

CHAPTER 17

SEWERS, SEWAGE DISPOSAL

ARTICLE I IN GENERAL

Section 17-1. Definitions.

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

Biochemical Oxygen Demand (BOD). BOD (denoting Biochemical Oxygen Demand) shall be defined as the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in a period of five (5) days at a temperature of twenty degrees (20) centigrade, expressed in milligrams per liter (mg/l). Such B.O.D. shall be determined as described under the heading “biochemical oxygen demand” in the Standard Methods of the Examination of Water and Wastewater (latest edition) as published jointly by the American Public Health Assoc., the American Water Works Assoc., and the Water Pollution Control Federation. (1167 9/01).

Building Drain. This shall mean that part of the lowest horizontal piping of a drainage system, which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Building Sewer. This shall mean the extension from the building drain to the public sewer or other place of disposal.

Commercial User. This shall mean any person, firm, partnership or corporation occupying any building or structure which is connected to the City sewer system, the principal use of which is engaging in commerce or trade, and having a financial profit as the primary aim. (12167 9/01).

Combined Sewer. This shall mean a sewer receiving both surface runoff and sewage.

Finance Charge. This shall mean that portion of the total wastewater service charge, which is levied to provide funds to retire the debt incurred to finance the sewer system improvements.

Garbage. This shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

Industrial User. This shall mean any non-governmental user of the City's wastewater works that discharges wastes other than primarily domestic waste or wastes for sanitary convenience. (1167 9/01).

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

Institutional User. This shall mean any public institution or organization occupying any building or structure, which is connected to the City sewer system, principal use of which is dedicated to public service, such as schools, churches and civic organizations. (#1167 9/01)

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

Normal Domestic Wastewater. This shall mean any wastes having a five day BOD concentration not in excess of 225 mg/1 or a suspended solids concentration not in excess of 250 mg/1. (#1167 9/01).

Operation and Maintenance. This shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

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

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

Properly Shredded Garbage. This shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

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

Replacement. This shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances, 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. The term “operation and maintenance” includes replacement. (885 11/94).

Residential Contributor. This shall mean any contributor to the City’s treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

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

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

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

Sewage Works. This shall mean all facilities for collection, pumping, treating and disposing of sewage.

Sewer. This shall mean a pipe or conduit for carrying sewage.

Storm Drain or Storm Sewer. This shall mean a sewer, which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Suspended Solids “SS”. This 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.

Toxic Wastes. This shall mean any waste which is deleterious to treatment plant operation or to sludge utilization, which constitutes a hazard to humans or animals, or which will create a hazard in the receiving waters of the sewage treatment plant. (#1167 9/01).

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

City Sewer Inspector. The Board of Aldermen shall appoint a sewer inspector who shall be the authorized representative of the City who shall make such inspections as are necessary to properly carry out the provisions of this ordinance. The Sewer Inspector may be the Chief of Police, Superintendent of Sewage Works, or other authorized representative designated by the Board of Aldermen.

Treatment Works. This shall mean any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid

industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual 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 is used for ultimate disposal of residues resulting 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 or municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems. (885 11/94).

Useful Life. This shall mean the estimated period during which a treatment works will be operated. (885 11/94).

User Charge. This shall mean that portion of the total wastewater service charge, which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works. (885 11/94).

Water Meter. This shall mean a water volume measuring and recording device, furnished and/or installed by the City of Nixa or furnished and/or installed by a user and approved by the City of Nixa. (885 11/94).

Section 17-2. Illegal Placement of Sewage.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

Section 17-3. Discharging Untreated Sewage in Natural Outlets.

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

Section 17-4. Construction of Private Sewage Disposal.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Section 17-5. Construction of Proper Toilet Facilities.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety days after date of official notice to do so, provided that said public sewer is within 200 feet of the property line. (#937 11/95).

Sections 17-6 through 17-9 reserved.

**ARTICLE II
PRIVATE SEWAGE DISPOSAL SYSTEMS**

Section 17-10. Public Sewer Not Available.

Where a public sanitary or combined sewer is not available under the provisions of Section 17-5, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Section 17-11. Permit for Private Sewer.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City Sewer Inspector. Where the City has initiated a public sewer system improvement project that would serve the property where a private system is proposed, and the total cost of the sewer system improvement project is known, the owner shall place in escrow 150% of the owner's fair proportional amount of the system's total cost in cash or an irrevocable letter of credit prior to receipt of a private sewer permit.

If the City has not yet initiated a sewer system improvement project to serve the property where a private sewer system is proposed, the owner shall sign a contractual agreement with the City guaranteeing full payment of the property's fair proportional amount of the public sewer system improvement when it becomes available. All such agreements shall be recorded with the Christian County Recorder. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by plans, specifications, and other information as is deemed necessary by the City Sewer Inspector. A permit and inspection fee of \$10.00 shall be paid to the City at the time the application is filed. A permit and inspection fee of \$15.00 for single family residential or \$10.00 for any other type of use shall be paid to the City at the time the building permit application is filed.

(#1394 2/06)

Section 17-12. Inspection of Private Sewer.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Sewer Inspector. He shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the City Sewer Inspector when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the City Sewer Inspector.

Section 17-13. Requirements for Private Sewer.

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

Section 17-14. Availability of Public Sewer.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 17-13 above, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Section 17-15 Maintained at Owner's Expense.

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

Section 17-16. Filling of Abandoned Private Sewer.

When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel with a dirt cap of 4 inches of top soil.

Section 17-17. Construction Site Privies.

Approved type privies may be temporarily erected and maintained on construction sites with the approval of the City Sewer Inspector.

Sections 17-18 through 17-24 reserved.

**ARTICLE III.
PUBLIC SEWAGE DISPOSAL SYSTEM**

Section 17-25. Disturbing Public Sewer.

No unauthorized person shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Sewer Inspector.

Section 17-26. Public Sewer Permit.

The owner of any house or building, or his representative, shall obtain a sewer connection permit at the Nixa City Hall before any sewer construction is started. The cost of this permit shall be fifteen dollars (\$15.00) for residential permits and twenty five dollars (\$25.00) for commercial or industrial permits.

Section 17-26A. Private Forced Line Permit Required.

The City of Nixa requires a permit prior to construction for a forced service line. The owner shall submit to the City a letter from a Missouri State Licensed Engineer stating what pumping requirements will be needed, size of line needed, type of pump designed, the specifications from the manufacturer of the pump, and the engineer's recommendations that this pump will meet the Missouri Department of Natural Resource's requirements and with the City's approval. In addition to the above, the engineer shall also draw a sketch showing the location and distance of the line and location of the pump. Once this letter and drawing is received and approved, the owner will receive a sewer service line permit from the City. (991 12/96).

Section 17-27. Checking on Locations of Sewer Mains.

Before starting construction of a house or building connection, the owner, or his representative, shall check with the City Sewer Inspector to be sure of the location of the tee joint provided for their particular house or building. In connecting to the tee joint, a trench shall be opened over the tee for a distance of 10 feet each way, and in the event a tee is not available, a connection shall be made under the direct supervision of the City Sewer Inspector. (#937 11/95)

Section 17-28. Costs of Connection to be Owner's Expense.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 17-29. Separate Sewer for Each Building.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 17-30. Old Building Sewers.

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

Section 17-31. Surface Runoffs Not to be Connected.

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

Section 17-32. Connection of Building Sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city as set out herein. All connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City Sewer Inspector before installation.

Section 17-33. Inspection of Sewer Connections.

The applicant for the building sewer permit shall notify the City Sewer Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City Sewer Inspector or his representative.

Section 17-34. Protecting Public from Sewer Construction.

All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Section 17-34A. Determination of Usage.

- A. Except as otherwise herein provided, service charges shall be based on one of the following:

1. On the quantity of water used from any source or sources of supply, as measured by a water meter or meters acceptable to the City.
2. On the quantity of sanitary sewage, industrial wastes, water or other liquids entering the sanitary sewage system of the City and measured by sewage meter acceptable to the City.
3. On the quantity of water as determined by the City or other authorized representative of the City through a study of the particular service.
4. On the quantity of sanitary sewage, industrial wastes, water or other liquids entering the sanitary sewage system of the City as determined by the City or other authorized representative of the City through a study of the particular service.

B. Outside City Sewer Service.

1. Each owner of a private well or other private water supply who requests outside city sewer service shall, at his own expense, install and maintain in continuous efficient operation a water meter acceptable to the City on such private well or other private water supply. Property owners currently receiving outside sewer service, as of the adoption of this ordinance, who elects not to install a water meter shall be billed on the basis of 7,920 gallons per month of household water use.
2. Upon adoption of this ordinance, each owner who receives outside city sewer service shall pay one and on-half times the city sewer rate per 1,000 gallons of water use, plus the city's minimum base charge then in effect or amended in the future.
3. As of the date of this ordinance's adoption each owner shall pay a city sewer deposit of \$100 for residential and \$200 for commercial prior to receipt of outside, city sewer service. The owner shall maintain said deposit in full during each and every month outside city sewer service is provided. (#1527 3/10/08)

C. Maintenance of Meters.

1. Where installed, all water or sewage meters shall be maintained by the owner, at his expense, in continuous efficient operation at all times. The readings of any such meter which, in the opinion of the City, has not been so maintained will be disregarded and the City or its authorized representative shall determine the sewage volume delivered to the sanitary system of the City during the time covered by discredited meter readings. (#1167 9/01)

Section 17-35. Sewer Service Charge Rates.

1. All users, other than occupied residential units, shall be billed on the basis of all monthly water consumption as determined by monthly water meter reading. The City of Nixa shall collect sewer service charges for the use of, and the services rendered by said sanitary sewer system from the owners or occupants of each residence, building or structure, which is connected with the sanitary sewer system of the City of which discharges to the sanitary sewer system of the City.
2. The rates and charges established by this ordinance shall be applied to the water consumption billed after this ordinance shall have been placed in effect, except as herein otherwise provided. In order that there be the least sewer service charge to the residential water consumers for water used to maintain lawns, gardens, flowers, shrubs, trees, etc., water usage shall be derived from water consumption recorded in periods when such activities are reduced.
3. For the months of January, February and March the basis of the occupied residential bills shall be based on the current monthly water consumption. In computing the residential bills for the remaining nine (9) months April, May, June, July, August, September, October, November and December, the average of the monthly meter reading taken between January and March shall be used. (#1549 9/08)

In cases where a residence first becomes subject to the sewer services charges established herein and that date is after the meter reading date in May and no water meter reading was taken before such date, the owner or occupant of such residence shall be billed the customer service charge plus a volume charge, as determined by the City until a basis can be established as herein provided.

In multiple housing complexes or combinations of multiple housing units, apartment housing units, trailer park pads or spaces, the number of users shall be the number of dwelling units connected to the sewer system whether served by individual water meters or by a single master water meter or private water supply. Where a single water meter or private water supply serves multiple housing complexes, the number of dwelling units shall be used in computing charges whether or not all units are occupied.

The minimum charge per month shall be \$9.25. In addition each contributor shall pay a user charge rate for debt service and operation and maintenance including replacement of \$3.50 per 1,000 gallons of water or wastewater as determined in this section. (#1459 11/06)

Except as herein otherwise provided, sewer service charge shall be based on the quantity of water used on or in the property or premises subject to such charges;

shall be computed by applying the rates established; and shall be payable as herein provided.

Section 17-36. Extra Charges.

In order that the rates and charges may be justly and equitably adjusted to the service rendered, the City shall have the right to base its charges not only on volume but, also on the strength and character of sewage and wastes which it is required to treat and dispose of. The City shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the City's sanitary sewage system in such a manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of the case in order to determine the proper charge.

1. Extra charges for discharge of excess BOD.

Any customer who discharges sewage having a BOD concentration in excess of 225 mg/l shall pay an additional charge of \$0.15 for each excess pound or fraction thereof.

2. Extra charges for discharge of excess suspended solids.

Any customer who discharges sewage having a suspended solids concentration in excess of 250 mg/l shall pay an additional charge of \$0.15 for each excess pound or fraction thereof.

3. Extra charges for discharge of toxic substance.

Any customer who discharges a toxic substance which is deleterious to the treatment process or to sludge utilization shall be liable for all costs incurred by the City in returning the treatment process or sludge to its proper condition. Such extra charges shall be determined by the treatment plant operator subject to review and approval by the Board of Aldermen and shall include, but not be limited to costs of labor, chemicals, and equipment directly used in correcting the toxic conditions. (1167 9/01).

Section 17-37. Method of Billing.

1. All sewer service charges established by this Ordinance shall be a part of, but noted as a separate item on the water bill of each user and shall be billed, collected and become delinquent at the same time and in the same manner as such water bill. Any user of the City sewer system who is delinquent in the payment of the service charge provided herein shall be deemed to be delinquent in the payment of the sewer bill and shall be subject to being disconnected from the sewer system in the same manner and at the same time as provided in other

ordinances for disconnection from the water system. No person who has been disconnected from the sewer system shall be again connected thereto until he has paid to the City all delinquent sewer bills in full together with a reconnect charge of \$50.00. Disconnection shall be by removal of the water meter or physical blockage or disconnection of the building sewer service line.

2. The rates established by this ordinance may be billed to the tenants occupying the property served, unless otherwise requested in writing by the property owners, but such billings shall in no way relieve the owner from the liability in the event payment is not made as herein required.

The owners of tenant-occupied property shall have the right to examine the collection records of the City for the purpose of determining whether such rates and charges have been paid by such tenants; provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.

(1167 9/01)

Sections 17-38 through 17-39 reserved.

**ARTICLE IV.
SEWER CONNECTION REQUIREMENTS**

Section 17-40. Repealed (#937 11/95) (See Technical Specs).

Section 17-41. Types of Pipes.

The types of pipes permitted for house or building sewer connections are as follows:

Cast Iron Soil Pipe with Rubber Gasket Joints--Pipe shall meet Federal Specifications WW-P-356-1936, Gasket Material shall meet ASTM Specifications No. C564-65T.

Vitrified Clay--Standard strength pipe ASTM std. C-13-64T Joint Material shall meet ASTM Spec. No. C425-66T.

Plastic Type Pipe--All plastic type pipe shall be schedule 40 and meet ASTM Code designations

A.B.S.--Type 1, Sch. 40 ASTM Specification A.B.S. D-2661-67 pipe shall have minimum crush strength to comply with ASTM Standards.

P.V.C.--Type 1, Sch. 40 ASTM Specification P.V.C. D-2241-67 pipe shall have a minimum crush strength to comply with ASTM Standards.

D.W.V.--Type 1, Sch. 40 ASTM Specification D.W.V. D-2661-68 pipe shall have a minimum crush strength to comply with ASTM Standards.

The above are minimum requirements only and the water and sewer superintendent may require pipe of a higher standard if, in his opinion, the job or connection so requires.

Section 17-42. Repealed (937 11/95) (See Technical Specs)

Section 17-43. Repealed (937 11/95) (See Technical Specs)

Section 17-44. Repealed (937 11/95) (See Technical Specs)

Section 17-45. Bond of Contractor.

The contractor or builder, who will make the sewer house connection to the new sewer main, will be required to post a bond, certified check or cash with the City in the amount of \$250.00 for each sewer connection before construction is started. If the contractor or builder desires to construct more than one sewer connection at a time, he

may post a \$1,000.00 bond to cover multiple projects. Upon satisfactory completion of the work and inspection by the City Sewer Inspector, the bond, certified check, or cash will be released. In the event the construction is not completed in a satisfactory manner, the City may use the bond, certified check or cash money to correct the construction.

Section 17-46. Sewer House Connection Requirements.

New sewer house connections must hook into the sewer outlet from the house between the house and septic tank. The connection shall be made not less than 3 feet or more than 5 feet from the foundation. A clean out must be provided near this point and preferable about 3 feet from the house. (937 11/95).

Section 17-47. Using Old Septic Tank.

If the building sewer is run through the old tank, there shall be no joints within the tank, and the sides of the tank where the building sewer enters and leaves shall be broken away from the pipes. The septic tank shall be cleaned out, have a drain constructed in the bottom of the tank filled with clean bank-run gravel, sand or dirt. If the existing sewer line from the building is on the opposite side of the building from the new sewer main, there are two possible ways to make the connection.

- a. Reverse the pipes under the building so as to exit through or under the wall nearest the sewer main.
- b. Construct the sewer lines around the house to connect to the new sewer main. In this case, it is recommended, but not required, that clean outs be placed in the pipe where any 45 degree bends are constructed.

Section 17-48. Extending Sewer Lines--Generally.

Whenever an extension of the City sewer collection system is necessary in order to serve an applicant whose premises are located within the area served by the City, the City shall extend its sewer mains along any public highways which are laid out and in which grades have been established and which are dedicated to public use within its service area, provided:

- a. Such applicant, requesting extension of the City sewer collection system, shall execute, and deliver without costs, to the City, such easement indentures as in the opinion of the City are or may be required at the time such extension is made or may be required in the future to extend the sewer collection system to an applicant located adjacent to the premises to be served by such extension.
- b. Upon there being deposited with the City a non-refundable cash deposit which equals the estimated cost of extending the sewer collection system to the

applicant; said amount shall include the cost of a performance bond as well as a one-year maintenance bond on said extension.

Section 17-49. Same--Procedures to be Followed by Applicants.

Where the provisions of Section 17-48 are otherwise satisfied and the applicant concerned has promptly and faithfully performed in the past all contractual obligations with the City and he is desirous of directly constructing at his own expense a sewer line rather than depositing estimated costs with the City and having the City construct such extension, the Board of Aldermen may approve such extension; provided, that the authorized agent of the applicant, as shown by an executed power of attorney on file with the City, executes a form of contract acceptable to the City, which, among other provisions, provides that:

- a. In its entirety the extension is constructed in strict accord with the construction specifications, drawings and plans prepared by or on behalf of the City; and approval of such extension is given by the State Inspection Bureau of Division of Health.
- b. All work of construction and extension shall be at the applicant's sole cost and subject to inspection by and approval of the City, that such construction is in strict accord with the extensions, construction, specifications, drawings, and plans; and all expenses incurred by the City, as a result of the extension, including but not limited to preliminary engineering, preparation of specifications, drawings, performance bond, one-year maintenance bond, plans, and inspection of construction shall be paid by the applicant.
- c. That upon construction being completed to the satisfaction of the City prior to connection of the extension to the existing sewer collection system, all right, title and interest therein of the applicant shall be conveyed to the City, free of lien or of any other encumbrance prior to such conveyance, and the City shall be furnished evidence satisfactory to it that the contractor and subcontractors, if any, of the extension have paid and discharged all indebtedness incurred by them, or any of them, for materials furnished or for work and labor done in connection with and performance and completion of the extension project.
- d. In any particular case where the applicant for sewer service can show reason of exceptional topographical or other physical conditions that the literal compliance with the requirements of the above provisions would cause practical difficulty or exceptional and undue hardship, the Board of Aldermen may modify such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of the above regulations or the desirable general development of the neighborhood and community in accordance with the ordinances here in above set forth. Any modification thus granted shall be spread upon the

minutes of the Board of Aldermen setting forth the reasons, which, in the opinion of the Board of Aldermen, justified the modification.

Sections 17-50 through 17-54 reserved.

**ARTICLE V.
POLLUTION PROVISIONS**

Section 17-55. Surface Waters Not to be Connected to Sewer.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 17-56. Where to Discharge Surface Waters.

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

Section 17-57. Discharges Prohibited.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans, or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 2 mg/l as CN in the wastes as discharged to the public sewer.
- c. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 17-58. Discharge of Substances Prohibited.

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 City Sewer Inspector 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 City Sewer Inspector 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, the nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- a. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees C.).
- b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees C.).
- c. Any garbage that has not been properly shredded.
- d. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the City Sewer Inspector as necessary, after treatment of the composite sewage to meet the requirements of the state, federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- e. Any waters or wastes having a pH in excess of 9.0.
- f. Materials which exert or cause: (1) Unusual concentrations of inert suspended solids (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); and (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- g. 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.

Section 17-59. Options for Discharges Prohibited.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 17-58 of this article, and which in the judgment of the City Sewer Inspector 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 City Sewer Inspector may:

- a. Reject the wastes.
- b. Require pretreatment to an acceptable condition for discharge to the public sewers.
- c. Require control over the quantities and rates of discharge.
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 17-64 of this article.

If the City Sewer Inspector permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Sewer Inspector and subject to the requirements of all applicable codes, ordinances and laws.

Section 17-60. Grease Trap Installation for Food Service Establishments.

All businesses, where oils and grease are cleaned from eating and food preparation utensils or equipment, shall be required to install an approved minimum 1,000 gallon grease trap to intercept any fats, oils or greases before they enter the City of Nixa's wastewater system.

The following drain lines shall run into a grease interceptor:

1. Dishwasher.
2. Three (3) vat sink
3. Any food prep sink used for thawing out or washing meats, poultry or fish.
4. Mop sinks.
5. Ice cream dipper wells.
6. Floor drains in kitchen area.
7. Garbage disposal: Bulk or drained-off grease should not be dumped into disposal. Grease producing food should not be run through the disposal. If this is done, then the disposal will need to be run to the grease interceptor.

8. A drain from the trash pad to the grease interceptor should be considered if there is a bulk grease bin at the trash pad site.

The size of the grease interceptor will depend upon the number of seats and/or type of food being prepared. The minimum size shall be: 1,000 gallons for up to 250 seats, 1,500 gallons for 250 to 350 seats, and 2,000 gallons for 350 or more seats.

Where a food service establishment can document, to the satisfaction of the City of Nixa's Building Code official, Water Quality Superintendent and Christian County Health Department, that all food preparation occurs off-premises, or in such establishments as a church, senior center, or club where food preparation on-site does not exceed but once per month, the applicant's engineer shall design and the establishment shall install a grease trap in conformance with the City of Nixa's adopted International Plumbing Code. At no time shall a grease trap be installed with less than 70-pound capacity. All establishments required to install grease trap shall install a sampling pit in conformance with the City of Nixa's General Conditions, Technical Specifications.

Where a food service establishment is denied the used of a smaller grease trap by the Building and Code official, Water Quality Superintendent and Christian County Health, the applicant may appeal the decision to the Board of Aldermen.

Where an establishment is approved for the installation of a smaller grease trap other than that required of a food service establishment, and authorized city personnel find through testing at the sampling pit that food preparations or discharge of oils and grease at the establishment is in greater quantities than that which was documented at the time of its approval, the owner/operator of the establishment shall have 30 days to bring the property's use into conformance with the original approval or install a grease trap that is in conformance with the minimum gallons specified for a food service establishment. If the owner/operator fails to bring the property into conformance within 60 days of notification of this violation, the City may penalize such establishment by initiating a stop work order until such time as the establishment is brought into conformance with this ordinance.

The site of the interceptor shall be at the discretion of the building code official of the City of Nixa.

The building code official shall inspect the grease interceptor before it is covered.

(#1507 12/07)

Section 17-61. Preliminary Treatment or Flow-Equalizing Facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 17-62. Control Manholes, Meters and Other Appurtenances.

When required by the City Sewer Inspector, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City Sewer Inspector. 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.

Section 17-63. Measurements, Tests and Analyses.

All measurements, tests and analyses 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 analyses involved will determine whether a 24-hour composite of all out falls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all out falls where as pH's are determined from periodic grab samples.)

Section 17-64. Special Agreements with Industrial Concerns.

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

Section 17-65. Definitions.

City of Nixa: means the Corporate Limits of the City of Nixa proper as well as any city, corporation, business, school or individual connected to or using the Nixa Sanitary Sewer or Storm Water System.

Cleaning Agent: means a laundry detergent, dish washing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, phosphate compound, or other substance that is intended to be used for cleaning purposes.

Phosphorous: means elemental phosphorous.

Section 17-66. Exemptions.

- A. This ordinance does not apply to a cleaning agent that is:
1. A detergent used in dairy, beverage, or food processing cleaning equipment;
 2. A phosphoric acid product, including a sanitizer, brightener, acid cleaner or metal conditioner;
 3. A detergent used in hospitals, veterinary hospitals or clinics or health care facilities or in agricultural production;
 4. A detergent used by industry for metal cleaning or conditioning;
 5. Manufactured, stored, or distributed for use or sale outside of the state;
 6. Used in any laboratory, including a biological laboratory, research facility, chemical laboratory, and engineering laboratory; or
 7. Used in a commercial laundry that provides laundry services for a hospital, health care facility, or veterinary hospital.
- B. The duration of these exemptions shall be for one year after this ordinance becomes effective, at which time exemptions shall be reviewed.

Section 17-67. Restrictions.

Except as provided in Section 17-66 of this ordinance, after June 1, 1994, a person shall not use, sell, manufacture, distribute or dispose within the City of Nixa any cleaning agent used in a dish washing machine, whether commercial or household, that exceeds 8.7 percent phosphorus by weight.

Section 17-68. Seizure of Products in Violation.

The City Administrator or any authorized deputies may seize any cleaning agent held for sale, distribution, or use in violation of this ordinance. The seized cleaning agents are considered forfeited. (840 2/94)

Section 17-69. Pretreatment Discharge Requirements.

Users requiring the use of pretreatment prior to discharge to the City of Nixa's collection system shall be subject to the conditions, terms, and limitations as established in Section 17-35 in addition to the following:

1. The City may require any user that, in their opinion, discharges non-domestic effluent thereby threatening the integrity of the City's treatment works, to provide sampling, analysis and/or a professional evaluation of current or predicted discharge characteristics. The sampling, analysis, and estimation of present and future discharge, shall be provided and supervised by qualified personnel and evaluated by methods acceptable to the City and in accordance with State and Federal regulations. Analysis may require, but is not limited to, the measurement of suspended solids and BOD concentrations. In addition, pH levels and flow rates shall be measured continuously with proper monitoring and recording equipment. Information acquired from monitoring equipment and tests shall be well documented, preserved, and made available to the City for their convenient review. The City may use information obtained through sampling and analysis as a basis to impose and raise surcharge fees and future sampling/analysis requirements. Further, the results of analysis may be used as justification to restrict or deny discharge to the City and to establish responsibility and assess fines for any damage sustained by the City's treatment works. A set of plans and specifications indicating sampling equipment locations and sampling methods shall be submitted to the City for review and consideration. Required sampling equipment shall consist of, as a minimum, a refrigerated sampler. The City must approve all sampling sites, equipment and procedures prior to allowing the discharge of effluent.

2. Safety and tampering prevention methods shall be outlined on plans and specifications and shall meet all City, State and Federal guidelines. The City reserves the right to require additional safety and security measures if it concludes such measures are necessary to protect the welfare of their collection system and its components. The maintenance and operation of all equipment related to the discharge, storage and monitoring of waste shall be performed by qualified personnel and shall be done under the direct supervision of an experienced technician. To protect against tampering or the use, intentional or accidental, by untrained or unqualified personnel, all valves, manholes, and other items which allow for the discharge of effluent, relate to the operation of the pretreatment system, or provide access to sampling, recording and other monitoring equipment shall be locked and sufficiently secured at all times. Access to the above equipment shall be locked and sufficiently secured at all times. Access to the above mentioned items shall be allowed only to appropriately trained personnel and selected City employees. The City shall be supplied with means to access monitoring, recording and sampling equipment and shall be allowed the opportunity to inspect and observe operation of the treatment facility and all safety and security devices at their discretion. Monitoring, sampling and other related equipment shall be supplied by the user and will be accompanied by the appropriate equipment to allow for the adjustment of flow and pH levels and for the complete and immediate shut off of discharge should levels fail to meet the City's requirements as previously established. In addition, a secondary power source independent of other power sources shall be supplied

by the user and shall be capable of maintaining treatment operations and monitoring equipment, which occur prior to the discharge of effluent. The secondary power source shall be maintained in operation condition and will be immediately available in the event of any planned, or unplanned disruption of the primary power source.

3. Users, which have waste that is considered high strength, when compared to Section 17-1 “Normal Domestic Wastewater”, shall have all components of their waste assessed and approved by the City. Any waste not approved by the City shall be separated entirely from the waste approved for discharge. The user shall provide necessary safety features which allow for the isolated containment of the unapproved waste. Disposal and handling of the unapproved waste shall be done only by appropriately qualified personnel. The waste not approved for discharge shall be stored and handled in such a manner that mishandling, spill or accidental release of the waste will not re-enter the collection system either through the floor drains, sinks or other courses. Additionally, the City may also require a City representative to be present to observe and/or direct the disposal, discharge or collection of the users waste and effluent, which does not have the approval of the City. Dates and times at which the City is to be present shall be arranged and approved by the City. Reasonable reimbursement may be required to the City from the user to cover the expense associated with having City personnel on site. The discharge of waste requiring the City’s supervision, without an appropriate City representative present, may result in the discontinuation of service by the City and reimbursement by the user to the City for fines and damages to the City’s treatment works.
4. Any user discharging high strength wastewater in a volume and/or strength found to be acceptable to the City shall be subject to payment of a surcharge as indicated in Section 17-35. Further, any user, under the inspection of the City and qualified individuals, which is found to be directly responsible for damage to the City’s treatment works resulting in the improper discharge of waste shall be responsible in full for the financial payment of any ensuing fines and damages, or other compensations as assessed by City, County, State and/or other Federal agencies. Payment of fines or other compensation shall be in an amount and schedule as set by qualified City personnel and approved by the Board of Aldermen. At the City’s discretion, the user may be denied services by the City indefinitely and without prior notification should the user be found responsible for damage to the treatment system.

(#1107 12/97)

ARTICLE VI CARE OF SEWAGE EQUIPMENT

Section 17-70. Destruction of Property.

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

Section 17-71. Efficient Operation of Sewage Equipment.

Sufficient qualified personnel shall be retained and operational tests and measurements, as required by the Missouri Water Pollution Board, shall be performed to insure proper and efficient operation and maintenance of the sewage treatment works from the time of completion of construction or commencement of operation, whichever is earlier until such time as the Missouri Water Pollution Board may approve discontinuance of operation or disposal of the works.

Section 17-72. Authorized Employees.

The City Sewer Inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The City Sewer Inspector 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.

Section 17-73. Observation of Safety Rules.

While performing the necessary work in private properties referred to in Section 17-72 above, the City Sewer Inspector or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property for City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by Section 17-62.

Section 17-74. Entrance by Employees on Private Property.

The City Sewer Inspector and other duly authorized employees of the City bearing proper credentials and identifications shall be permitted to enter all private properties through which the City 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 easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sections 17-75 through 17-79 reserved.

**ARTICLE VII.
VIOLATION OF ORDINANCE**

Section 17-80. Violation of Ordinance.

Any person found to be violating any provision of this ordinance shall be served by the City 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.

Section 17-81. Fine for Violation.

Any person who shall continue to be in violation beyond the time limit provided for in Section 17-80 shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than twenty five dollars (\$25.00) and not more than one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 17-82. Reimbursement to City for Expenses.

Any person violating any of the provisions of this ordinance shall become liable to the City for any expense; loss or damage occasioned the City by reason of such violations.

Sections 17-83 through 17-89 reserved.