance, State and Federal pretreatment regulations prior to commencement of discharge to the public sewer.

I. Permit Violations

1. All significant commercial/industrial users must notify the Superintendent within 24 hours of first becoming aware of a permit violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance.
2. The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the Superintendent within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the City performs the sampling within the same time period for the same parameter(s) in question.
3. Compliance with the terms of an industrial user permit shall be deemed in compliance with the terms of this ordinance.

Section VII.

J. Monitoring

1. The City shall require significant users to provide and operate, at the user's own expense, monitoring facilities and equipment necessary to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The Superintendent shall review and approve the location, plans, and specifications for such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility shall be designed and maintained in a manner such that the safety of City and industrial personnel shall be foremost. The facility, sampling, and measuring equipment shall be maintained at all times in a proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following approval of the location, plans and specifications.

2. All sampling analysis done in accordance with approved Kentucky Division of Water and federal EPA procedures by the commercial/industrial user during a reporting period shall be submitted to the Superintendent regardless of whether or not that analysis was required by the commercial/industrial user's discharge permit.

Section VII.

3. The industrial user must receive the approval of the Superintendent before changing the sampling point and/or monitoring facilities to be used in all required sampling.

K. Inspection and Sampling

The City shall inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, copying records, records examination or in the performance of any of their duties.

The City, Approval Authority, Kentucky Division of Water and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make the necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, Approval Authority, Kentucky Division of Water, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

L. Pretreatment

All significant industrial users shall provide necessary wastewater treatment as required to comply with this ordinance and achieve compliance with any applicable Federal, State and Local Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. The City may require the development of a

Section VII.

compliance schedule for installation of pretreatment technology and/or equipment by any industrial user that cannot meet discharge limits required by this ordinance. Any facilities required to pretreat wastewater to a level required by this ordinance shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent that complies with the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operations shall be reported to and be acceptable to the City prior to the user's initiation of the changes.

M. Annual Publication

The City may annually publish in its largest daily newspaper a list of significant users which were in significant noncompliance with any Pretreatment Requirements or Standards. The notification may also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

N. Significant Non-Compliance

A user is defined as being in significant noncompliance when it commits one or more of the following conditions:

1. Causes imminent endangerment to human health or the environment or results in the exercise of emergency authority;
2. Involves failure to report noncompliance accurately;

Section VII.

3. Results in a chronic violation defined here as sixty-six percent (66%) or more of all measurements taken during a six (6) month period that exceed (by any magnitude) the daily maximum limit or the monthly average limit for the same pollutant parameter;
4. Results in a Technical Review Criteria (TRC) Violation defined here as thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6) month period that equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, and oil & grease and 1.2 for all other pollutants except pH); Provided, for good cause, the Superintendent may require or allow a higher or lower standard.
5. Any violation of a pretreatment effluent limit that the Control Authority determines has caused, alone or on combination with other discharges, interference or pass through or has endangered the health of the POTW personnel or the public;
6. Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTW's use of its emergency authority to halt or prevent such a discharge;
7. Violations of Compliance Schedule Milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by ninety (90) days or more after the schedule date;
8. Failure to provide required reports within thirty (30) days of the due date;
9. Any violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.
- O. Confidential Information

Section VII.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available to all governmental agencies for uses related to this ordinance, the NPDES/KPDES Permit, Sludge Disposal System Permit and/or the Pretreatment Programs upon request. Such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

P. Signatory Requirements

All applications, reports or information submitted to the City shall be signed and certified.

1. All permit applications shall be signed:
 - a) For a corporation: by a principal executive officer.
 - b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

Section VII.

2. All other correspondence, reports and self-monitoring reports shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a) The authorization is made in writing by a person described above;
- b) The authorization specifies either an individual or a position having facility or activity such as the position of plant manger, superintendent or position of equivalent responsibility.

3. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law that I am familiar with the information contained in this report and its attachments and that to the best of my knowledge and belief such information is true, complete and accurate.”

Q. FEES ASSOCIATED WITH POTW

1. Purpose

This article provides for the recovery of costs from users of the POTW for the implementation of the program established herein.

2. Charges and Fees

Users of the POTW shall pay to the City its actual costs associated with

- a. A pro-rated share of the costs of setting up and operating the City’s Pretreatment Program.
- b. costs for monitoring, inspections and surveillance
- c. costs for reviewing accidental discharge procedures and construction
- d. cost of application processing

Section VII.

- e. costs for filing appeals
- f. costs for consistent removal by the POTW of excessive strength conventional pollutants.
- g. other fees as the City may deem necessary to carry out the requirements contained herein may be set as appropriate.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the City.

R. INDUSTRIAL

“Industrial” shall be interpreted to include “commercial” when discharge would otherwise invoke the provisions of this section.

Section VIII.

Section VIII. **CONSTRUCTION / DEVELOPMENT REGULATIONS**

In addition to all other requirements set forth in either city ordinance or city regulation, any person, firm, corporation or other legal entity seeking to connect sewer collection lines for any new subdivision or other development to the City of Simpsonville Sewer System shall meet the following requirements, to wit:

1. The City of Simpsonville Sewer Board shall be provided a pre-construction and an “as-built” plan for the system for which acceptance and dedication is sought. Said “as-built” plans shall include drawings which reflect the location of all taps by reference to the distance from an identifiable manhole and also the distance of the tap from the front or back property line of each lot.

2. The entire system shall be vacuum and deflection tested to assure proper seal and to assure that the pipe has not been obstructed or excessively compacted by top fill so as to cause it to lose round.

3. All pressure mains shall be hydrolically tested.

4. No sewer lines shall be placed in streets or public ways.

5. No manholes shall be located in any paved area (street or driveway).

6. All manholes shall have liners approved by the City Sewer Board.

7. No portion of the sewer collection line shall be backfilled until that portion of the system has been inspected and approved by the Sewer Superintendent.

8. All pump stations shall have access by way of a paved driveway paved with not less than a six inch base and two inches of asphalt.

9. All pump stations shall be surrounded by a fence constructed of wood or some other material acceptable to the city sewer board to a height not less than eight feet.

Section VIII.

No connection shall be made to the city sewer system and no connection shall be made from any customer to the collection system until there has been compliance with every aspect of this ordinance. Further, the sewer board office shall not issue a statement authorizing issuance of a building permit until there has been compliance with all aspects hereof.

B. LIFT STATION REGULATION

It is the policy of the City of Simpsonville to minimize the number of lift stations that are required in the system. In order to accomplish this, gravity flow systems will be utilized whenever practical. Further, the City will encourage consolidation of existing pump station and pump station use when feasible.

1. Any developer desiring to develop land and to utilize the sewer collection and treatment system of the City of Simpsonville and which development or project requires the utilization of a sewer lift station or lift stations shall meet each of the following requirements, to wit:

- a. Any sewer lift station shall be constructed at the sole expense of the developer.
- b. Any sewer lift station shall be constructed in a manner that meets all requirements of the Simpsonville Sewer Board and the Simpsonville Sewer Board must approve specifications tendered by such developer before the City of Simpsonville Sewer Board signs and approves such plans or plat.
- c. Prior to commencement of construction, the developer shall provide plan/plat of the development to the Sewer Board with attached sheets stating the specifications for the equipment (i.e. brand, model, capacity, etc.) and such other

Section VIII.

information as may be requested by the Sewer Board. Such plan and specifications shall be subject to approval of the Sewer Board prior to commencement of construction.

d. The developer shall provide documentation that all manufacturers and installers of such sewer lift station provide a minimum one-year warranty on materials and workmanship with the City of Simpsonville Sewer Board being an additional named beneficiary of the warranty.

e. The developer requesting sewer lift station approval shall be subject to lift station capacity charge for each sewer lift station approved payable at or before the time of the signing/approval by the Simpsonville Sewer Board of the construction plat/plan.

f. The developer shall be responsible for and shall post a revenue assurance bond/deposit in the minimum amount of \$100,000 or an amount equal to the estimated cost of construction of the station or stations (whichever amount is greater) with such surety as is approved by the Simpsonville Sewer Board at or prior to the signing of the construction plat/plan which bond shall assure completion of the lift station(s) in conformity with the plans and upon which the Sewer Board may rely to complete said lift station /stations in conformity with the plans and specifications if developer fails to timely complete.

2. In addition to all other charges required to be paid by the developer proposing construction of the lift station, such developer shall be responsible for additional costs for maintenance, upkeep, replacement parts and service to said lift station to the extent that revenues from the customers serviced by said facility are not sufficient to compensate the sewer board for the costs. In determining the costs associated with operation, maintenance and etc. of the lift station, the Sewer Board shall consider the

Section VIII.

following factors: employee cost, utilities, mileage, depreciation, insurance, maintenance, parts and any other appropriate cost contributors.

Such costs will not be assessed during the first year after construction and acceptance of the lift station into the system. However, if at the end of the second year of construction start-up the customers serviced by said sewer lift station do not generate revenue sufficient to pay 100% of the costs associated therewith (as determined in accordance with the above guidelines) the developer or its successor in interest shall be required to compensate the Sewer Board annually for any short fall plus 10% for loss in revenue for a time period thereafter up to thirteen (13) years. Expenses so assessed shall be paid not less frequently than annually and shall be determined by taking the difference between the costs (utilizing the above chart) and the actual revenue realized and plus 10% of such difference. The City of Simpsonville shall be entitled to retain a lien on any lots owned by the developer or the developer's successor in order to enforce the provisions of this paragraph.

3. In the sole discretion of the City of Simpsonville Sewer Board, variances from this ordinance may be granted where it is determined that the benefits derived by the citizens of the City of Simpsonville so warrant.

C. FLOW PREVENTERS

All new construction shall include flow preventers which shall be maintained at the owner's expense.

Section IX.

Section IX. **GENERAL PROVISIONS**

A) **PRIORITY TO SERVICES WITHIN CITY LIMITS**

1. That henceforth no property (commercial, residential, industrial or other) shall be provided with sewer collection and treatment by the City of Simpsonville Sewer System unless said property be currently located within the corporate limits of the City of Simpsonville, Kentucky or first annexed therein. Provided, however, excepted from this provision are the following:

- a) The property known as Whitney Young is currently sewered by its own separate treatment facility and it is determined that it would be in the best interest of the city that said facility connect to the City of Simpsonville and it is excepted. A contract has been executed between said facility and the City and said facility shall be accepted into the system pursuant to said contract.
- b) There currently exists a rest area on Interstate 64 which is connected to the City of Simpsonville treatment facility and which is excepted herefrom.
- c) The City Commission may contract with a property owner and/or developer on such financial and non-financial terms as may be in the best interest of the city to permit connection and treatment of properties located outside the City of Simpsonville and the City reserves the right to further make exception when it is deemed to be in the best interest of the City. Provided, however, any such discretionary exception shall be on the following terms:

1) an impact study must be provided by an engineer of the city's choice at the property owner's expense containing such specific information as may be required by the City Commission.

Section IX.

2) property owners must execute consents to annexation exercisable at the city's discretion and /or enter into an agreement to make payments to the city in lieu of occupational tax and ad valorem taxes enforceable against the owner and its heirs, successors and assigns for the period prior to annexation.

B. COST OF CONNECTIONS

All extensions from a sewage collection line for a sewer connection to such premises, or construction of sewer facilities for developments that are to be connected to the Simpsonville Municipal Sewer, shall be at the sole expense of the owner/developer or occupant, and shall comply with all the requirements of Simpsonville.

Section X.

Section X. **POWERS AND AUTHORITY OF INSPECTORS**

A. The Superintendent and other duly authorized employees of the City of Simpsonville bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation measurement, sampling, and testing to assure compliance with the provisions of this Ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

B. While performing the necessary work on private properties referred to above, the Superintendent or authorized employees of the City of Simpsonville shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City of Simpsonville employees and the City of Simpsonville shall indemnify the company against loss or damage to its property by City of Simpsonville employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

C. The Superintendent and other duly authorized employees of the City of Simpsonville, bearing proper credentials and identification shall be permitted to enter all private properties through which the City of Simpsonville holds a duly negotiated easement for the purposes of, but not limited to inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said

Section X.

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

Section XI.

Section XI. **PENALTIES**

A. If any sewer bill is not paid within ten (10) days following the date rendered, a delinquency of twenty (20) percent of the amount of such bill shall attach and be payable in addition to the amount of such bill. If not paid as aforesaid within such ten (10) day period, such charges shall be deemed delinquent.

If any delinquent bill is not paid within twenty (20) days after the date of rendition thereof, the Superintendent or other officer or agent of the entity in charge of the operation of the facility providing water service shall be required pursuant to authority of KRS 96.930 et seq., to discontinue or shut off the water service to the premises served, and such water service shall not be reinstated until the bill for sewer service is paid in full, together with such charge or charges for discontinuing water services and/or for reconnecting water service as the water supplier may from time to time prescribe. The attorney for the City is hereby authorized and directed to enforce and collect any charges remaining delinquent for twenty (20) days. Charges for discontinuing and reinstating service may vary from time to time. The water company is entitled to charge a fee for its services and the fee for the sewer service for the said service shall be equal to the water company fee. Thus, the amount to be paid shall be an amount equal to twice that charged by the water company, one-half of which will be retained by the City.

In case that a check is returned to the City for insufficient funds or for any other reason, the City shall give seven (7) days notice to the person making payment with that check that if not paid within said seven (7) days, then water service will be disconnected. Additionally, there will be a \$30.00 charge for said returned check in addition to any other costs incurred by the city.

Section XI.

B. Any person found to be violating any provision of this Ordinance, except for non-payment of a sewer bill shall be served by the City of Simpsonville with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

C. Any person who shall violate this Ordinance, except for non-payment of a sewer bill, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars (\$500.00) for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

D. Any person violating any of the provisions of this Ordinance shall become liable to the City of Simpsonville for any expense, loss or damage occasioned the City of Simpsonville by reason of such violation.

E. In addition to the penalties set forth above, the City may impose civil penalties enforceable through a civil legal action in the Shelby Circuit Court. Said penalties shall be double the actual cost to the City for remediation but shall not be less than \$500.00 per day and each day of a continuation of a violation shall be considered a separate offense. The City may also recover its' costs for enforcement including legal fees.

Section XII.

Section XII. PRIOR ORDINANCE REPEALER / INTERPRETATION OF ORDINANCE

This Ordinance specifically repeals and supercedes each of the following identified Ordinances except subject to the Ordinance saving provision contained hereafter:

ORDINANCE NO. 81-1 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY, AUTHORIZING THE USE OF CITY PROPERTY, STREETS AND ALLEYS, AS NEEDED, FOR CONSTRUCTION AND MAINTENANCE OF A SANITARY SEWER SYSTEM

ORDINANCE NO. 81-2 (Revised) AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, SHELBY COUNTY, KENTUCKY, AUTHORIZING THE UNDERTAKING OF A SUBSTANTIAL PUBLIC PROJECT FOR THE CONSTRUCTION OF A SANITARY SEWER SYSTEM AND NECESSARY APPURTENANT FACILITIES; AUTHORIZING THE FINANCING THEREOF (TO THE EXTENT FUNDS ARE NOT OTHERWISE PROVIDED) THROUGH THE ISSUANCE AND PUBLIC SALE OF THE CITY'S "SEWER REVENUE BONDS OF 1981"; PAYABLE AS TO PRINCIPAL AND INTEREST SOLELY FROM THE SOURCES HEREINAFTER PROVIDED, AND NOT TO CONSTITUTE ANY INDEBTEDNESS OF SAID CITY

ORDINANCE NO. 81-3 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY, ESTABLISHING RATES AND CHARGES FOR THE USE OF AND THE SERVICES RENDERED BY THE MUNICIPAL SEWER SYSTEM OF SAID CITY; PROVIDING FOR THE COLLECTION AND ENFORCEMENT OF SUCH RATES AND CHARGES; REQUIRING ALL SOURCES OF FLOWABLE SEWAGE TO BE CONNECTED TO A MUNICIPAL SEWER LINE IF AVAILABLE; PRESCRIBING CERTAIN RULES AND REGULATIONS; AND ESTABLISHING PENALTIES

ORDINANCE NO. 81-5 (Revised) AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY, RELATING TO THE NEW MUNICIPAL SANITARY SEWER SYSTEM AND DESIGNATING AREA FOR WHICH EXCESS CAPACITY IS RESERVED

ORDINANCE NO. 83-1 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY, REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS; PRIVATE SEWAGE DISPOSAL; INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATER AND WASTE INTO THE PUBLIC SEWER SYSTEM; AND ADOPTING "THE USER CHARGE SYSTEM"; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

Section XII.

ORDINANCE NO. 84-4 AND CALLED AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A SEWER BOARD OF THE CITY OF SIMPSONVILLE, KENTUCKY, FOR THE DUTIES, POWERS, APPOINTMENT, COMPENSATION AND QUALIFICATIONS OF THE MEMBERS OF SUCH BOARD, AND FOR THE MANAGEMENT, CONTROL AND OPERATION OF THE SEWER SYSTEM OF THE CITY

ORDINANCE NO. 85-1 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY, AUTHORIZING A SEWER “TAP-ON” CONNECTION FEE

ORDINANCE NO. 85-2 AND CALLED AND ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY AMENDING ORDINANCE NO. 81-3 SO THAT EXTENSIONS OF SEWER LINE WILL BE AT THE EXPENSE OF THE OWNER/DEVELOPER

ORDINANCE NO. 85-3 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY AMENDING ORDINANCE NO. 84-4 TO INCREASE THE MEMBERSHIP OF THE SEWER BOARD FROM THREE MEMBERS TO FIVE MEMBERS

ORDINANCE NO. 87-2 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY, INCREASING THE RATES FOR SEWER SERVICE, AMENDING SECTION 5 OF THE CITY OF SIMPSONVILLE ORDINANCE NO. 81-3

ORDINANCE NO. 89-8 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY, AMENDING ORDINANCE NO. 85-1, INCREASING THE SEWER “TAP-ON” CONNECTION FEES

ORDINANCE NO.91-1 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY, AUTHORIZING THE SIMPSONVILLE SEWER BOARD TO REQUIRE A SERVICE DEPOSIT TO SECURE PAYMENT OF BILLS FOR SEWER SERVICE

ORDINANCE NO. 93-5 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY, AUTHORIZING THE SEWER BOARD TO IMPOSE A CAPACITY CHARGE FOR NEW CONNECTIONS TO THE MUNICIPAL SEWER SYSTEM TO HELP DEFRAID THE COST OF EXPANDING THE SEWER SYSTEM TO ACCOMMODATE SUCH NEW CONNECTIONS

ORDINANCE NO. 94-1 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY, IMPLEMENTING ORDINANCE NO. 93-5 BY ESTABLISHING THE SEWER CAPACITY CHARGES FOR CERTAIN CLASSIFIED CATEGORIES OF PROPERTIES

Section XII.

ORDINANCE NO. 94-2 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY, AMENDING THE ASSESSMENT OF TAP-ON FEES FOR CONNECTIONS TO THE SIMPSONVILLE SEWER SYSTEM AS PRESCRIBED BY ORDINANCE Nos. 85-1 & 89-8.

ORDINANCE NO. 95-001 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY, SUPPLEMENTING AND AMENDING ORDINANCE Nos. 83-1 AND 97-2, REGULATING THE USE AND RATES OF THE SIMPSONVILLE MUNICIPAL SEWER SYSTEM

ORDINANCE NO. 97-003 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY, SUPPLEMENTING AND AMENDING THE FOLLOWING CITY OF SIMPSONVILLE ORDINANCES RELATING TO "TAP-ON" FEES AND "CAPACITY CHARGES" IMPOSED FOR CONNECTION TO THE SIMPSONVILLE SEWER SYSTEM

ORDINANCE NO. 98-003 AND CALLED AN ORDINANCE ESTABLISHING A FIRST-COME-FIRST-SERVED POLICY FOR USE OF SEWER CAPACITY AND PROVIDING AN EXCEPTION TO SAID POLICY

ORDINANCE NO. 98-005 AND CALLED AN ORDINANCE ESTABLISHING REGULATIONS AND CHARGES FOR SEWER LIFT STATIONS NECESSITATED BY DEVELOPMENTS

ORDINANCE NO. 99-006 AND CALLED AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING REGULATIONS AND CHARGES FOR SEWER LIFT STATIONS NECESSITATED BY DEVELOPMENTS

ORDINANCE NO. 00-008 AND CALLED AN ORDINANCE OF THE BUDGET FOR THE SIMPSONVILLE SEWER BOARD FISCAL YEAR BEGINNING JULY 1, 2000 ENDING JUNE 30, 2001

ORDINANCE NO. 2000-009 AND CALLED AN ORDINANCE AMENDING AND ORDINANCE CALLED AN ORDINANCE ESTABLISHING A FIRST-COME-FIRST-SERVED POLICY FOR USE OF SEWER CAPACITY AND PROVIDING AN EXCEPTION TO SAID POLICY

ORDINANCE NO. 2000-011 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY PROVIDING FOR MANAGEMENT OF THE SEWER SYSTEM BY A SEWER BOARD FOR THE CITY OF SIMPSONVILLE, KENTUCKY, AND DEFINING THE DUTIES, POWERS, MANNER OF APPOINTMENT, COMPENSATION AND QUALIFICATIONS OF THE MEMBERS OF SUCH BOARD, AND FOR THE MANAGEMENT, CONTROL AND OPERATIONS OF THE SEWER SYSTEM OF THE CITY OF SIMPSONVILLE, KENTUCKY AND REPEALING ALL PRIOR ORDINANCES INCONSISTENT HERewith

Section XII.

ORDINANCE NO. 2002-02 AND CALLED AN ORDINANCE REPEALING ORDINANCE NO. 81-2 CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, SHELBY COUNTY, KENTUCKY, AUTHORIZING THE UNDERTAKING OF A SUBSTANTIAL PUBLIC PROJECT FOR THE CONSTRUCTION OF A SANITARY SEWER SYSTEM AND NECESSARY APPURTENANT FACILITIES; AUTHORIZING THE FINANCING THEREOF (TO THE EXTENT FUNDS ARE NOT OTHERWISE PROVIDED) THROUGH THE ISSUANCE AND PUBLIC SALE OF THE CITY'S "SEWER REVENUE BONDS OF 1981"; PAYABLE AS TO PRINCIPAL AND INTEREST SOLELY FROM THE SOURCES HEREINAFTER PROVIDED, AND NOT TO CONSTITUTE ANY INDEBTEDNESS OF SAID CITY

ORDINANCE NO. 2002-03 AND CALLED AN ORDINANCE ESTABLISHING A POLICY REGARDING PAYMENT OF TAP ON CHARGES AND CAPACITY CHARGES AFTER DISCONTINUANCE OF USE

ORDINANCE NO. 2002-09 AND CALLED AN ORDINANCE AMENDING ORDINANCE NO. 81-3 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY, ESTABLISHING RATES AND CHARGES FOR THE USE OF AND THE SERVICES RENDERED BY THE MUNICIPAL SEWER SYSTEM OF SAID CITY; PROVIDING FOR THE COLLECTION AND ENFORCEMENT OF SUCH RATES AND CHARGES; REQUIRING ALL SOURCES OF FLOWABLE SEWAGE TO BE CONNECTED TO A MUNICIPAL SEWER LINE IF AVAILABLE; PRESCRIBING CERTAIN RULES AND REGULATIONS; AND ESTABLISHING PENALTIES

ORDINANCE NO. 2002-011 AND CALLED AN ORDINANCE SETTING CERTAIN STANDARDS AND REQUIREMENTS FOR SEWER COLLECTION SYSTEMS PRIOR TO ACCEPTANCE OF DEDICATION INTO CITY SYSTEM

ORDINANCE NO. 2003-004 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY, AMENDING ANY CITY ORDINANCE CREATING THE POSITION OF EXECUTIVE SECRETARY AND/OR OFFICE MANAGER FOR THE SEWER COMMISSION

ORDINANCE NO. 2004-009 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY REPEALING PRIOR INCONSISTENT ORDINANCES AND REESTABLISHING A "TAP-ON" FEE FOR ALL SEWER TAP-ONS IN THE CITY OF SIMPSONVILLE, KENTUCKY

ORDINANCE NO. 2005-009 AND CALLED AN ORDINANCE OF THE CITY OF SIMPSONVILLE, KENTUCKY PROVIDING FOR MANAGEMENT OF THE SEWER SYSTEM BY A SEWER BOARD FOR THE CITY OF SIMPSONVILLE, KENTUCKY, AND DEFINING THE DUTIES, POWERS, MANNER OF APPOINTMENT, COMPENSATION AND QUALIFICATIONS OF THE MEMBERS OF SUCH BOARD, AND FOR THE MANAGEMENT, CONTROL AND OPERATION OF THE

Section XII.

SEWER SYSTEM OF THE CITY OF SIMPSONVILLE, KENTUCKY AND
REPEALING ALL PRIOR ORDINANCES INCONSISTENT HERewith
ORDINANCE NO. 2006-009 AND CALLED AN ORDINANCE OF THE CITY OF
SIMPSONVILLE, KENTUCKY PERTAINING TO SEWER CHARGES FOR
CERTAIN USES OF WATER NOT RESULTING IN SANITARY SEWER DISPOSAL

ORDINANCE NO. 2007-006 AND CALLED AN ORDINANCE PROVIDING THAT
PROPERTY BE LOCATED IN THE CITY OF SIMPSONVILLE, KENTUCKY TO
RECEIVE SEWER SERVICE AND PROVIDING EXCEPTIONS THERETO

Provided, however, to the extent that this Ordinance be deemed by any
Court to be unlawful or unenforceable, then to that extent, the Ordinance hereby repealed
shall be deemed to remain in full force and effect. It is the intention of this Ordinance
that it be interpreted item by item. The invalidity of any item or provision of this
ordinance shall not affect the validity of any other provision, it being the intention of the
City Commission to enact this ordinance item by item.

DONE THIS THE _____ DAY OF _____, 2009.

STEVE EDEN, MAYOR

ATTEST:

DEBBIE BATLINER, CITY CLERK

Date of 1st reading:_____

Date of 2nd reading:_____

Date of Publication:_____

ref: comp s o

Section XII.