

CODIFIED ORDINANCES OF BRIDGEPORT

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

CHAPTER ONE - Street and Sidewalk Areas

Art. 901. Streets and Sidewalks Generally.

Art. 905. Excavations.

CHAPTER THREE - Utilities

Art. 923. Water Regulations.

Art. 927. Sewer Regulations.

CHAPTER FIVE - Other Public Services

Art. 955. Refuse Disposal; Weeds.



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CHAPTER ONE - Street and Sidewalk Areas

Art. 901. Streets and Sidewalks Generally.

Art. 905. Excavations.

ARTICLE 901  
Streets and Sidewalks Generally

901.01	Encroachments.	901.06	Removal of snow from sidewalks.
901.02	Obstructions.	901.07	Grade; alignment.
901.03	Planting and maintenance of trees, shrubs and other plants.	901.08	Construction, repair of sidewalks and private driveways.
901.031	Obstruction by trees, shrubs and other plants.	901.09	Marking on sidewalks.
901.04	Bridges and approaches thereto.	901.99	Penalty.
901.05	Use of street sidewalk to sell or display merchandise.		

CROSS REFERENCES

General power to regulate - see W. Va. Code 8-12-5(1)  
 Special charges for street cleaning etc. - see W. Va. Code 8-13-13  
 Connection to State road system - see W. Va. Code 17-4-26 et seq.  
 Action for damages occasioned by defective streets, etc. - see  
     W. Va. Code 17-10-17  
 Street obstructions - see TRAF. 311.01

901.01 ENCROACHMENTS.

No part of any building, structure, vehicle, machine or other object of any kind, shall encroach upon or within any public street, sidewalk, land, easement or right of way except by specific authority of Council as contained in a franchise, ordinance or resolution of Council duly noted in its journal or minutes; and any building, structure, vehicle, machine or other object of

any kind or part thereof which may exist at any time in violation of this section may be declared by Council to constitute a nuisance and subject to abatement as provided in Article 1105 of the Health and Sanitation Code, provided, that nothing in this section shall apply to any excavation made pursuant to an excavation permit under the provisions of Article 905.  
(Ord. 5-01. Passed 9-24-01.)

**901.02 OBSTRUCTIONS.**

(a) No person shall place or cause or permit to be placed upon any public street, sidewalk or public place within the City or in any ditch, drain or waterway along or adjacent thereto any ashes, cinders, earth, stone, lumber, wood, logs, machines, vehicles, conveyances or other implements not lawfully parked thereon, or any other object or substance which obstructs or impedes travel thereon or the flow of water in the gutters or drains, or shall neglect or refuse to remove or abate the nuisance occasioned by such obstruction within twenty-four hours after such person has knowledge of such existence of such nuisance, or within twenty-four hours of service of notice thereof in writing from the Manager or his agent.

(b) Upon conviction of any such offense specified in subsection (a) hereof, the person convicted shall, with twenty-four hours after such conviction, remove or abate the nuisance created contrary to the provisions of this section, and his failure to do so shall constitute a second offense against the provisions of this section. The continued failure or refusal of such convicted person to remove or abate such nuisance as provided herein shall constitute a separate, distinct and additional offense for each successive twenty-four hour period of such failure or refusal.

(c) Any nuisance which arises by reason of any violation of this section may be abated in the manner provided for the abatement of nuisances in Article 1105 of the Health and Sanitation Code. (1976 Code Sec. 17-2)

**901.03 PLANTING AND MAINTENANCE OF TREES, SHRUBS AND OTHER PLANTS.**

No tree, shrub or other plant shall be planted or maintained by any person upon any part of any City street, sidewalk or public place except pursuant to a permit granted by Council or by a City officer authorized by Council to grant such a permit.  
(1976 Code Sec. 17-3)

**901.031 OBSTRUCTION BY TREES, SHRUBS AND OTHER PLANTS.**

No person being the owner, occupant or resident of any property located in the City shall allow or permit to exist on such property, any tree, shrub or other plant which overhangs or extends into any street, alley or sidewalk so as to obstruct or impede pedestrian or vehicular traffic thereon or to block or diminish the lighting of such street, alley or sidewalk.  
(Ord. 7-89. Passed 5-23-89.)

**901.04 BRIDGES AND APPROACHES THERETO.**

No person shall obstruct or cause to be obstructed any public bridge or the walk or driveway leading thereto, or loiter upon or about the entrance thereto, or in any way interfere with the use of the bridge or the passengers thereon; provided, that nothing herein shall be construed to prohibit an officer acting in the discharge of his duties from so obstructing a bridge or the entrances thereto.  
(1976 Code Sec. 17-4)

**901.05 USE OF STREET OR SIDEWALK TO SELL OR DISPLAY MERCHANDISE.**

(a) No person shall use the streets or sidewalks of the City for the sale or display of goods, wares or merchandise of any kind or character whatsoever, except such persons as have been duly licensed, and have obtained a permit from the Building Inspector to do so.

(b) The Building Inspector may issue permits revocable at will to be issued to any person to use the streets and sidewalks for the above purposes, when and if in his discretion such use will not interfere with traffic regulation or the health and safety of the public, and in issuing any such permit he may include therein such conditions, prohibitions and restrictions as he may deem necessary for the orderly flow of vehicular and pedestrian traffic and for the health and safety of the public.  
(Ord. 14-87. Passed 9-8-87.)

(c) No person shall violate or fail to comply with the terms, conditions, prohibitions or restrictions of any such permit.  
(1976 Code Sec. 17-5)

#### 901.06 REMOVAL OF SNOW FROM SIDEWALKS.

(a) All owners, occupants and persons in charge of real estate in the City shall remove snow, ice and sleet from sidewalks on which their property borders.

(b) The snow, ice and sleet shall be removed within five hours after snow or sleet stops falling, except should the five-hour limit require the removal after sundown, in that event the snow, ice and sleet shall be removed immediately after 9:00 a.m. the following day.

(c) In removing snow, sleet and ice from sidewalks as herein required, no person shall cast such snow, sleet or ice into or upon any street, gutter or public way.  
(1976 Code Sec. 17-6)

#### 901.07 GRADE; ALIGNMENT.

(a) When a street line, grade of centerline or curb of any street or sidewalk is established by Council or by a City officer duly designated for such purpose, such grade and alignment shall be official, and no person shall change such grade or alignment so fixed.

(b) The situation, range, height, width and pitch of the curbstones and pavements shall be determined and established by Council or by a City officer duly designated for such purpose, and shall be complied with.  
(1976 Code Sec. 17-7)

#### 901.08 CONSTRUCTION, REPAIR OF SIDEWALKS AND PRIVATE DRIVEWAYS.

Any person owning, occupying or in charge of any property in the City who is required or holds a City permit to construct, maintain, alter or repair any sidewalk on or adjacent to such property or to construct, maintain, alter or repair a private driveway extending from a street onto such property shall, in the performance of such work, comply with all applicable standards and specifications of the City relating to such work.  
(1976 Code Sec. 17-8)

#### 901.09 MARKING ON SIDEWALKS.

No person shall deface any sidewalk in the City by painting, printing or otherwise marking thereon any advertisement or other matter.  
(1976 Code Sec. 17-9)

#### 901.99 PENALTY.

(EDITOR'S NOTE: See Section 101.99 for general Codified Ordinances penalty.)

## 1988 Replacement





ARTICLE 905  
Excavations

905.01	Permit.	905.07	Safeguards relating to sidewalk excavations.
905.02	Application for permit.	905.08	Handling of dirt, from excavations.
905.03	Granting of permit; cash deposit or bond.	905.09	Railroads and public utilities.
905.04	Manner of work; restoration of surface.	905.10	State permit required.
905.05	Safeguards; footbridges.	905.11	Nonliability of City.
905.06	Bridges over excavations in roadways.	905.99	Penalty.



## CROSS REFERENCES

Power to regulate street excavations - see W. Va. Code 8-12-5(2)

Street obstructions - see TRAF. 311.01

### 905.01 PERMIT.

No person shall cut or otherwise damage, excavate, occupy or obstruct in any manner, any street, sidewalk or public place within the City for the purpose of connecting property with water, sewer, or gas lines thereunder, or for any other purpose, except pursuant to a permit as provided in this article. (Ord. 5-01. Passed 9-24-01.)

### 905.02 APPLICATION FOR PERMIT.

Any person desiring to cut, open, obstruct, occupy or excavate any street, sidewalk or public place, whether paved or unpaved, in the City, for any purpose, shall apply to the City for a permit to do so. The application shall be in form as prescribed by the City and shall contain such pertinent information as may be required, including but not limited to the following: The purpose of the proposed excavation; the site at which the work is to be done; the date work is to begin and the expected duration of the work; and the name and address of the person for whose benefit the proposed work is to be done and who shall be responsible for all required safeguards, the diligent prosecution of the work, the restoration of the surface, the payment of all expenses incurred and compliance with all requirements of this article, and the application shall be signed by such person or by someone authorized by him, or by the plumber or other contractor employed by him to do the work. (Ord. 6-01. Passed 11-26-01.)

**905.03 GRANTING OF PERMIT; CASH DEPOSIT OR BOND.**

(a) No excavation permit shall be granted unless it appears to the satisfaction of the Superintendent of Public Works that the excavation is necessary for the health, safety or welfare of the person upon whose behalf the excavation is to be made; and the connection of property to a water, sewer or gas main shall be deemed sufficient under this subsection (a).

(b) No excavation permit shall be granted until the applicant therefor, or someone on his behalf, has made a cash deposit or given bond to the City in such amount as may be deemed by the Superintendent of Public Works sufficient to cover the cost of safeguards, disposal of excavated dirt, etc., and restoration of the surface of the place of excavation to as good condition as it was prior to the making of the excavation. Each such bond shall be payable to the City, shall have corporate surety, shall be approved by the City Attorney, and shall be conditioned that the work be diligently and skillfully prosecuted, subject to foreseeable circumstances beyond control of the person doing the work, that all necessary safeguards be maintained, that all excavated materials not required for refill be disposed of as provided in this article, that the surface of the place of excavation and not less than ten feet in all directions from the outer perimeter thereof be placed in as good condition as it was immediately prior to the commencement of the work and to the reasonable satisfaction of the Superintendent, that all requirements of this article be complied with, and that any defective work which appears within five years from the day of acceptance of restoration by the Superintendent shall be subject to repair by the City at the expense of the permit holder. (1976 Code Sec. 17-12)

**905.04 MANNER OF WORK; RESTORATION OF SURFACE.**

Any person making an excavation shall do the work in a careful, workmanlike manner, and shall diligently prosecute such work to completion without undue delay. Materials used and methods employed in filling, tamping and closing excavations and in restoring the surface shall comply with all requirements of the City. (1976 Code Sec. 17-13)

**905.05 SAFEGUARDS; FOOTBRIDGES.**

All excavation sites shall be provided with all necessary safety devices to protect persons and animals from falling into ditches or pits. Such devices shall include, but not exclusively, warning signs, lamps and barricades; and, where practicable, secure planking for pedestrians to cross upon, which shall be well lighted the entire way between the period from sunset to sunrise. (1976 Code Sec. 17-14)

**905.06 BRIDGES OVER EXCAVATIONS IN ROADWAYS.**

Between the hours of sunset and sunrise, upon bridges for maintaining traffic over excavations, the roadway shall be indicated by a sufficient number of green lights so as to clearly identify the course of the roadway and the edges thereof; and the edges of the bridge itself shall be indicated by red lights. (1976 Code Sec. 17-15)

#### 905.07 SAFEGUARDS RELATING TO SIDEWALK EXCAVATIONS.

All persons causing any excavations to be made for sidewalks shall have the place of excavation properly graded and protected, and shall properly barricade such place for the protection of the public. Whenever necessary, they shall, at their own expense, properly erect masonry or steel construction or a sufficient retaining wall to properly support the adjoining earth. Such retaining wall shall be properly coped or provided with an iron railing to guarantee safety to the public. (1976 Code Sec. 17-16)

#### 905.08 HANDLING OF DIRT FROM EXCAVATIONS.

Each person engaged in excavating or having charge or control of excavation, or who may be engaged in or may have charge or control of conveying material from excavations, shall exercise reasonable care to prevent the deposit, in any manner, upon the surface of a sidewalk or any paved street or other public place, either by placing, spilling, dropping or tracking from wheels of vehicles or from the feet of animals, any earth, clay, mud, sand, gravel or other excavated material; and all such excavated materials spilled or dropped upon any street, sidewalk or other such place from any such vehicle or tracked thereon from wheels of vehicles or the feet of animals shall be removed without delay by the driver of the vehicle or animal involved.

The excavations referred to in this section include those made in private property as well as in public property. (1976 Code Sec. 17-17)

#### 905.09 RAILROADS AND PUBLIC UTILITIES.

Nothing contained in this article shall be construed to prevent Council from entering into agreements with railroad and public utility companies which may exclude therefrom, or grant them deviations from, the provisions of this article when, in the judgment of Council, it is in the public interest to do so and the health, safety and welfare of the inhabitants of the City will be adequately safeguarded. (1976 Code Sec. 17-18)

#### 905.10 STATE PERMIT REQUIRED.

No permit shall be granted under this article to excavate within any street or right of way which is a part of the State highway system except upon display to the Superintendent of Public Works of a permit so to do issued by competent authority of the State. (1976 Code Sec. 17-19)

#### 905.11 NONLIABILITY OF CITY.

No permit issued, inspection made or approval given by the Superintendent of Public Works, his agents or employees pursuant to this article shall be construed as imposing any liability whatever upon the City for injury to any person or damages to any property which may occur by reason of any wrongful or negligent act or omission during the progress of any work under this article. (1976 Code Sec. 17-20)

#### 905.99 PENALTY.

(EDITOR'S NOTE: See Section 101.99 for general Codified Ordinances penalty.)

CHAPTER THREE - Utilities  
 Art. 923. Water Regulations.  
 Art. 927. Sewer Regulations.

ARTICLE 923  
 Water Regulations

923.01	Use of City water.	923.05	Inspection; backfilling.
923.02	Water rates, billings and enforcement.	923.06	Rights of way and easements.
923.03	Construction of new lines.	923.07	Service connection fees.
923.04	Diameter, composition and quality of pipe.	923.08	Water and sewer connections; written agreements.

CROSS REFERENCES

Power to regulate - see W. Va. Code 8-12-5(32)  
 Power to collect charges - see W. Va. Code 8-12-5(32); Art. 8-19  
 Discontinuance for nonpayment - see W. Va. Code 8-19-13  
 Review by Public Service Commission - see W. Va. Code 24-2-4(b)  
 Deposit limitations - see W. Va. Code 24-3-8

923.01 USE OF CITY WATER.

(a) Council reserves the right to limit and curtail the use of water from the City water system when, in its discretion, it deems that such limitation and curtailment is in the best interests of those persons who are dependent upon water from the City water system for their water needs. Council may, by notice mailed to each user of water from the City water system prohibit the use of water from the City water system for all purposes other than ordinary domestic and business use for consumption, sanitation and hygienic purposes.

(b) No person shall use water from the City water system for any purpose prohibited by Council as provided in this section.  
 (1976 Code Sec. 19-1)

923.02 WATER RATES, BILLINGS AND ENFORCEMENT.

(a) Rates. All persons using or consuming water taken from City mains shall pay for such service in accordance with the tariff from time to time fixed by Council.

(b) Discontinuance Of Service Upon Nonpayment Of Water Bill. The City is hereby authorized to discontinue the supply of water to any consumer who fails to pay water bills as required; provided, that the City shall not discontinue the water supply of any consumer for failure to pay bills without the Director of Finance first having diligently tried to induce the consumer to pay such bills and until after at least twenty-four hours written notice to the consumer.

(c) Liability Of Landlord For Delinquency Of Tenant. The City is hereby authorized to collect from any person owning property on which water taken from City mains is used or consumed the cost of water furnished to any occupant or tenant of such property and not paid for by the tenant or occupant; provided, that the owner shall not become liable for the cost of water to any tenant or occupant until the Director of Finance shall have diligently tried to induce such tenant or occupant to pay for same and until after at least sixty days from the date of billing.

(d) Refusal Of Service To Property When Bill Unpaid For Other Property Under Same Ownership. Any person owning or occupying property in the City on which water taken from City mains is used or consumed for which there are unpaid water bills outstanding may, within the discretion of Council, be refused future water service at any other location served by City water until bills are paid. (1976 Code Sec. 19-2)

(e) Unmetered Connections. Except by written agreement signed by the City and the owner of the property to be served, no person, firm or corporation, including any City employee, shall make any connection to any City mains for fire protection or other purposes except in accordance with the tariff from time to time fixed by Council for the sale of water measured by meter. (Ord. 3-90. Passed 4-10-90.)

#### 923.03 CONSTRUCTION OF NEW LINES.

Any person desiring to construct a water line beyond the then-existing City lines, and connect it to the City water system, shall first make application to Council for its approval of such construction and connection, and he shall not proceed with any such construction or make any such connection to the City water system until such approval has been obtained from the Health Department. This application shall be made in the form of a letter outlining the proposed project and accompanied by detailed plans and specifications which shall contain all information pertinent to design and construction of the proposed water system. Three copies of the plans and specifications must be submitted. The copies thereof, if approved by Council, shall be signed by the Mayor and one copy thereof shall be returned to the applicant and one copy thereof shall be filed in the office of the Mayor and the other copy thereof shall be filed in the office of the Director of Public Works. In general, the design and construction of all water lines shall comply with sound recognized engineering practices and water line construction standards. No plan shall be approved and no connection to the water lines shall be allowed to render service at an elevation above 1,211 feet mean sea level unless such plans provide for maintaining 30 pounds PSI static and 20 pounds PSI under all conditions of flow by means approved by Council. Council reserves the right to invoke any requirements which are deemed necessary for the protection of the property owners served and the satisfactory operation, and future maintenance, of the City water system.  
(Ord. 8-93. Passed 8-9-93.)

#### 923.04 DIAMETER, COMPOSITION AND QUALITY OF PIPE.

All water lines shall have an inside diameter of at least six inches. Larger sizes may be required where possible future development indicates they are needed. The water line pipe shall be PVC pipe or such other material as Council may accept and approve.

**923.05 INSPECTION; BACKFILLING.**

Council reserves the right to inspect all materials and work at any time during the progress of any project. No water line or fire hydrant excavations shall be backfilled without the prior inspection and approval of Council or its authorized representative. (1976 Code Sec. 19-25)

**923.06 RIGHTS OF WAY AND EASEMENTS.**

(a) All water line extensions shall be made in recognized street or alley rights of way or under rights of way or easements especially dedicated for water line construction. Where water lines are constructed in rights of way other than streets or alleys, the builder thereof shall furnish Council with legal rights-of-way agreements conveying these rights of way to the City, as hereinafter provided. The width of such rights of way shall be at least five feet on either side of the centerline of the water main.

(b) After satisfactory completion of the construction of each water line extension, if then within the City corporate limits, or upon the subdivision or development in which such water line extension has been constructed being taken into the City, the builder or owner, either or both as may be required by the City, of such water extension shall, by appropriate instrument, convey the ownership of the water line and the necessary rights of way therefor, to the City, for future maintenance and operation. All such water lines shall be subject to all rules and regulations applicable to the City water system, including the obligation to pay the prevailing rates for water used, from the time the water line extensions are placed in service. (1976 Code Sec. 19-26)

**923.07 SERVICE CONNECTION FEES.**

Fees for water service connections one inch or less shall be as provided by ordinance.

For sizes larger than one inch, the charges will be equal to the actual cost of the installation. Upon receipt of an application for a service connection of a size larger than one inch the Water Department will provide an estimate of actual cost, which amount must be deposited by the applicant in advance of the installation. Upon completion of the installation a final statement of the actual installation cost will be prepared and submitted to the applicant for payment. The amount of payment due will be reduced by the amount of the advance deposit. In the event of an excess in the amount deposited over the actual installation cost, the amount of the excess will be refunded to the applicant. (11-9-82)

**923.08 WATER AND SEWER CONNECTIONS; WRITTEN AGREEMENTS.**

No person shall make a connection to or extend the water, sanitary sewer or storm sewer system of the City except pursuant to a written agreement with the City authorizing such connection or extension.



ARTICLE 927  
Sewer Regulations

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| <p>927.01 Definitions.</p> <p>927.02 Use of public sewers required.</p> <p>927.03 Private wastewater disposal.</p> <p>927.04 Building sewers and connections.</p> <p>927.05 Use of sanitary sewers.</p> <p>927.06 Tampering with wastewater facilities.</p> <p>927.07 Powers and authority of Inspectors.</p> | <p>927.08 Sewer connection charge.</p> <p>927.09 Approval generally; compliance.</p> <p>927.10 Street sewer extensions.</p> <p>927.11 Restroom and toilet facilities required.</p> <p>927.12 Leaking sewers.</p> <p>927.13 Duty to maintain restroom or toilet facilities.</p> <p>927.99 Penalty.</p> |
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CROSS REFERENCES

- Power to regulate utility systems - see W. Va. Code 8-12-5(32)
- Sewer connections - see W. Va. Code 8-18-22
- Power to collect charges - see W. Va. Code 8-12-5(32), 16-13-16
- Review by Public Service Commission - see W. Va. Code 24-2-4(b)
- Deposit limitations - see W. Va. Code 24-3-8
- Written agreement for connection required - see S.U. & P.S. 923.08

927.01 DEFINITIONS.

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

- (a) "Biochemical oxygen demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius, expressed in milligrams per liter.
- (b) "Building drain" means 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.
- (c) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- (d) "Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.
- (e) "Easement" means an acquired legal right for the specific use of land owned by others.

- (f) "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 system.
- (g) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.
- (h) "Industrial wastes" means the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.
- (i) "Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (j) "May" is permissive. See "shall" in subsection (r) hereof.
- (k) "Person" means any individual, firm, company, association, society, corporation or group.
- (l) "pH" means the logarithm of the reciprocal of the hydrogen-ions concentration. The concentration is the weight of hydrogen-ion, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10.
- (m) "Properly shredded garbage" means 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 (1.27 centimeters) in any dimension.
- (n) "Public sewer" means a common sewer controlled by a governmental agency or public utility.
- (o) "Sanitary sewer" means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
- (p) "Sewage" means the spent water of a community. The preferred term is "wastewater", subsection (x) hereof.
- (q) "Sewer" means a pipe or conduit that carries wastewater or drainage water.
- (r) "Shall" is mandatory. See "may" subsection (j) hereof.
- (s) "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 fifteen minutes more than five times the average twenty-four hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- (t) "Storm drain" or "storm sewer" means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.
- (u) "Superintendent" means the Superintendent of Public Works of the City, or his authorized deputy, agent or representative.
- (v) "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 "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

- (w) "Unpolluted water" means water of 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 benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
  - (x) "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, together with any groundwater, surface water and stormwater that may be present.
  - (y) "Wastewater facilities" means the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
  - (z) "Wastewater treatment works" means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."
- (aa) "Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently. (3-14-1978)

#### 927.02 USE OF PUBLIC SEWERS REQUIRED.

(a) No person shall 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 the City, any human or animal excrement, garbage or objectionable waste.

(b) No person shall discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(c) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

(d) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within or outside of 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 the owner(s)' 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 article, within ninety days after date of official notice to do so, provided that the public sewer is within one hundred feet (30.05 meters) of the property line.

(Ord. 5-99. Passed 6-28-99.)

#### 927.03 PRIVATE WASTEWATER DISPOSAL.

(a) Where a public sanitary or combined sewer is not available under the provisions of Section 927.02(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

(b) Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of fifteen dollars (\$15.00) shall be paid to the City at the time the application is filed.

(c) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four hours of the receipt of notice by the Superintendent.

(d) The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the State. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet (925 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 927.02(d), a direct connection shall be made to the public sewer within sixty days in compliance with this article, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(f) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.

(g) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. (3-14-1978)

#### 927.04 BUILDING SEWERS AND CONNECTIONS.

(a) No unauthorized person(s) 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 Superintendent.  
(3-14-1978)

(b) (Reserved for future legislation.)

(c) There shall be two classes of building sewer permits: for residential and commercial service, and for service to establishments producing industrial wastes. In either case, the owner(s) 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 in the judgment of the Superintendent. A permit and inspection fee of fifteen dollars (\$15.00) for a residential or commercial building sewer permit and twenty dollars (\$20.00) for an industrial building sewer permit shall be paid to the City at the time the application is filed.

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

(e) 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 front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(f) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this article.

(g) The size, slope, alignment, materials or construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(h) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(i) No person(s) shall make connection of roof downspouts, 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 unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.

(j) 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, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(k) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representatives.

(l) All excavations 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.  
(3-14-1978)

#### 927.05 USE OF SANITARY SEWERS.

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial or commercial process waters to the sanitary sewer system of the City.

(b) The owner of each house, building or premises used for human occupancy, employment, recreation or any other purpose, situated within the City or utilizing any portion of the City's sanitary sewer system, is hereby required, at his own expense, to eliminate from such sanitary sewer system all storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial or commercial process waters entering the sanitary sewer system from his property, within sixty days after date of proper notice from the City to do so. (8-26-1980)

(c) 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 Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Superintendent, to a storm water, combined sewer or natural outlet.

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

- (1) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (2) Waters 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 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;

- (3) 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 wastewater works; or
- (4) 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 wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(e) The following described substances, materials, waters or waste shall be limited in discharges to Municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, 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 Superintendent are as follows:

- (1) Wastewater having a temperature higher than 150 degrees Fahrenheit (sixty-five degrees Celsius);
- (2) Wastewater containing more than twenty-five milligrams per liter of petroleum oil, nonbiodegradable cutting oils or product of mineral oil origin;
- (3) Wastewater from industrial plants containing floatable oils, fat or grease;
- (4) Any garbage that has not been properly shredded (see Section 927.01(m)). 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;
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials;
- (6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent;
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations;

- (8) Quantities of flow, concentrations or both which constitute a "slug" as defined in Section 927.01(s);
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes 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 to the receiving waters; or
- (10) 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.

(f) 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 subsection (e) hereof, and which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (k) hereof.

When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent 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 Superintendent.

(g) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection (e)(3) hereof, or any flammable wastes, sands 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 Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

(h) 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(s) at his expense.

(i) When required by the Superintendent, 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 wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. 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.

(j) The Superintendent may require a user of sewer services to provide information needed to determine compliance with this article. These requirements may include:

- (1) Wastewaters discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw materials, processes and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the Municipal sewer.

(k) 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 by 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 Superintendent.

(l) 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. (3-14-1978)

#### 927.06 TAMPERING WITH WASTEWATER FACILITIES.

No 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 wastewater facilities. Any person violating this section shall be subject to immediate arrest under charge of disorderly conduct. (3-14-1978)

#### 927.07 POWERS AND AUTHORITY OF INSPECTORS.

(a) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this article.

(b) The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(c) While performing the necessary work on private properties referred to in subsection (a) hereof, the Superintendent 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's employees, and the City shall indemnify the company against loss or damage to its property by City's 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 927.05(i).

(d) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification 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, observations, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (3-14-1978)

#### 927.08 SEWER CONNECTION CHARGE.

There shall be a charge for connection to the sewer system as provided by ordinance.

#### 927.09 APPROVAL GENERALLY; COMPLIANCE.

All connections of street sewer extensions, trunk sewer extensions or connections of any type to the City sanitary sewer system, or extensions thereof, must be approved by Council or by its authorized representative, as hereinafter provided. Approval may be secured by first submitting application to the City on forms supplied by the City. All connections must comply with the requirements of this article and with any other reasonable requirements which are necessary for engineering or public health reasons.  
(1976 Code Sec. 19-29)

#### 927.10 STREET SEWER EXTENSIONS.

(a) Applications. Where any individual or organization desires to construct or have constructed, sanitary sewers beyond the present sewers, and connect same to the City sanitary sewer system, application for such construction and connections must first be submitted to and approved by, Council. Application must be in the form of a letter outlining the proposed project and accompanied by detailed plans and specifications which shall contain all information pertinent to the design and construction of the proposed sanitary sewers. Two copies of such plans and specifications must be submitted. Both copies thereof shall be approved by Council, one copy to be returned to the applicant and the other copy to be filed in the office of the Director of Finance.

(b) Specifications. In general, the design and construction of all sanitary sewers shall comply with sound recognized engineering practices and sewer construction standards. Council shall reserve the right to invoke any requirements which are deemed necessary for the protection, satisfactory operation and future maintenance of the sanitary sewer system.

(c) Pipe Standards. All sanitary sewer lines serving more than two lots shall have an inside diameter of at least six inches. Larger sizes may be required where volume of sewage flow or possible future development indicates they are needed. The sewer pipe shall be SDR 35 PVC or other acceptable and approved material. No old or used sewer pipe shall be used for sanitary sewers unless accepted by a representative of Council.

(d) Joints. Joints shall be well caulked and oakum and then sealed. Other types of joints will be considered for approval. Every joint, after being made, shall be scraped on the inside before the next pipe is placed to insure a perfect flow line.

(e) Lines; Grades. All sewers shall be laid on straight lines and uniform grades. Grades shall be such as to cause a minimum velocity in the sewer of at least two feet per second when sewer is flowing half full. In calculating minimum sewer grades, velocities and maximum capacities, Kottler's Formula with  $N = .013$ , shall be used.

(f) Manholes. Standard manholes shall be required at each change of direction or grade, intersection with other sewers, or at least every 400 feet. Manholes shall be constructed of pre-cast reinforced concrete sections. They shall have smooth, well-formed inverts, so as not to interfere with the smooth flow of sewage through the bottom. The manholes shall have a minimum diameter of four feet and, near the top, shall be tapered to a diameter of two feet five inches. Construction of the manhole shall be such that a water-tight structure will result, and each manhole shall be equipped with cast iron steps to provide reasonable access to the bottom. The manhole shall be topped with a standard cast iron frame and cover. Sample drawings showing manhole details may be obtained upon request from the City Engineer.

(g) Trenches. Before any pipe is laid in a dry trench, the trench shall be evenly graded with depressions being made for the bell end of the pipe, so that the weight of the pipe will be evenly supported along its entire length. After the pipe is laid and properly jointed, loose earth shall be carefully tamped about the pipe and to a depth of at least six inches above the top of the pipe, after which coarser materials may be backfilled. Where the bottom of the trench has been filled in, the builder shall be required to thoroughly tamp the area under the pipe. In wet soil or "quick sand," a rigid type of pipe, such as cast iron, may be required in order to insure stability of the sewer line. The need for a rigid type pipe shall be decided by the Council representative inspecting the work.

(h) Infiltration. All pipe shall be laid and jointed so as to provide a tight waterproof and root-resistant system. If it is deemed advisable by the Council representative, infiltration tests may be made upon the new sewer lines before they are placed in service.

Infiltration shall not exceed the following amounts:

<u>Size of Pipe (inches)</u>	<u>Allowable Infiltration in Gallons Per Mile Per 24 Hours</u>
8	6,300
12	9,500
15	15,000

In the event that the measurements of infiltration exceed the allowable limits, as stated in the above table, the applicant shall be required to repair the defective joints or pipe to reduce the infiltration to the specified limits.

(i) Inspection; Backfilling. Council shall have the right to inspect all materials and work at any time during the progress of the job. No sewer line or manhole excavations shall be backfilled without the prior inspection and approval of the Council representative.

(j) House Laterals. All house lateral connections constructed as a part of a new sewer extensions shall conform in every respect to the provisions of this article regarding house lateral connections to the City sanitary sewer system. Wherever a sewer line is to be constructed under a paved street, or a street which is to be paved in the near future, house laterals shall be constructed at the same time as the street sewer. These laterals shall be extended to, or beyond the existing or proposed curb line of the pavement.

(k) Right of Way. All sewer line extensions shall be made in recognized street or alley rights of way or under rights of way especially dedicated for sewer line construction. Where sewer lines are constructed in rights of way other than streets or alleys, the builder of such sewer lines shall furnish Council with legal rights-of-way agreements conveying these rights of way to the City. The width of such rights of way shall be at least five feet on either side of the centerline of the sewer.

(l) Conveyance to City. After satisfactory completion of the construction of the sewer extensions, if then within the City corporate limits or upon the subdivision or development in which such sewer extensions have been constructed being taken into the City, the builder and/or owner of these sewer extensions shall, by appropriate instrument, convey the ownership of these new sewer lines and the necessary rights of way therefor, to the City for future maintenance and operation. Such sewers shall be subject to all rules and regulations applicable to the City sanitary system, including the obligation to pay the prevailing sewer service charges from the time the sewer extensions are placed in service. (1976 Code Sec. 19-32)

#### 927.11 RESTROOM AND TOILET FACILITIES REQUIRED.

Every building or other structure used as a dwelling or within which persons are employed or congregate shall be equipped with restroom or toilet facilities. No property owner shall construct or maintain a building or other structure in which restrooms or toilet facilities are required as herein set forth without such restrooms or toilet facilities, and no such property owner shall maintain a building in which restrooms or toilets are available without connecting the sewers from such building to the public sewer as herein required. (1976 Code Sec. 19-33)  
1986 Replacement

927.12 LEAKING SEWERS.

No property owner shall permit the escape of sewage from his property onto adjoining public or private property. Every such property owner shall be responsible for maintaining the sewer line or lines run from his property to the public sanitary sewer and shall promptly cause any such line or lines to be replaced or repaired, should the same be broken or leaking.  
(1976 Code Sec. 19-35)

927.13 DUTY TO MAINTAIN RESTROOM OR TOILET FACILITIES.

Every property owner shall maintain the restroom or toilet facilities within the building or structure owned by him in good working order and, in the event the restroom or toilet facilities become damaged, obstructed or useless, shall immediately repair it.  
(1976 Code Sec. 19-37)

927.99 PENALTY.

Whoever violates any provision of this article shall be fined not more than five hundred dollars (\$500.00). (3-14-1978)



CHAPTER FIVE - Other Public Services  
Art. 955. Refuse Disposal; Weeds.

ARTICLE 955  
Refuse Disposal; Weeds

- 955.01 Definitions. 955.08 Recourse of City upon  
955.02 Prohibited disposal. violation.  
955.03 Approved refuse disposal site; 955.09 Collections.  
exception. 955.10 Final disposal sites;  
955.04 Litter. contract collector;  
955.05 Duty to remove debris; collection nonliability of City.  
of refuse from vacant lots. 955.11 Restrictions.  
955.06 Maintenance of premises and 955.12 Garbage receptacles.  
disposition of refuse. 955.13 Rules and regulations.  
955.07 Grass, weeds and vegetation. 955.99 Penalty.

CROSS REFERENCES

Power to regulate - see W. Va. Code 8-12-5(10) et seq.  
Placing material in streets - see TRAF. 311.01  
Loads dropping or leaking - see TRAF. 347.04

955.01 DEFINITIONS.

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

- (a) "Garbage" includes all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of small animals, kitchen and table refuse, swill and every accumulation of both animal and vegetable matter that attends the preparation, decay or storage of meats, fish, fowl, birds or vegetables, but excluding recognizable industrial by-products, and shall include all such substances from all public and private establishments and from all residents.
- (b) "Refuse" includes garbage and trash, either or both.
- (c) "Trash" includes all nonputrescible wastes, including discarded and abandoned

articles. (1976 Code Sec. 9-1)

#### 955.02 PROHIBITED DISPOSAL.

(a) No person shall deposit or dispose of any garbage, trash or other waste matter, or any carcass or part thereof or any offal upon any street, sidewalk, public place or vacant lot, or upon private premises owned or occupied by another, except that garbage and trash may be set out in receptacles for collection as provided in this article. No person shall deposit or dispose of any garbage, trash or other waste matter or any carcass or part thereof or any offal in any pond, lake, spring, well or watercourse or in any gutter or drain.

(b) The provisions of this section shall apply within the City, and within public places, other than an approved dump, and with respect to ponds, lakes, springs and watercourses in unincorporated places within one mile beyond the City in all directions. (1976 Code Sec. 9-2)

#### 955.03 APPROVED REFUSE DISPOSAL SITE; EXCEPTION.

No person shall dump, burn, bury, destroy or otherwise dispose of any refuse within the City, except at a refuse disposal site established or approved by Council; provided, that persons licensed by the City to collect refuse, as provided in this article, may dispose of refuse collected by them at such places as may be authorized for such purpose in their respective licenses, and then only pursuant to the laws and ordinances in effect at such disposal places. (1976 Code Sec. 9-3)

#### 955.04 LITTER.

(a) No person shall dispose of, or permit to be disposed of, litter of any kind at any place within the City except in receptacles provided for such purpose.

(b) Litter originating on any premises shall be disposed of by the owner or occupant of the premises as provided in Section 955.06.

(c) Litter shall not be deposited or permitted to remain upon any place where it would be subject to scattering by children, animals, the elements of nature or other means.

(d) "Litter" is hereby defined as paper, cartons, bottles, bottle caps, cans, fruit peelings and pits, food, glass, scraps or fragments of any kind, and other things which have come to be regarded by the public as litter. (1976 Code Sec. 9-4)

#### 955.05 DUTY TO REMOVE DEBRIS; COLLECTION OF REFUSE FROM VACANT LOTS.

Building contractors, excavators and other persons who in the course of their respective businesses cause debris or refuse of any kind to accumulate at any place within the City shall remove and dispose of such debris or refuse periodically before it becomes a hazard to the public health, safety or welfare, and at the completion of each project shall remove all such debris and refuse and dispose thereof in a sanitary and lawful manner; provided, that when debris or refuse

accumulates on any vacant lot so as to become a nuisance and is not subject to removal by any contractor or other person as above provided, the City may collect and dispose of such debris and refuse and the costs of such collection and disposal shall become a charge against the owner of such vacant lot and a lien thereon and shall be collectable in the same manner as taxes. (1976 Code Sec. 9-5)

**955.06 MAINTENANCE OF PREMISES AND DISPOSITION OF REFUSE.**

(a) No person, being the owner, lessee, occupant or person in charge of any lot or parcel of land situated within the City, shall knowingly permit to remain thereon any unsightly condition, junk car or cars, collections of rubbish or debris or any other material whatsoever which creates an unsightly condition which is or may be observed from adjoining public or private property; and refuse which originates on any premises within the City shall not be suffered by the owner, occupant or person in charge of the premises to accumulate in such manner or in such quantity as to constitute a fire or safety hazard or a danger to health, or so as to become unsightly or otherwise give offense to persons in the neighborhood. Garbage and trash shall be collected and disposed of regularly, as provided in this article. Refuse other than garbage and trash shall be disposed of by the owner or occupant promptly as it originates, in a lawful and sanitary manner.

(b) Garbage and trash to be collected as provided by this article shall be stored, pending collection, in refuse containers in accordance with the requirements of this article. (1976 Code Sec. 9-6)

**955.07 GRASS, WEEDS AND VEGETATION.**

(a) No owner, occupant or person in charge of any premises, or his agent or employee, shall permit thereon any growth of weeds to the height of more than four inches, nor shall any such person permit the growth of any weeds or grass on any part of any sidewalk abutting upon such premises.

(b) All premises shall be maintained by the owners, occupants and persons in charge thereof free of vegetation which affords a breeding place for insects, reptiles or rodents, and upon all premises not devoted to agricultural uses the grass thereon shall be kept trimmed to a height of not more than four inches.

(c) Grass, weeds and vegetation, when cut down, shall be removed from the premises and disposed of in such manner as not to create a nuisance.

(d) "Weeds," as used in this section, shall be construed to include all rank vegetable growth which exhales unpleasant and noxious odors, and also high and rank vegetable growth that may conceal filthy deposits. (1976 Code Sec. 9-7)

**955.08 RECOURSE OF CITY UPON VIOLATION.**

(a) In each case of violation of Section 955.06 or 955.07, the Manager may, upon giving not less than five days notice to the owner, occupant or person in charge of the premises involved, cause such refuse, waste, trash, debris or any offensive or unwholesome substance or matter to be removed and cause such grass, weeds and foreign growth to be cut and removed, and all expenses incurred by the City shall be chargeable to and paid by the owner of such property.

(b) The payment of the amount so chargeable to such owner shall not relieve him of any fine imposed for his violation or constitute a defense against any violation of the provisions of this article. (1976 Code Sec. 9-8)

#### 955.09 COLLECTIONS.

All collections of garbage and trash shall be made by or under the direction and supervision of the City. Nothing herein contained, however, shall be construed to compel the City to collect garbage or trash in City trucks or by City personnel; and Council may contract with any person for the collection, transportation or disposal of garbage and trash. All vehicles used in collecting and transporting garbage and trash shall be constructed so as to prevent any garbage or trash from leaking, spilling or blowing upon the streets and premises in the City. Vehicles of the contracting person shall be kept clean, sanitary and free from odor. (1976 Code Sec. 9-9)

#### 955.10 FINAL DISPOSAL SITES; CONTRACT COLLECTOR; NONLIABILITY OF CITY.

During the term of any contract for the collection of garbage or trash by a contractor, garbage and trash shall be disposed of by the contract collector at a site designated by the City. The contract collector shall use a lawful and sanitary method for disposing of all refuse. The responsibility for disposal at any site shall be that of the contract collector, and the City shall not assume any responsibility as to the manner and method used by the contract collector. (1976 Code Sec. 9-10)

#### 955.11 RESTRICTIONS.

During the term of any contract for the collection of garbage or trash by a contract collector, private scavengers, pushcart operators and private garbage collectors other than the designated contract collector or collectors are hereby prohibited from engaging in the business of transporting or disposing of raw or prepared garbage and wastes containing organic waste, putrid matter and waste or excreta subject to putrefaction. (1976 Code Sec. 9-11)

#### 955.12 GARBAGE RECEPTACLES.

Every person from whose premises garbage is collected by a contract collector shall comply with the provisions of this article with respect thereto, and shall provide a suitable garbage can or receptacle to be approved by the contract collector in which such garbage shall be deposited as it, from time to time, is made or produced. Such receptacle or garbage can shall be constructed of metal and have a tight fitting lid. (1976 Code Sec. 9-12)

#### 955.13 RULES AND REGULATIONS.

Council may make rules and regulations not inconsistent with State law, the Codified Ordinances or other ordinance, and not in conflict with any contract by and between the City and any contract collector which may be in effect, providing for the manner in which refuse shall be stored and set out for collection; the manner in which collections shall be made and a schedule of days and hours for collection; specifications for garbage and trash receptacles and the placement thereof for collection purposes; waste matter which shall not be subject to collection; a schedule of fees to be charged by the City for collection services, either to cover the costs of collection by the City or to meet all or any part of the contract price for collection by a contract collector; and any subject incidental to the collection and disposal of refuse. (1976 Code Sec. 9-13)

#### 955.99 PENALTY.

(EDITOR'S NOTE: See Section 101.99 for general Codified Ordinances penalty.)

