

## **SEWER USE ORDINANCE FOR CITY OF LOGANVILLE**

WHEREAS, it has been determined by the City of Loganville City Council, hereinafter called the City of Loganville, that City of Loganville is in need of a comprehensive sewer ordinance; and

WHEREAS, this ordinance sets Capital Recovery Fees in compliance with the Development Impact Fee Act (Title 36, Chapter 71, Office Code of Georgia Annotated) as amended, so that sewer customers bear a proportionate share of the cost of new or expanded system improvements.

WHEREAS, upon motion duly made and seconded, the following sewer ordinance was unanimously adopted by the members of the City Council; and

WHEREAS, upon motion being duly made and seconded, the following sewer ordinance was -unanimously adopted by members of the City Council;

NOW THEREFORE, BY AND THROUGH THE CITY OF LOGANVILLE, THE FOLLOWING POLICIES ARE ADOPTED:

### **ARTICLE 1. DEFINITIONS.**

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrator* means the City Manager, or his or her designee, responsible for administration of the provisions of Sewerage Capital Recovery Fees.

*Building Permit* means the permit required for new construction pursuant to the Applicable Building Code. As used herein, the term shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure, provided there is no increase in the demand placed on public facilities, as such term is defined herein.

*Building sewer means* the extension from the building drain to the public sewer or other place of disposal, also called "house connection."

*City Council* means the Council members of the City of Loganville.

*Customer* means any person, corporation, partnership, joint venture or public body that uses, has use of, has use for, or seeks to use the sewer system furnished by the City.

*Capital Improvement Plan* means that portion of the City of Loganville Comprehensive Plan which sets out projected needs for sewer system improvements during a planning horizon established therein, which provides a schedule that will meet the anticipated need for system improvements, and which provides a description of anticipated funding sources for each required improvement.

*Capital Recovery Fee* means a payment of money imposed upon and paid by new system customers as a condition of service approval to pay for a proportionate share of the cost of system improvements needed to serve new growth and development.

*Capital Improvement* means an improvement with a useful life often (10) years or more, by new construction or other action, which increases the service capacity of a public facility.

*Developer* means any person, corporation, partnership, joint venture, public body or legal entity that is selling, offering for sale, dividing, subdividing or developing property for residential, commercial or industrial use.

*Development Activity* means any construction or expansion of a building, structure, use, or any change in use of a building or structure, or any change in the use of land which results in a change in anticipated utility demands.

*Easement* means an acquired legal right for the specific use of land owned by others including such meaning as given under all applicable federal and state rules, regulations and statutes.

*Economic Development* means any development activity determined by the City as extraordinary economic development.

*Encumber* means to legally obligate by contract or otherwise commit to use by appropriation or other official act of the City.

*Feepayer* means that person who pays a Capital Recovery Fee, or his or her successor in interest, with the right or entitlement to any refund of a previously paid Capital Recovery Fee which is required by this Ordinance and which has been expressly transferred or assigned to the successor in interest. In the absence of an express transfer or assignment of the right or entitlement to any refund of previously paid Capital Recovery Fees, the right or entitlement shall be deemed "not to run with the land".

*Flammable* means any material which is easily ignited and burns with unusual rapidity.

*Floatable oil* means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection and/or treatment system.

*Garbage* means the animal and vegetable waste resulting from the domestic and commercial handling, preparation, cooking and serving of foods.

*Health Officer* shall mean the director of the City Council of Health or other person designated by the City Council and their duly appointed assistants.

*Individual Fee Determination* means a Capital Recovery Fee determined by the Administrator based on an Individual Fee Calculation Study.

*Individual Fee Calculation Study* means the documentation prepared by a Feepayor to allow determination of a Capital Recovery Fee other than by use of the fee schedule described in Section 4.3.2 of this Ordinance as required by O.C.G.A. ss 36-71-4 (g).

*Industrial wastes* means the wastewater or liquid waste, of whatever nature, arising out of any manufacturing, industrial processing, fabricating, treating, renovating, or other commercial trade or business operation, as distinct from domestic or sanitary wastes.

*Infiltration/Inflow* shall mean groundwater and surface water which leaks in sewers through cracked pipes, joints, manholes, or other openings.

*Interceptor line, trunk line or outfall line* means the sewer line leading from owner/developer's property to the City's existing sewer line, treatment plant or treatment plant site. Such lines normally collect sewage or could collect sewage from more than one property owner and transport the sewage to the sewage treatment plant.

*May* is permissive.

*Natural outlet* means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

*Nitrification* means the conversion of nitrogenous matter into nitrates.

*Normal wastewater* shall mean wastewater discharged into the sanitary sewers in which the average concentration of total suspended solids is not more than 350 milligrams per liter (mgil) BODs is not more than 300 mgil, total phosphorous is not more than 15 mgil, total Kjeldahl I nitrogen is not more than 20 mgil, and the total flow is not more than 25,000 gallons per day. !

*Objectionable* means unacceptable, unsatisfactory, or displeasing to the physical senses.

*Outfall line.* See *Interceptor line.*

*Owner* means any individual, firm, company, partnership, corporation, institution, trust, organization, executor, or administrator owning property in the City.

*pH* means the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7.0 and a hydrogen ion concentration of  $10^{-7}$ .

*Phosphorous* means the chemical element phosphorous and its several compounds. Phosphorous removal shall mean the removal of phosphorous and phosphorous compounds by biological or chemical treatment or a combination of both.

*Pollution* means dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial waste, municipal waste and agricultural waste discharged into the waters of the state.

*Present Value* means the value, in present day dollars, of past, present or future payments, or contributions or dedications of goods, services, materials, construction, or money.

*Private Development Agreement* means a mutual agreement between the City and a developer regarding development activity whereby the project's proportionate share of system improvements is funded through a source other than Capital Recovery Fees.

*Project Improvements* mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project and are not system improvements. The character of the improvement shall control a determination of whether an improvement is a project improvement or system improvement, and the physical location of the improvement on-site, or off-site, shall not be considered determinative of whether an improvement is a project improvement or a system improvement. If an improvement or facility provides, or will provide, more than incidental service or facilities capacity to persons other than users or occupants of a particular project, the improvement or facility is a System Improvement and shall not be considered a Project Improvement.

*Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of foods 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 (27 centimeters) in any dimension.

*Proportionate Share* means that portion of the cost of System Improvements which is reasonably related to the demands and needs of a Project.

*Public sewer* means a sanitary sewer owned and/or maintained by the City, and does not include building sewers or sewer connections or municipal sewers not under the City's jurisdiction.

*Sanitary sewer* means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

*Service Area* means a geographically defined area in which a defined set of public facilities provide, or are proposed to provide, service to existing, or future development.

*Sewage collector* means all sewer lines, pumping stations and appurtenances thereto that are located on or required to be constructed in order to service the owner/developer's property with sewer service.

*Sewage* means the spent water of a community. The preferred term is wastewater. (See *Wastewater*.)

*Sewer system* means all facilities for collecting, pumping, treating, transporting, and disposing of sewage, and all appurtenances thereto.

*Sewer* means a pipe or conduit that carries wastewater or drainage water.

*Shall* is mandatory.

*Slug* means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and which adversely affects the collection system and/or performance of the wastewater treatment works.

*Standard Methods* means the latest edition of the publication, Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association, or such other equivalent testing methods as approved by the U.S. Environmental Protection Agency (EPA) or the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources.

*Suspended solids* means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in the most recent edition of Standard Methods for the Examination of Water and - Wastewater and referred to as nonfilterable residue.

*System Improvements* mean capital improvements which are designed to provide service to the community at large, in contrast to Project Improvements.

*System Improvement Costs* mean costs incurred to provide public facilities capacity to serve new 5

growth and development, including the costs of planning, design, engineering, construction, land acquisition, and land improvement for the construction or reconstruction of facility improvements or expansions. System improvement costs include the construction contract price, surveying and engineering fees, related land and easement acquisition costs (including land purchases, court awards and costs, attorneys' fees, and expert witness fees), and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvements element and administrative costs of up to three (3) percent of the total of all other costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued to finance system improvements, but such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

*Total Kjeldahl nitrogen* means the total of organic and ammonia nitrogen as defined in Standard Methods.

*Trunk line.* See Interceptor line.

*Unpolluted water* means water of a quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

*Unsanitary* means unclean, unhealthy, or harmful to public health.

*Wastewater* means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions. (See also Sewage.)

*Wastewater facilities* means the structures, equipment and processes required to collect, carry away, and treat residential, commercial and industrial wastes and dispose of effluent.

*Wastewater treatment works* means an arrangement of devices and structures for the treatment of wastewater, industrial wastes and sludge and such term shall also mean the sewage disposal system and sewage transportation system where applicable in construing the rules and regulations of the City or City and their legal documents and contracts; sometimes used as synonymous with the terms "waste treatment plant," "wastewater treatment plant" or "water pollution control plant."

*Watercourse* means a natural or artificial channel for the passage of water, whether continuously or intermittently.

## ARTICLE 2. USE OF PUBLIC SEWERS REQUIRED.

### 2.1 Deposit of Waste in Unsanitary Manner

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

### 2.2 Discharge of Polluted Water

It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

### 2.3 Use of Private Wastewater Disposal

Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the Walton City Health Department and the Georgia Department of Human Resources.

### 2.4 Destruction or Tampering with Sewer System

#### 2.4.1 Violations and Penalties

Any person, consumer, firm or corporation that without the authorization of the City:

1. Connects onto a sewer line of the City;
2. Disconnects a sewer line from a sewer line of the City; or
3. Maliciously, willfully or negligently breaks, damages, destroys, uncovers, defaces, or tampers with any structure, appurtenance or equipment which is a part of the sewer system of the City shall become liable to the City for any loss, damage or expense incurred by the City including, but not limited to, all costs of labor, material expenses, loss of income, attorneys' fees, expert witness fees, court costs and litigation costs, by reason of such violation. Said person, consumer, firm, or corporation shall also be subject to a minimum fine of \$250.00, to a maximum fine of \$5,000.00 plus damages and/or imprisonment in the City jail for a minimum of 30 days to a maximum of 60 days.

#### 2.4.2 Court of Jurisdiction

The Magistrate Court of Walton City, Georgia, shall have jurisdiction to hear, try, and dispose

of citations that are issued for said violations.

#### 2.4.3 Citations

All consumers, person, firms, or corporations who are charged with having violated this Ordinance shall be issued a citation by the City of Loganville Code Enforcement Officer, the City of Loganville Police Department, or a representative of the City. Said citation shall require the appearance of the violator in the Magistrate Court of Walton, Georgia to any said charges.

## ARTICLE 3. ADMINISTRATION AND ENFORCEMENT.

### 3.1. Access Powers

#### 3.1.1 Access to Properties

Duly authorized employees of the City of Loganville shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the public sewer systems in accordance with the provisions of this article.

#### 3.1.2 Access to Information Concerning Industrial Processes

Duly authorized employees of the City of Loganville are empowered to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

#### 3.1.3 Access to Easements

Duly authorized employees of the City of Loganville shall be permitted to enter all private properties through which the City holds a duly executed easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repairing and maintenance of any portion of the wastewater facilities lying within such easement.

### 3.2 Suspension of Service

#### 3.2.1 Application of Security Deposit

When sewer service is discontinued either by the customer or the City, the City shall apply the security deposit held to the balance of the sewer billowed by the customer and refund the difference, if any exists, to the customer.

#### 3.2.2 Termination without Notice

The City reserves the right to terminate its service without notice for the following reasons:

- (1) To prevent fraud or abuse.
- (2) The customer's willful or negligent disregard of the terms of this article and any amendments thereto or any of the rules of the City.
- (3) Emergency repairs.
- (4) Insufficiency of water and supply due to circumstances beyond the City's control.
- (5) Insufficiency of sewage treatment system.
- (6) Legal processes.
- (7) Direction of public authorities.

(8) Strike, riot, fire, flood, unavoidable accident, actions of others, or acts of God.

### 3.2.3 Termination of Service for Other Reasons

The City reserves the right to terminate the services granted by the City for any other reason other than those stated above by giving the customer ten days written notice of the date of termination, and further providing the customer with a right to hearing prior to termination of the service.

## 3.3 Fees and Rates

### 3.3.1 City to Set

The City is empowered to set the sewer rates and service connection fees and capital recovery fees, if applicable. The City reserves the right to change the rates and fees from time to time and to set and collect additional fees or surcharges when necessary. A sewer user fee is charged to the customer on a monthly basis for sewage processed by the City. The City will charge a minimum monthly fee to all sewer users.

### 3.3.2 Review of Rates; Adjustments

The rate schedule is set forth in Appendix B. The rate schedule may be modified from time to time. However, rates will not increase without thirty (30) days notice to the consumer. Notice will be sufficiently given to the consumer by a publication of the rate changes in at least two (2) times in consecutive weeks on the official newspaper of City of Loganville prior to the increase.

### 3.3.3 Service Deposit

The City is authorized to establish deposit fees to be paid for sewer service and to collect such fees upon application for service and at such other times as the City may determine to be necessary. Notice will be sufficiently given to the consumer by a publication of deposit fee changes at least two (2) times in consecutive weeks in the official newspaper of City of Loganville prior to the increase.

### 3.3.4 Right of City to Refuse Service to Those Not Using Public Water

Except as otherwise negotiated and approved, the City reserves the right to refuse sewer service to any customer not using the public water system.

## ARTICLE 5. INDUSTRIAL WASTE SURCHARGES.

### 5.1 Assessments for Wastes Exceeding Authorized Concentrations; Enumeration

If the City authorizes any customer to discharge industrial wastes into the public sewers, such customer shall be charged and assessed a surcharge in addition to any sewer service charges if these wastes have a concentration greater than the following concentrations, which represent a relatively high strength domestic-type wastewater:

- (a) A five-day, 20 degrees Celsius biochemical oxygen demand (BOD) of 250 milligrams per liter (mgil), which is also referred to as parts per million (ppm).
- (b) A suspended solids content of 250 mgil.
- (c) For wastewater discharging to a treatment plant where nitrification is required, a total Kjeldahl nitrogen (TKN) and/or ammonia (NH<sub>3</sub>-N) of 7 mgil (separately or in combination).
- (d) For wastewater discharging to a treatment plant where phosphorous and phosphorous compounds (as P) of 25 mgil.

Such constituents shall be sampled and analyzed in accordance with Standard Methods or other analytical procedure approved by the U.S. Environmental Protection Agency or the regulatory agency of the state having jurisdiction. The surcharge shall be based on an average of at least three 24-hour composite samples (or composite samples during the daily discharge); or based on an average of at least six grab samples taken at different hours of operation over at least a three day period. Where different processes are used or different products are manufactured, the highest strength discharge over a five-day period, as sampled above, shall be used as the basis of the surcharge. The amount of such surcharge, which may be charged and assessed against persons discharging industrial waste into the public sewers, shall reflect the cost incurred by the City in handling the excess of the previously listed constituents. This surcharge shall include a proportionate share of the operational and maintenance costs and replacement costs on the portions of the plant and affected sewer system and other incidental expenses (monitoring, testing and other).

### 5.2 Formulas for Calculating Surcharges

When any or all of the total suspended solids, BOD, phosphorous, TKN or ammonia of the wastewater accepted for admission to the City's sewer system exceeds the values described in subsection 5.1 the excess concentration in any or all, as the case may be, shall be subject to a surcharge on the amount derived in accordance with the following formula:

Amount of surcharge in dollars = (pounds of excess constituent) x (prorated facility replacement cost per excess pound + prorated operational, maintenance and incidental costs per excess pound)

Excess poundage shall be figured as follows:

(Wastewater discharged in gallons x excess concentration in mgil x 8.34 lbs gallons) divided by 1,000,000.

Example:

1,000,000 gallons of wastewater  
250 mgil excess BOD (500 mgil- 250 mgil)

Then:

Excess poundage  $\frac{=1,000,000 \times 250 \times 8.34}{1,000,000}$

### 5.3 Review of Surcharge Rates

The rates of surcharges shall be reviewed annually by the City in order that the factors in subsections 5.2 of this section may correctly represent current treatment costs and may be modified at any time.

### 5.4 Billing; Right of City to Inspect, Sample and Test

Industrial waste surcharges provided for in this division shall be prepared and rendered with the regular water and sewer bill. The City's wastewater collection superintendent or other duly authorized employee of the City shall be permitted to enter upon any properties for the purpose of inspection, observation, measuring, sampling, and testing in accordance with the provisions of this article.

### 5.5 Computation Based on Water Consumption

The volume of flow used to compute industrial waste surcharges shall be based upon metered, estimated or prorated water consumption as shown in the records of meter reading maintained by the City. If a person discharging waste into the public sewer system produces evidence to the City that a significant portion of the total annual volume of water used for all purposes does not reach the public sewer system, an estimated percentage of total water consumption to be used in computing charges may be agreed upon between the City and persons discharging industrial waste into the sewer.

### 5.6 Annual Inspection; Determination of Character and Concentration of Waste; Methods

The industrial waste of each customer discharging such waste into the public sewer system shall be subject to annual inspection and determination of character and concentration of such waste. Such action may be made more often as may be deemed necessary by the City. Samples shall be collected in such a manner as to be representative of the actual quality of the waste. The laboratory methods used in examination of the waste shall be those set forth in "Standard Methods."

#### 5.7 Dispute over Analysis; Resampling and Gauging Procedure

If an analysis of waste, determined by the sampling and gauging of waste from a person or industry by the City is disputed, a program of resampling and gauging, with subsequent chemical determinations, may be instituted as follows:

(a) The person or industrial user interested must submit a request for resampling and gauging of their waste to the City by letter and bind themselves to bear the expenses incurred by the City in the resampling and gauging the subsequent chemical determination of the waste.

(b) The chemist or engineer employed by the company or person responsible for the request submitted to the City must confer with the City's person in charge of gauging and sampling. They will establish the length of the rerun and the methods to be employed to determine the flow and to sample the flow.

(c) The chemist or engineer engaged by the person or industry may be present during the gauging and sampling operation and also in the laboratory during the determination of the analysis.

(d) The results of the analysis, determined from the quantity and quality of the flow shall be considered by analysis of record.

## ARTICLE 6. BUILDING SEWERS AND CONNECTIONS

### 6.1 Permit Required

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

### 6.2 Classes of Building Sewer Permits; Application; Fees

There shall be 8 classes of building sewer use which are:

- (1) Residential;
- (2) Motel;
- (3) Service station;
- (4) Restaurant;
- (5) Hospital;
- (6) Industrial/commercial/office -no food services -no showers;
- (7) Industrial/commercial/office no food services with showers;
- (8) Retail stores and shopping centers.

In all cases the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent to the judgment of the City. Before connection is made to the public sewer, all fees shall be paid as required by the City of Loganville.

### 6.3 Costs and Expenses Borne by Owner; Indemnification of City

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.

### 6.4 Separate and Independent Sewer Required for Each Building; Exceptions.

A separate and independent building sewer shall be provided for each building, except as

otherwise approved for and in unusual circumstances, primarily involving existing buildings. A separate and independent building sewer and connection shall be provided for each residential, commercial and industrial business unit of multi-unit building, except as otherwise approved.

#### 6.5 Use of Old Sewers

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of this article. All costs associated with the examination and test shall be borne by the owner. Capital recovery fees and sewer connection fees shall be paid in accordance with Article 4 (Capital Recovery Fees) of this Ordinance.

#### 6.6 Building Sewer Materials, Size & Slope

The size, slope, alignment, materials of construction, and the methods to be used in construction of a building sewer shall conform to the requirements of the building and plumbing code of Butts City. However, in no event shall the diameter of the building sewer be less than four inches. The slope of such four-inch pipe shall not be less than one-eighth inch per foot.

#### 6.7 Elevation

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from the front. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

#### 6.8 Lifting of Sewage

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved means and discharged to the building sewer.

#### 6.9 Excavations, Pipelaying, and Backfilling

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipelaying and backfilling shall be performed in a manner approved by the City.

#### 6.10 Joints and Connections

All joints and connections shall be made gas-tight and watertight.

#### 6.11 Jointing of Sewer Pipe; Materials, Specifications and Methods

Material for factory applied joints on sewer pipe shall be the latest approved standard, and manufactured by the pipe manufacturer or approved equal. When jointing sewer pipe, the joint surfaces and pipe interior shall be wiped free of dirt, dust, gravel, or other foreign materials and connected in accordance with manufacturer's recommendations or as otherwise approved by the City.

#### 6.12 Connection of Building Sewer to Public Sewer at Wye Branch; Other Methods

Connection of a building sewer into the public sewer shall be made at the wye branch, if such branch is available at a suitable location. If the public sewer is 12 inches in diameter, or less, and a wye is not available, the City shall, at the expense of the owner, install a wye branch in the public sewer at the location determined by the City. When the public sewer is greater than 12 inches in diameter, and no approved wye branch is available, the City shall, at the expense of the owner, cut a hole into the public sewer, with entry in the downstream direction at an angle of about 45 degrees, and install a 45-degree bend with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the City of Loganville .

#### 6.13 Guarding of Excavations; Restoration of Public Property

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

#### 6.14 Cutting or Excavation Permit

All persons installing sewer service connections for hire in the City of Loganville shall, before cutting any street, sidewalk or public property, obtain a pennit from the City for the cutting of any streets, sidewalks or public property as per City of Loganville's ordinance for Utility Construction on Public Roads (Article 3, Division 2, Pennits).

#### 6.15 Responsibility and Property of Landowner

All building sewers and connections, to the City's collector line, shall be the responsibility and property of the landowner. The City shall not have ownership for the building sewers and connections nor responsibility for maintenance of the building sewers and connections.

#### 6.16 Plumbing Work in Accord with City of Loganville and State Codes

All plumbing shall be in accordance with applicable City of Loganville and state codes and requirements and shall be subject to inspection by City of Loganville.

#### 6.17 Additional Rules and Regulations

The City may from time to time enact separate technical, construction and other rules and regulations for building sewers and connections to supplement or clarify the requirements of this article. Where technical and construction requirements are not otherwise covered in this article, appropriate specifications or standards of the American Society for Testing Materials (ASTM) or the Water Pollution Control Federation (WPCF) Manual of Practice No.9 shall apply, unless otherwise covered by supplementary rules and regulations of the City.

#### 6.18 Inspection and Approval; Payment of Fees and Charges Prior to Use

All building sewers and connections must be inspected and approved and all applicable fees/ charges paid before wastewater can be discharged to any City sewer.

## ARTICLE 7. SEWER CONSTRUCTION.

### 7.1 Discharge into System with City Approval Only

No person or group not directly tied into the City's sewage collection system as an authorized customer shall discharge or cause to be discharged any material into the sanitary sewer system of the City without prior approval of the City. The City may accept leachate at its sewerage treatment facilities from other EPD or EP A permitted facilities, EPD or EP A permitted landfills, or licensed septic pumping companies. The City shall have the right to set the fee for this service.

### 7.2 Construction Plans and Specifications; Design and Construction Requirements; Inspection; Review; Conveyance of Easements

Any person constructing project sewer improvements shall submit plans and specifications to and obtain approval from the City before construction is started. The City may also establish design and construction requirements and specifications that must be met before issuing approval. Development plans shall be prepared by a state registered engineer and shall be subject to any necessary approvals by state and local agencies prior to approval by the City. The City reserves the right to inspect construction during progress and perform tests upon completion, prior to acceptance. Any easements and real estate associated with the sewer systems (i.e., sewer line easements across private property and sewage pumping station property) shall be conveyed to the City for ownership and/or usage in a legal manner acceptable to the City.

### 7.3 Final inspection

Prior to any sewer systems being placed in use, a final inspection of the system must be conducted, by the City. If such inspection shows any irregularities or failure to comply with approved plan and specifications, the contractor, landowner or developer shall make, all corrections at their own expense.

### 7.4 Conveyance to City by Owner of Sewer Lines and Appurtenances, Including Easements

Prior to any project sewer improvements being placed in use, the owner of the property shall convey to the City, the sewer lines and any appurtenances required by the City, free and clear of any encumbrance, together with an easement of sufficient width as required by the

City for the maintenance and repair of the sewer lines or appurtenance thereto

### **7.5 Preparation of Plats by Owner**

For project improvements the owner or developer shall have any necessary plats prepared at his/her own expense by a registered land surveyor or registered engineer authorized to do business in the state. The plats shall be in recordable form properly describing adequate easements upon which any public sewer system is to be located. The plats shall be delivered to the city for review and acceptance.

### **7.6 Costs and Expenses**

All costs and expenses for the construction of the project sewer improvements shall be borne by the property owner. The property owner shall indemnify the City from any and all loss or damage including, but not limited to, attorney's fees, court costs, expert witness fees, engineering fees and judgments that it incurs which may be directly or indirectly occasioned by the installation of the sewer system.

## ARTICLE 8. USE OF PUBLIC SEWERS.

### 8.1 Discharge of Unpolluted Waters Prohibited; Exception

No person shall discharge or cause to be discharged any drainage such as stormwater, groundwater, roof runoff or subsurface drainage to any sewer. Connection, directly or indirectly, to roof downspouts, exterior foundation drains, area drains, or other sources of surface runoff is not permitted to a building drain or building sewer connected to a public sanitary sewer. Existing connections of such items to a building sewer shall be disconnected at no expense to the City when it is determined that the building sewer is connected to the public sewer system.

Unpolluted industrial cooling water or process water may be discharged, on approval of the City, to a sanitary sewer, if the water otherwise meets the requirements and specifications of this article.

### 8.2 Use by Unauthorized Persons

No unauthorized person shall uncover, make any connection with or open, use, alter or disturb any public sanitary sewer or appurtenance.

### 8.3 Prohibited Discharges

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

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other substances, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- (c) Any waters or wastes having a pH lower than 6.0 or a pH in excess of 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel.
- (d) Solid or viscous substances in quantities of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshing, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders

(size may not be greater than one-half inch in any dimension).

(e) Wastes at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(f) Any other circumstances that from time to time may be listed by the City.

#### 8.4 Discharge Limitations

The following described substances, materials, waters, or waste shall be limited in discharges to public sanitary sewers to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have any adverse effect on the receiving stream or land, and will not otherwise endanger lives, limb, public property or constitute a nuisance.

The City may set limitations lower than the limitations established in the regulations in this section if, in its opinion, such more severe limitations are necessary to meet the objectives of this section. In forming its opinion as to the acceptability, the City will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials or construction of the sewer; the wastewater treatment process employed and wastewater discharge requirements; capacity of the wastewater treatment plant; degree of treatability of the waste in the wastewater treatment plant; and the toxicity of the pollutant, its persistence, degradability and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the City are as follows:

(a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

(b) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.

(c) Wastewater from industrial plants containing oils, fats, or grease in excess of 100 milligrams per liter.

(d) Any garbage that has not been properly shredded (any dimension greater than one half inch). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(e) Any waters or wastes containing the following constituents at a concentration greater than the following fixed upper limits measured in parts per million by weight:

Constituent Limit

Arsenic 1.0  
Barium 5.0  
Cadmium 0.4 Chromium 3.0 Cobalt 1.6  
Copper 0.7  
Cyanide 1.0  
Lead 2.0  
Mercury 1.0  
Nickel 2.0  
Silver 1.0 -Zinc 3.0  
Phenolic 0.2 Tin 2.5  
Herbicides 0.0  
Fungicides 0.0 Pesticides 0.0

Total Metals 8.0

(t) Any waters or wastes containing similar objectionable or toxic substances to those in item (5) to such a degree that any such material received in the composite wastewater at the treatment works exceeds the limits established by the City or any limits established by federal statutes and regulations or state statutes and regulations. Where advanced treatment including nitrification is required, the City may require less than certain aforementioned metal and toxic discharges if necessary for the City to meet state/federal discharge permit requirements.

(g) Any waters or wastes containing more than 1.0 part per million by weight (ppm or mg/l) of the following gases: hydrogen sulphide, sulphur dioxide or nitrous oxide, or any other noxious or malodorous gas or substance capable of creating a public nuisance or hazard to life or preventing entrance into sewers for their maintenance, inspection and repair.

(h) Any high-level radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by Public Law 92-500, section 31 (33 USC 1311), or amendments thereto, and the federal, state, or local regulations promulgated thereunder.

(I) Quantities of flow, concentrations, or both, which constitute a slug.

a) Any waters or wastes having a five-day BOD in excess of 250 milligrams per liter (mgil) by weight on a 24-hour composite basis, except as otherwise permitted with a surcharge.

(k) Any waters or wastes having suspended solids contents in excess of 250 milligrams per liter (mgil) by weight on a 24-hour composite basis, except as otherwise permitted with a surcharge.

(I) Where nitrification treatment is required, any waters or wastes having total Kjeldahl nitrogen or ammonia (separately or in combination) in excess of 25 milligrams per liter (mgil) by weight on a 24-hour composite basis, except as otherwise permitted with a surcharge.

(m) Where phosphorous removal is required at the treatment facility, any water or wastes having phosphorous or phosphorous compounds (as P) in excess of seven milligrams per liter (mgil) by weight on a 24-hour composite basis, except as otherwise permitted with a surcharge.

(n) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge.

(O) 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.

(P) Water or wastes containing taste or odor producing contaminants in such quantities that after treatment of sewage these contaminants impart their tastes or odors to receiving waters to a detrimental degree.

(q) Water or wastes colored by dye or other such solutions to such a degree that the color is not sufficiently removed by treatment to cause problems or adverse effects to receiving water.

(r) Any contaminant which the City, or its designated agent, deems harmful to the operation or efficiency of wastewater treatment plants, or to the health and welfare of the residents of the City of Loganville.

(s) Ground paper products, unless otherwise approved by the City.

(t) Discharge of materials or substances which would cause the effluent quality from sewage treatment plants to violate state and federal standards.

(u) Any discharge at a temperature which will cause the temperature of the wastewater in the sewer system to increase to 120 degrees Fahrenheit, or above.

each designated pollutant or combination of pollutants as established by Public Law 92-500, section 307 (33 USC 1317), as the same may, from time to time, be amended or replaced and the regulations promulgated thereunder. Furthermore, any industrial source of pollutants shall comply with the pretreatment standards for introduction of pollutants into publicly owned treatment works as established by Public Law 92-500, section 307 (33 USC 1317), as the same may, from time to time, be amended or replaced and the regulations promulgated thereunder, for those pollutants which are designated by the federal regulations as being unsusceptible to treatment by such treatment works or which would interfere with the operation of such treatment works.

#### 8.8 Industrial Users Also to Comply with Federal Standards for Inspection, Monitoring and Entry Requirements

Any industrial user or source which is required to comply with the standards of performance effluent standards or pretreatment standards established by Public Law 92-500, sections 306 and 307, the federal regulations promulgated thereunder shall further comply with the inspection, monitoring and entry requirements of Public Law 92-500, section 308 (33 USC 1317) and the federal regulations promulgated thereunder.

#### 8.9 Grease, Oil and Sand Interceptors

Grease, oil and sand interceptors shall be provided when in the opinion of the City, they are necessary for the proper handling of liquid waste containing floatable grease in excessive amounts, as specified in section 66-139(3), or any flammable wastes, sand, any substance which become viscous or solidifies at a temperature above 32 degrees Fahrenheit (0 degrees Celsius) or 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 City, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which shall be submitted to the City on at least a monthly basis. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

#### 8.10 Pretreatment or Flow-Equalizing Facilities

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. The owner shall submit operation and laboratory data on a monthly basis to the City. The City or the Georgia Environmental Protection Division shall determine the proper procedures.

### 8.11 Observation, Sampling and Measurement

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

### 8.12 Measurements, Tests and Analyses; Methods

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published at the American Public Health Association. Sampling methods, location, times durations, and frequencies are to be determined on an individual basis, subject to approval by the City.

### 8.13 Special Agreements between City and Industrial Concerns

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment. The City may levy a surcharge for the treatment of such waste.

### 8.14 Accidental Spills; Notification; Required Action

In the event of an accidental spill or an unavoidable loss to the drains of any deleterious material or substances, the person concerned shall promptly inform the City, or its designated agent, of the nature, quantity and time of occurrence of the spill. The person concerned shall take all possible actions to prevent a spill, and should a spill occur, shall take immediate steps to ensure no recurrence of the spill. Where there exists an approved drain to the sanitary sewer in an area where there is the potential for a leak or spill of toxic, flammable material or harmful substance an emergency block valve on the sanitary sewer downstream of the aforementioned drain shall be required.

### 8.15 Variances

Any person, upon written application to the City, who shows, in the case of the activity

being conducted or operated, that compliance with a section of this article should either be impossible or would constitute an undue hardship because of time limitations, may be granted a variance. If a variance is granted by the City, it shall be only for such reasonable period of time as determined by the City under the specified conditions set by the City. If the person to whom the variance is granted fails to comply with the specifications of the City within the time set, the City shall have the right to revoke the variance granted and terminate all service (waste and sewer) to the customer until all requirements of the City have been complied with. A variance shall not be granted under the provisions of this section where the person applying therefore is causing a nuisance or other injury to the public. Any ~;,ii:; variance granted under the provisions of this section shall not relieve the person receiving the (ii variance from any liability or penalties imposed by law for the commission or maintenance of a public nuisance.

#### 8.16 Septic Tank and Portable Toilet Discharge

No person shall discharge or empty any contents of septic tanks and portable toilets into the wastewater system of the City except with authorization as provided in Section 4.1.

#### 8.17 Violation of Division; Termination of Service Prior to Abatement and Payment of Damages

Should a sewer customer be found to be in violation of the restrictions on public sewer use as provided in this division, the City may take appropriate action to terminate the customer's water and sewer service until such time as the violation is abated and payment is made to the City for any damages caused thereby to the sewer system.

#### 8.18 Civil or Criminal Action

Should any person who is not a customer of the City be found in violation of the restrictions on public sewer use as provided in this division, the City may take appropriate action to have civil and/or criminal action taken against such person violating the terms of this article.

#### 8.19 Obtaining Easements; Costs

The owner/developer shall make a good faith effort to obtain all easements required to install the sewer lines from the owner/developer's property to City's facility. In the event an owner/developer is unable to obtain the sewer easements required, the owner/developer shall notify the City in writing. The City will then determine the anticipated costs for condemning the easements required and notify the owner/developer in writing. Upon the owner/developer

depositing with the City the estimated costs, the City will authorize its attorney to proceed with condemnation *of* the easement. If the costs exceed the amount estimated by the City, the owner/developer shall pay to the City the additional costs within ten days from the receipt *of* notification. Failure to pay such funds within the allotted time will result in the City placing a Fi Fa upon owner/developer's property. If estimated costs paid to the City exceed the actual costs incurred, the excess funds will be returned to the person initially paying the funds within 30 days after date *of* determination *of* actual costs involved. Costs shall include, but not be limited to, the amount paid by the City for the easement or title to property, all attorneys' fees, expert witness fees, court costs, litigation expenses and any out-of-pocket funds expended by the City.

**ARTICLE 9. ENFORCEMENT OF ORDINANCE**

The City shall enforce the terms of this Ordinance through the administrative procedures hereinbefore set out through legal actions in a court of law.

**ARTICLE 10. AMENDMENT TO ORDINANCE**

This ordinance may be amended through vote of the City of Loganville Council. Notice of the proposed amendment must be advertised at least one time in the legal newspaper of City of Loganville at least fifteen (15) days prior to final vote on adoption of any such amendment.

**ARTICLE 11. REPEALER**

All ordinances in conflict herewith are hereby repealed.

**ARTICLE 12. EFFECTIVE DATE OF ORDINANCE**

This Ordinance shall become effective upon the adoption thereof by the City of Loganville.

ADOPTED BY THE CITY OF LOGANVILLE CITY COUNCIL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
IN THE YEAR \_\_\_\_\_.