

## Chapter 120

### WASTEWATER

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[HISTORY: Adopted by the Board of Trustees of the Village of Jemez Springs as Ch. 17 of the 1996 Village Code. Amendments noted where applicable.]

## GENERAL REFERENCES

Hazardous materials — See Ch. 36.  
Streets and sidewalks — See Ch. 94.

Subdivision of land — See Ch. 100.  
Zoning — See Ch. 130.

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ARTICLE I  
General Provisions

**§ 120-1. Survey; connection to system. [Amended by Ord. No. 31; Ord. No. 37]**

- A. The governing body has caused a survey to be made of sanitary conditions within the Village, including the geological aspects in relation to industrial, business and residential establishments as the same affect the health and welfare of the inhabitants of the Village, and has determined, and does hereby determine, that it is necessary for the protection of the public health and for sanitary purposes that owners of inhabited property within the Village be required to connect their industrial, business and residential establishments or other inhabited property to the sewer system and to cease to use all other methods of sewage disposal.
- B. The governing body does hereby so require, provided only that each such establishment or other inhabited property is within 200 feet of the nearest sewer service line and is capable of being served by and through the Village's sewer system at the established rates. In the event any owner of such inhabited property fails or refuses to make such a connection upon being requested to do so by the Village officials, the Village may take such lawful action as may be necessary or desirable to effect such connection. Any owner of such inhabited property shall be compelled so to connect the property.
- C. Upon a failure so to connect within 60 days after written notice so to do transmitted by registered first-class mail, postage prepaid, addressed to each last known owner at his last known address according to the records of the Village and the real property assessment roll in the county in which the property is located, the governing body shall cause such connection to be made and a lien to be filed against the property for the expense and a lien to be filed against the property for the expense in making such connection.

**§ 120-2. Separate connections. [Amended by Ord. No. 31]**

Every separate structure must have a separate connection to the sewer system. Exceptions from this requirement will only be made after written application to the governing body and a showing of good cause therefor which shall include a showing as to each and all of the following:

- A. That the two structures to be connected by a single connection to the sewer are owned by the same applicant.
- B. That the buildings or structures are so located that each does not have substantial frontage along the sewer line, but instead one building is so behind the other, making it unlikely that the buildings will ever pass into separate ownership.

- C. That the applicant agrees that if the buildings ever pass into separate ownership, the applicant will pay for the cost of a second connection and grant all necessary easements therefor.
- D. That the applicant will cause to be paid a full connection fee for each such separate structure prior to the issuance of a connection permit.

**§ 120-3. Connection after payment of fee. [Amended by Ord. No. 31]**

Connection to the sewer system shall only be made after the payment of the connection fee and issuance of a permit so to do, to any owner of the property to be connected, by the Village Clerk/Treasurer, upon approval of the governing body. The cost of connection to be defrayed by such owner, including, but not limited to, the cost of installing a stub or service line from the lateral line to the property connected.

**§ 120-4. Responsibility for installing sewer line. [Amended by Ord. No. 31]**

The responsibility for installing the sewer service line from the municipal sewer lateral to the property connected shall be the responsibility of the owner and shall be done in accordance with the following conditions:

- A. All sewer lines installed by the owner must be inspected by the Village's representative before connection into the Village lines is made. It is the responsibility of the owner to first obtain a connection permit and thereafter to notify the Village when the service line is ready for inspection, such notice to be given at least 24 hours prior to the inspection. Any line backfilled without an inspection will not be accepted for service.
- B. All pipe and fittings must be laid on undisturbed solid ground, or on a sand or clean gravel fill. Pipe shall be four inches in diameter or greater, as required by the Village.
- C. All service lines must be either soil pipe, cast iron pipe, asbestos cement pipe, vitreous clay pipe or PVC with rubber gaskets. The asbestos cement pipe shall not be used in lengths in excess of five feet.
- D. The Village will install a Y in the sewer stub or service line at the property line, for cleanout or testing purposes if and when required. A cleanout will not be extended to the surface from this Y, but the Y will be recorded so that it may be dug out when needed. There shall also be cleanouts installed by the owner on his property at every ninety-foot interval of line and at each bend or direction change of 30° or more, extending into the property. Additional cleanouts may be required for larger than four-inch sewer service lines. Cleanouts shall consist of a standard combination Y and one-eighth bend with a standard riser and a four-inch brass cleanout plug. Cleanouts set out on a slope must be braced with timber.
- E. Cement or concrete mortar or lead joints will not be permitted for jointing of any pipe, nor will the Village permit encasing of the pipe or fittings with concrete, but all joints must be installed with rubber gaskets.

**§ 120-5. Septic tank connections. [Amended by Ord. No. 26]**

All places of human habitation within the Village that do not come within the requirements of this chapter shall be equipped with proper plumbing and connected with a septic tank, the septic tank to be constructed and maintained under a permit from and with the approval of the Village representative and state agency, if applicable.

**§ 120-6. Unlawful use of noncomplying habitations. [Amended by Ord. No. 26]**

It shall be unlawful for any person to use as a place of human habitation any building within the Village not equipped with proper plumbing or not having proper sewer or septic tank connections as provided for in the preceding sections of this article. It shall be unlawful for the owner of any building used as a place of human habitation and not having proper plumbing or a sewer or septic tank connection to allow or permit the same to be used as living quarters or to rent the same for living purposes.

**§ 120-7. Unlawful disposal of sewage or other matter. [Amended by Ord. No. 26]**

It shall be unlawful to dispose of sewage in any manner other than as set forth in §§ 120-5 and 120-6 of this Code, or to permit or allow sewage, or water which has been used for domestic or household purposes, or any liquid or solid filth, or other matter injurious or dangerous to health, to be discharged, drained or deposited upon the ground, street, alley, or private lot, within the Village.

**§ 120-8. Supervision of sanitary matters. [Amended by Ord. No. 26]**

The Village designates a representative who shall have supervisory powers over all matters relating to sewage or sanitary matters within the Village and who shall have the power to institute and prosecute, under the supervision of the Village Attorney, any and all legal actions necessary to abate unsanitary conditions and conditions which are or may become injurious or dangerous to the health of the inhabitants of the Village.

**§ 120-9. Violations and penalties. [Amended by Ord. No. 26]**

All persons violating any of the provisions of §§ 120-5 through 120-8 of this article shall be guilty of a misdemeanor, punishable as set forth in § 1-22 of this Code.

**§ 120-10. Noncompliance a nuisance, abatement of nuisance. [Amended by Ord. No. 26]**

All places of human habitation within the Village not equipped with proper plumbing and connected to sewer lines or septic tank as provided for in this article are hereby declared to be nuisances and all legal and equitable remedies for the abatement of such nuisances may be used and the penalties provided for in § 120-9 of this article shall not affect the right of the Village to such legal and equitable remedies.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).



**§ 120-11. Use of vitrified clay pipe. [Amended by Ord. No. 25]**

In order to effect a uniformity in the construction, remodeling or repair of the Village's main sewer lines, henceforth all such lines shall be constructed of vitrified clay pipe; providing, however, that this section does not apply to lines between the Village's main lines and consumer's outlets.

**§ 120-12. Supervision by Village. [Amended by Ord. No. 25]**

All construction of sewer lines by private individuals or corporations shall be done only under the direct supervision of the Village's representative.

**§ 120-13. Prohibition to tie in to Village lines. [Amended by Ord. No. 25]**

No person constructing sewer lines in violation of §§ 120-10 and 120-11 of this Code shall be allowed to tie in to the Village's sanitary sewer system.

**§ 120-14. Compliance with state building code. [Amended by Ord. No. 25]**

Nothing in §§ 120-11 through 120-13 shall be deemed to supersede or repeal provisions of the state-approved building code.

## ARTICLE II Sewer Rates and Charges

**§ 120-15. Connection fee; service contract. [Amended by Ord. No. 45; Ord. No. 49; Ord. No. 55; Ord. No. 79; Ord. No. 88; Ord. No. 94; Ord. No. 97; 6-9-2004 by Ord. No. 153<sup>2</sup>]**

Any prospective use of sewer service entering into a service contract after the completion of the construction of the system shall pay a connection fee as set from time to time by resolution of the governing body. If, for any reason the sewer service is cut off any user, a connection charge, as set from time to time by resolution of the governing body, shall be paid upon such reconnection. The aforesaid connection fees do not include the costs of actually making the connections to the sewer facilities. These actual costs of connecting shall be paid by the user.

**§ 120-16. User fees. [Amended by Ord. No. 31; Ord. No. 45; Ord. No. 49; Ord. No. 55; Ord. No. 79; Ord. No. 88; Ord. No. 94; Ord. No. 97; Ord. No. 110]**

- A. Establishment of equitable user fees. The governing body shall take the necessary steps to establish an equitable system of user fees. The purpose hereof is that each individual shall pay an equitable portion of the Village's cost of owning the wastewater facilities plus an equitable portion of the total operations and maintenance costs. The governing

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

body may review user fees on an annual basis or as needed. **[Amended 6-9-2004 by Ord. No. 153; 2-8-2012 by Ord. No. 174]**

- B. Fee computations for single-family homes within the Village limits and for single-family homes outside of the Village limits shall be as set from time to time by resolution of the governing body. **[Amended 6-9-2004 by Ord. No. 153; 2-8-2012 by Ord. No. 174<sup>3</sup>]**
- C. Fee computation for other users. For all other users, except for contributors of industrial liquid waste as defined in § 120-27 of this chapter, the user fee shall be computed as set from time to time by resolution of the governing body **[Amended 6-9-2004 by Ord. No. 153; 2-8-2012 by Ord. No. 174<sup>4</sup>]**
- D. Charges for extraneous flows. Cost for operation and maintenance for all flow not directly attributable to users (for example, infiltration/inflow) shall be distributed among all users in the same manner as the cost for their actual use.
- E. Access of Village to water utility records of user. For the purpose of assessing equitable user fees, any person discharging wastes to the sanitary sewers shall permit access by the Village to water utility records for that person's property.
- F. Faulty or broken water meter, estimate. In the event of the stoppage of, or failure by any water meter to register the full amount of water consumed, or inaccessibility of meter, or failure by the Water Authority to read the meter, the customer will be billed for corresponding periods in the preceding year or years, or consumption in preceding months.
- G. Private water system, measurement of water use. Where any person, business, or industry is connected to the public sewer system, utilizes a private water system, such person, business or industry shall allow the Village to estimate or determine the actual water usage using commercially approved methodologies plus the basic rate. **[Amended 6-9-2004 by Ord. No. 153; 2-8-2012 by Ord. No. 174]**
- H. <sup>5</sup> Users outside the Village limits. For services provided outside of the Village limits, the fixed charge per month shall be as set from time to time by resolution of the governing body.<sup>6</sup> **[Added 6-11-1997 by Ord. No. 123<sup>7</sup>]**

#### **§ 120-17. Remedies. [Amended by Ord. No. 31; Ord. No. 110]**

- A. Remedies cumulative, liens. All remedies prescribed or liens created hereunder or under the provisions of the law for collection and enforcement of the fees by the Village shall not bar the use of any other remedy for the purpose of enforcing the provisions of this

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Former Subsection H, regarding rate increases, as amended, was repealed 4-22-2015 by Ord. No. 186. This ordinance also provided for the redesignation of former Subsection I as Subsection H.

6. Editor's Note: Original § 17-2-3 of the 1996 Code, Standby sewer charge, as amended by Ord. No. 37, which immediately followed this section, was repealed 6-9-2004 by Ord. No. 153.

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

chapter. The fees authorized by this article shall be a lien in favor of the Village upon the real property served and the personal property of the person used in connection with the sewer use which gave raise to the fee, and such lien shall be imposed, collected, enforced, and paid as provided by the law. No property of any persons shall be from levy and sale on execution issued for the collection of a judgment for any fee imposed by this chapter.

- B. If any bill for sewage charges remains unpaid for 90 days, a lien on the property receiving the sewage service shall be filed by the Village Clerk/Treasurer as provided by NMSA 1978, § 3-36-1 et seq., and shall be released only upon payment of the charges plus interest as provided by law. **[Amended 4-22-2015 by Ord. No. 186]**

**§ 120-18. Billing; payment. [Amended by Ord. No. 31; 4-22-2015 by Ord. No. 186]**

The Village shall bill any owner of such connected property for the payment of such rates, tolls and charges specified herein, provided that the Village shall bill a lessee or lessees obligated to pay such rates and charges upon written notice delivered to the Village Clerk/Treasurer and executed by both the owner or owners and the lessee or lessees of the connected property. The rates and charges shall be due regardless of the person or persons billed therefor or so designated to be billed therefor. The owner may request that the lessee or lessees be charged a renter's deposit to be determined by resolution of the governing body.

**§ 120-19. Cost for disconnection for delinquent charges. [Amended by Ord. No. 31; 9-8-2010 by Ord. No. 170]**

Any cost incurred by the Village in making any disconnection for a delinquent sewer charge shall be charged against the property owner. The actual fees shall be based upon the joint powers agreement between the Village and the Jemez Springs Domestic Water Association.

**§ 120-20. (Reserved) <sup>8</sup>**

**§ 120-21. Service connections. [Amended 6-9-2004 by Ord. No. 153<sup>9</sup>; 4-22-2015 by Ord. No. 186]**

Connection requested for domestic use by applicants:

- A. Whenever an extension of the Village's sewer line is required to serve an applicant, or group of applicants, the extension will be made under the following terms and conditions by the applicant:
- (1) All line extensions shall be sized to provide adequate service. In the event that the Village system plant requires a larger line size than is required to serve the applicant's needs, the applicant will not be required to absorb the difference in

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8. Editor's Note: Former § 120-20, Sewer service requested by developers and/or subdividers, as amended, was repealed 4-22-2015 by Ord. No. 186.

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

investment between the applicant's required line size and the line size required by the plant, but in no event shall the extension costs to the applicant be based on lines smaller than those needed for the applicant's service. The Village shall be the sole judge of proper line sizing in any new construction and shall be the sole judge of the line size cost to the applicant.

- (2) All lines will be constructed in existing public roads, streets, Village-owned lands, alleys, or easements. The applicant shall furnish such rights-of-way in the form of duly executed easements without charge to the Village and shall assist the Village in securing other rights-of-way necessary to provide service over property not owned by said applicant.
  - (3) A connect fee, as set from time to time by resolution of the governing body, shall be paid by the applicant prior to any determination and/or the scheduling of any construction.
- B. Special conditions which affect the furnishing of sewer service to an applicant, or group of applicants, such as elevation, terrain, volume required in existing mains, and other conditions resulting in increased costs to the Village in providing sewer service shall be taken into consideration by the Village, and the cost thereof shall be paid by the applicant requesting the line extension.
- C. The sewer line will be constructed at the applicant's expense. Under special conditions and at the discretion of the governing body, there may be a sharing of the construction cost.
- D. Should the service line costs be determined by the Village to be excessive, the Village has the option to refuse connection.

**§ 120-22. Disconnection charge. [Amended by Ord. No. 31; Ord. No. 110<sup>10</sup> ; 4-22-2015 by Ord. No. 186]**

- A. A disconnection charge in the amount as set from time to time by resolution of the governing body shall be made by the Village for each shutoff or discontinuance of service by the Village to enforce the payment of such sewer charge delinquency or for any other disconnection from the sewer system in addition to the costs of disconnection fixed by § 120-19 of this chapter. Upon the payment in full of all rates, tolls and charges then due in connection with any inhabited property, service which had previously been so shut off or discontinued, upon the payment of a reconnection fee by the user, as set from time to time by resolution of the governing body, and upon the issuance by the Village Clerk/Treasurer of a reconnection permit, such property may be reconnected to the system at the expense of the owner thereof.
- B. By request of the owner of the property, such owner may request a voluntary suspension of wastewater service and related charges if there has been a voluntary disconnection of water service by the Jemez Springs Domestic Water Association. The reconnection charge will be determined by resolution by the governing body.

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10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 120-23. Authority of governing body unrestricted. [Amended by Ord. No. 31]**

Nothing in this article shall be so construed in such a manner as to prevent the revision, modification, increase or decrease, by the governing body, from time to time, of the rates, tolls and charges herein fixed, prescribed, established and levied, subject to any limitation in any covenant of the Village for the protection of any holder of any bond, security or other obligation payable from any revenues of the system or any part thereof.

**§ 120-24. Authority to take action to collect. [Amended by Ord. No. 31]**

The officers of the Village are authorized and directed to take all action necessary or appropriate to collect the rates, tolls and charges prescribed in this chapter and otherwise to effectuate the provisions of this chapter.

**§ 120-25. Construal of provisions.**

This chapter, being necessary to secure the public health, safety, convenience and welfare, shall be liberally construed to effect its purpose.

**ARTICLE III****Industrial Wastes**

**[Amended by Ord. No. 24; Ord. No. 60]**

**§ 120-26. Short title.**

This article shall be known as the "Industrial Waste Ordinance of the Village."

**§ 120-27. Definitions.**

Unless inconsistent with the context in which it is used, the following terms shall have the meanings indicated:

**COD (CHEMICAL OXYGEN DEMAND)** — A measure of the oxygen-consuming capacity of organic and inorganic matter present in wastewater as milligrams per liter (mg/l).

**DOMESTIC SEWAGE** — Waterborne wastes normally discharged from the sanitary conveniences of buildings, including but not limited to apartment houses, hotels, office buildings, factories and institutions; free from storm surface water and industrial wastes. Normal domestic sewage shall mean normal sewage for the Village.

**INDUSTRIAL LIQUID WASTES** — All waterborne solids, liquids or gaseous wastes resulting from any industrial, manufacturing or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage. Industrial processes shall include but are not limited to production or refining of petroleum and petroleum products, processing of foods or beverages, the production of fertilizer, keeping of livestock and operation of dairies, manufacture of paper, production of dyeing of textiles, production of soap or detergents or chemicals, cleaning of tanks, tank cars or barrels, plating of metals, processing or reclamation

of refuse, all kinds of manufacturing and other similar operations, the washing of equipment or spaces used in industrial operations and the disposal of waste products contained in liquids from laundries, hospitals, grocery stores, restaurants, and other public establishments. Unless the sewage contains the waste substances above described, industrial liquid waste shall not include wastewater resulting from the operation of hotels, motels, schools or other retail establishments other than those listed above, nor shall industrial liquid waste include wastewater from the operation of vehicle service stations, wash racks or garages. Liquid industrial waste shall not include any domestic sewage from industrial or retail establishments.

**INTERFERENCE WITH ANY SEWAGE TREATMENT PROCESS** — Any condition or combination of conditions which causes degradation of the operational efficiency of a sewage treatment process.

**pH** — The logarithm (base 10) of the reciprocal of the hydrogen ion concentration of a solution.

**PUBLIC SEWER** — A sewer in which all owners of abutting properties shall have equal rights, and is controlled by public authority.

**SANITARY SEWER OR SEWERAGE SYSTEM** — A public sewer which transports sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

**SEPTIC TANKS** — Any facility, device or structure used for receiving sewage and wastewater, and which is not connected to the public sanitary sewer system, or sewage treatment plant or sewage works.

**SETTLEABLE SOLIDS** — Those solids which settle during a preselected period of time as expressed in milliliters per liter of sample.

**SEWAGE** — A combination of the water-carried wastes from residence, business buildings, institutions and industrial establishments.

**SEWAGE TREATMENT PLANT or SEWAGE WORKS** — Any facility, devices and structures used for receiving and treating sewage from the sanitary sewer system.

**STANDARD METHODS** — The laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Wastewater and Sewage, as prepared, approved and published jointly by the American Public Health Association and American Water Works Association and the Water Environment Federation.<sup>9</sup>

**STORM SEWER** — A sewer which carries stormwater and surface water and drainage, but excludes sewage and polluted industrial wastes.

**TRAP** — A device for retaining sand, silt, grit, mineral material, petroleum solvent, grease or oil by gravity-differential separation from wastewater and of a design and capacity approved by the municipality.

**UNPOLLUTED PROCESS WATER** — Any water or waste containing none of the following: free or emulsified grease or oil; acid or alkali; phenols, or other substances imparting taste and odor to receiving water; toxic substances in suspension, colloidal state or solution; and noxious or odorous gases.

**§ 120-28. Prohibited discharges.**

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

**§ 120-29. Stormwater discharge.**

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

**§ 120-30. Prohibited substances.**

No person shall discharge or cause to be discharged any of the following described liquids or wastes to any public sewers, sewage treatment plant or sewage works:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters or the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer;
- C. Any herbicides and pesticides;

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9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).



- D. Any waters or wastes have a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
- E. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage treatment plant or sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair or ground by garbage grinders; or
- F. Any amount of the following heavy metals: antimony, arsenic, barium, beryllium, bismuth, boron, cadmium, chromium (hexa), chromium (tri), cobalt, copper, iron, lead, manganese, mercury, molybdenum, nickel, rhenium, selenium, tellurium, tin, uranyl ion, and zinc. Dilution of toxic materials and heavy metals in lieu of removal is not acceptable.

**§ 120-31. Substances preheated in discretion of Village.**

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

- A. Any liquid or vapor having a temperature higher than 150° F. (65° C.);
- B. Any water or waste containing fats, grease, wax, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperature between 32° F. and 150° F. (0° C. and 65° C.);
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder larger than those normally manufactured and sold for residential and noncommercial use will not be installed without specific review and approval by the Village;
- D. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions cannot be discharged to the sewerage system unless completely neutralized and approved by the Village for discharge;
- E. Any waters or wastes containing reducing substances of an organic or inorganic nature, toxic or nontoxic, which exert an immediate chlorine demand if discharge of such agents will prevent the achievement of an adequate chlorine residual in the effluent of the wastewater treatment facility;

- F. Any waters or wastes containing phenols or other taste- or odor-producing substances, in concentrations exceeding limits established by the Village, after treatment of the composite sewage, to meet the requirements of any public agency with jurisdiction of such discharge to the receiving waters;
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable state and federal regulations;
- H. Any waters or wastes have a pH in excess of 9.5;
- I. Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as but not limited to fullers earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate);
  - (2) Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions);
  - (3) Unusual chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and
  - (4) Slugs or shocks constituting an unusual volume of flow or concentration of wastes which will disturb the normal functioning of either the sewage treatment plant or collection systems.
- J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

**§ 120-32. Action upon discharge of preheated substance.**

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, or any sewage waters or wastes from septic tanks are proposed to be discharged into the sewage works or sewage treatment plant, which waters contain the substances or possess the characteristics enumerated in § 120-31 of this Code, and which, in the judgment of the Village, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:
  - (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;  
or
  - (3) Require control over the quantities and rates of discharge.
- B. If the Village 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

Village and state and subject to the requirements of all applicable codes, ordinances and laws.

**§ 120-33. Testing.**

Testing of an industrial waste will be performed twice a year by the Village. If either the Village or the industry requires more frequent tests, then those tests will be paid for by the party requesting the analyses. All persons in the business of septic tank cleaning and desiring to discharge into the public sewage works or sewage treatment plant shall show proof to the Village that material is in conformity with the requirements of this article.

**§ 120-34. Traps.**

Grease, oil and sand traps shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such traps shall not be required for private living quarters or dwelling units. All traps shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil traps shall be installed in all new filling stations, garages, restaurants and other new facilities wherein heavy discharge of grease and oil is to be expected.

**§ 120-35. Maintenance.**

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

**§ 120-36. Manholes.**

When required by the Village, the owner of any property serviced by a building sewer carrying liquid industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, constructed in such a manner as to prevent infiltration of groundwater and surface water, and should be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**§ 120-37. Testing methods.**

All measurements, tests and analyses of the characteristics of waters and wastes shall be determined by standard methods at the control manhole provided, or upon suitable samples taken at said control manhole. The control manhole shall be located so that sampling of the industrial waste will be performed before discharge into the public sewerage system. Sampling shall be carried out by customarily accepted methods to reflect the effect of

constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analysis involved will be determined whether a twenty-four-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, COD and settleable solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pHs are determined from periodic grab samples.

**§ 120-38. Cost recovery. [Amended 9-8-2010 by Ord. No. 170<sup>10</sup> ]**

The Village shall charge a fee, as set from time to time by resolution of the governing body, for any services provided by the wastewater plant personnel.<sup>11</sup>

**§ 120-39. Violations and penalties.**

Any person found guilty of violating any provision of this article shall be guilty of a misdemeanor, punishable as provided in § 1-22 of this Code. Every day any violation of this article continues shall constitute a separate offense. The conviction and punishment of any person for a violation shall not excuse or exempt such person from the payment of any fee due or unpaid at the time of such conviction, and nothing herein shall prevent a criminal prosecution of any violation of the provisions of this article. All remedies prescribed or liens created hereunder or under the provisions of the law for collection and enforcement of the fees shall be cumulative and the use of one or more remedies by the Village shall not bar the use of any other remedy for the purpose of enforcing the provisions of this article or any liens created by the law. The fees fixed by this article shall be a lien in favor of the Village upon the personal property of the person used in connection with the sewer use which gave rise to the fee and such lien shall be imposed, collected, enforced and paid as provided by the law. No property of any person shall be exempt from levy and sale of execution issued for the collection of a judgment for any fee imposed by this article.

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10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

11. Editor's Note: Original § 17-3-14 of the 1996 Code, Conditions for cost recovery, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).