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## **Chapter 26**

### **UTILITIES**

#### **ARTICLE I. SEWER SYSTEM**

##### **Sec. 26-1. Definitions.**

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

**BOD** – (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

**Building Drain** – shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other 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 (5) feet (1.5 meters) outside the inner face of the building wall.

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

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

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

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

**Natural Outlet** – shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

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

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

Properly Shredded Garbage – shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow condition normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.

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

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

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

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

Sewer Works – shall mean all facilities for collecting, pumping, treating and disposing of sewage.

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

Shall – is mandatory, May is permissive.

Slug – shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for an period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Storm Drain (sometimes termed “Storm Sewer”) – shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Superintendent – shall mean the (Superintendent of Sewage Works and/or of Water Pollution Control) of the (city) of Freeburg or his authorized deputy, agent, or representatives.

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

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

City – shall mean Village of Freeburg.

(Ord. 132, §1)

**Sec. 26-2. Use of Public Sewers Required.**

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Freeburg or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the City of Freeburg, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
4. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property lines.

(Ord. 132, §2)

**Sec. 26-3. Public Sewage Disposal.**

1. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
2. Before commencement of construction of a private sewage disposal system the owner 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 \$5.00 dollars shall be paid to the city at the time the application is filed.
3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Missouri. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet (square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.
5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(Ord. 132, §3)

#### **Sec. 26-4. Building Sewers and Connections.**

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application shall be supplemental by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$5.00 dollars for a residential or commercial building sewer permit and \$10.00 dollars for an industrial building sewer permit shall be paid to the city at the time the application is filed.
3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

5. 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 ordinance.
6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications at the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
7. 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 discharge to the building sewer.
8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
9. 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 A.S.T.M. and the S.P.C.F. Manual of Practice No. 9. All such connections shall be make gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
10. 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 shall be made under the supervision of the Superintendent or his representative.
11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Ord. 132, §4)

#### **Sec. 26-5. Use of the Public Sewers.**

1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, substance drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

2. Storm water and all other polluted drainage shall be discharged to such sewer as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - a. Any gasoline, benzene, naphta, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
  - c. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
  - d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  - e. Any waters or wastes having (1) a 5-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the city, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.
4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an

adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substance prohibited are:

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150)°F (65° C).
- b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)°F (0 and 65° C).
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- d. Any waters of wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent of such materials.
- f. Any waters of wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for 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 Superintendent in compliance with applicable State or Federal regulations.
- h. Any waters of wastes having a pH in excess of 9.5.
- i. Materials which exert or cause:
  - i. 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 or sodium sulfate).
  - ii. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - iii. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - iv. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

- j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in Section 5 of this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:
  - a. Reject the wastes,
  - b. Require pretreatment to an acceptable condition for discharge to the public sewers,
  - c. Require control over the quantities and rates of discharge, and/or
  - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of the article.

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, and subject to the requirement of all applicable codes, ordinances and laws.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, 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.
7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurements of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published

by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise in appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

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

(Ord. 132, §5)

#### **Sec. 26-6. Protection From Damage.**

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

(Ord. 132, §6)

#### **Sec. 26-7. Powers and Authority of the Inspectors.**

1. 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 in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
2. While performing the necessary work on private properties referred to in Article VII, Section 1 above, 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 employees and the city shall indemnify the company against loss or damage to its property by city 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 in Article V, Section 8.

3. 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, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 132, §7)

#### **Sec. 26-8.      Penalties.**

1. Any person found to be violating any provision of this ordinance except Article VI shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$100 dollars for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.
3. Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

(Ord. 132, §8)

#### **Sec. 26-9.      Monthly rates.**

The monthly rates required and which shall be charged and collected by the Village of Freeburg, Missouri, for water works and sewer service furnished by the water works and sewage system of the Village of Freeburg, Missouri, shall be established prospectively, by vote of the Board of Trustees, no less frequently than annually, and upon passage of the rates in a manner which is the same as passage of an ordinance, such rates shall be made known to the public and the users of the systems and a true copy of the same appended to this ordinance.

Monthly rates for water and sewer service

Cost for water only: cost per 100 gallons of water used

1 <sup>st</sup> 2000 gallons	.30 per 100 gallons (7.50) Minimum
Next 3000 gallons	.25 per 100 gallons
Next 5000 gallons	.22 per 100 gallons
Next and over	.20 per 100 gallons

Cost for sewer only: cost per 100 gallons of water used  
1<sup>st</sup> 2000 gallons .30 per 100 gallons (7.50) Minimum  
Next 3000 gallons .20 per 100 gallons  
Next 5000 gallons .17 per 100 gallons  
Next and over .15 per 100 gallons  
(Ord. 187, §1)

**Sec. 26-10. Governing body finds and determines rates, fees and charges.**

The governing body of the Village of Freeburg, Missouri, hereby finds and determines that the rates, fees and charges for the use and services of the sewerage system of the Village of Freeburg, necessary and adequate at this time to meet the requirements of Sections 250.010 and 250.250, inclusive, Revised Statutes of Missouri 1969, are as hereinbefore specified.  
(Ord. 113, §2)

**Sec. 26-11. Water meter readings, prepare and render bills.**

All water meter readings shall be obtained from the Water Commissioner, and bills for sewerage services shall be rendered monthly as such services accrue. The Village Clerk, or other officer or representative of the Village of Freeburg designated to prepare and render bills for sewerage services, shall calculate monthly the amount of each bill for sewerage services, shall calculate monthly the amount of each bill and shall render monthly to each customer a bill for such sewerage services. All such bills shall be due and payable at the office of the Village Clerk during the regular hours of business from and after the date of the rendition thereof.  
(Ord. 113, §3)

**Sec. 26-12. Additional charge for late payment.**

If any bill for sewerage services shall remain due and unpaid after 10 (10) days from the date of the rendition thereof, an additional charge of 5% (five percent) shall be added thereto.  
(Ord. 113, §4)

**Sec. 26-13. Disconnection for unpaid bills.**

If any bill for sewerage service shall be and remain past due and unpaid for as long as thirty (30) days, service to such customer shall be discontinued and shall not be reconnected until all past bills are paid in full, together with a reconnection charge of thirty dollars (\$30.00). It shall be the duty of the Board of Trustees to notify the customer of any such delinquency and said Board of Trustees shall proceed immediately to cause sewer service to such customer to be discontinued.  
(Ord. 113, §5)

**Sec. 26-14. Application for sewerage service.**

Application for sewerage services shall be made to the Village Clerk or other person designated by the Board of Trustees of the Village of Freeburg by the owner or occupant of the property to be served, and upon the approval of such application, such applicant shall have the right to connect with the Village of Freeburg sewerage system, all costs of such connection to be borne by such applicant. The Board of Trustees of the Village of Freeburg may hereafter prescribe a connection charge to be paid by any such applicant at the time of his application. (Ord. 113, §6)

**Sec. 26-15. Occupant, user and owner liable to pay.**

The occupant and user of the premises receiving sewerage service and the owner of said premises shall be jointly and severally liable to pay for such services rendered on said premises. The Village of Freeburg shall have power to sue the occupant or the owner, or both, of such real estate in a civic action to receive any sums due for such services, plus a reasonable attorney's fee to be fixed by the court.

(Ord. 113, §7)

**Sec. 26-16. No free sewerage service.**

No free sewerage service shall be furnished to any premises, or the owner or occupant thereof, except to the Village of Freeburg itself, and in the event that the revenues derived by the Village of Freeburg from the sewerage system shall at any time prove insufficient to pay the interest on and principal of the sewerage system revenue bonds of the Village of Freeburg issued to construct, extend or improve such system or any parts thereof, and to establish and maintain reasonable reserves as provided in the ordinance authorizing the issuance of such bonds, then the Village of Freeburg will thereafter pay a fair and reasonable charge for all sewerage services furnished the Village of Freeburg or any of its departments by the sewerage system, and such payments will continue so long as the same may be necessary in order to prevent any default in the payment of the interest on or principal of the sewerage system revenue bonds of the Village of Freeburg or while any such default shall exist.

(Ord. 113, §8)

**Sec. 26-17. Misdemeanor for connection without permission.**

It shall be a misdemeanor for any person or persons to connect with any sewer line, or to make any connection to the sewerage system for the Village without written permission from the Board of Trustees, or to reconnect service when service has been discontinued for non-payment of a bill for service until such bill, including the reconnection charge, has been paid in full. Upon conviction, there shall be imposed a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars \$100.00).

(Ord. 113, §9)

**Sec. 26-18. User held responsible.**

The user of each premise receiving sewer service from the sewerage system shall be held responsible for the proper use thereof. Plumbing facilities that are to be connected to the sewerage system shall be installed in accordance with the National Plumbing Code, and shall be inspected for compliance with said Code by a designated representative of the Board of Trustees before any such connection is made. No grease, petroleum products, milk, whey, paints, acids, chemicals, metals, animal waste, food products, or other materials determined to the sanitary sewer facilities or sewer treatment processes, shall be discharged into the sanitary sewer.  
(Ord. 113, §10)

**Sec. 26-19. Connection Fee.**

The connection fee for use of the Freeburg Water Facilities shall be charged the amount of the cost of a water meter as purchased by the Village of Freeburg.  
(Ord. 144, §1)



## **ARTICLE II.** **LEAD BAN**

### **Sec. 26-20. Lead Ban – General Policy.**

- (a) Purpose. The purpose of this ordinance is:
  - 1. To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and
  - 2. To protect city residents from lead contamination in the city's public drinking water system and their own private plumbing systems.
- (b) Application. This ordinance shall apply to all premises served by the public drinking water system of the Village of Freeburg.
- (c) Policy. This ordinance will be reasonably interpreted by the water purveyor. It is the purveyor's intent to ban the use of lead based material in the construction or modification of the city's drinking water system or private plumbing connected to the city system. The cooperation of all consumers is required to implement the lead ban.

If, in the judgment of the water purveyor or his authorized representative, lead base materials have been used in new construction or modifications after January 1, 1989, due notice shall be given to the consumer. The consumer shall immediately comply by having the lead base materials removed from the plumbing system and replaced with lead free materials. If the lead base materials are not removed from the plumbing system, the water purveyor shall have the right to discontinue water service to the premises.

(Ord. 182, §1)

### **Sec. 26-21. Definitions.**

- (a) The following definitions shall apply in the interpretation and enforcement of this ordinance:
  - 1. Consumer – means the owner or person in control of any premises supplied by or in any manner connected to a public water system;
  - 2. Lead base materials – means any material containing lead in excess of the quantities specified in Section 2. A. 3.;
  - 3. Lead free – means:
    - A. When used with respect to solder and flux, refers to solders and flux containing not more than 0.2 percent (0.2%) lead; and
    - B. When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than 0.25 percent (0.25%) lead.

i. Calculation

The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with paragraph (3)(B). For lead content of materials that are provided as a range, the maximum content of the range shall be used.

4. Public drinking water system – means any publicly or privately owner water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources; and
5. Water purveyor – means the owner, operator, or individual in responsible charge of a public water system.

(Ord. 182, §2)

**6. "Exemptions"**

- (A) leaded joints necessary for the repair of cast iron pipes.
- (B) pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for non-potable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or
- (C) toilets, bidets, urinals, fill valves, flush-o-meter valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

**Sec. 26-22. Lead banned from drinking water plumbing.**

- (a) No water service connection shall be installed or maintained to any premises where lead base materials were used in new construction or modifications of the drinking water plumbing after January 1, 1989.
- (b) If a premises is found to be in violation of Section 3. A., water service shall be discontinued until such time that the drinking water plumbing is lead free.

(Ord. 182, §3)

## ARTICLE III. CROSS CONNECTION CONTROL

### **Sec. 26-23. Cross Connection Control – General Policy.**

(a) Purpose. The purpose of this ordinance is:

1. To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
2. To promote the elimination, containment, isolation, or control of existing cross connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures, and industrial-process systems.
3. To provide for the maintenance of a continuing program of cross connection control which will systemically and effectively prevent the contamination or pollution of all potable water systems.

(b) Application. This ordinance shall apply to all premises served by the public potable water system of the Village of Freeburg, Missouri.

(c) Policy. This ordinance will be reasonably interpreted by the water purveyor. It is the water purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

The water purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The water purveyor and consumer are jointly responsible for preventing contamination of the water systems.

If in the judgment of the water purveyor or his authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his own expense; and failure, refusal, or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided.

(Ord. 183, §1)

### **Sec. 26-24. Definitions.**

The definitions listed in Appendix A shall apply in the interpretation and enforcement of this Article.

Air gap separation – means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.

Auxiliary water supply – means any water source or system, other than the public water supply, that may be available in the building or premises.

Backflow – means the flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water supply.

Backflow prevention device – means any device, method, or type of construction intended to prevent backflow into a potable water system.

Consumer – means the owner or person in control of any premises supplied by or in any manner connected to a public water system.

Containment – means protection of the public water supply by installing a cross connection control device or air gap separation on the main service line to a facility.

Contamination – means an impairment of the quality of the water by sewage, process fluids, or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

Cross connection – means any physical link between a potable water supply and any other substance, fluid, or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

Hazard, degree of – means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

- (a) Hazard, health – any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.
- (b) Hazard, plumbing – a plumbing type cross connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention device.
- (c) Hazard, pollutional – an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
- (d) Hazard, system – an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

Industrial process system – means any system containing a fluid or solution, which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution, or plumbing hazard if introduced into a potable water supply.

Isolation – means protection of a facility service line by installing a cross connection control device or air gap separation on an individual fixture, appurtenance, or system.

Pollution – means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

Public potable water system – means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

Service connection – means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

Water purveyor – means the owner, operator, or individual in responsible charge of a public water system.

(Ord. 183, §2)

## **Sec. 26-25. Cross Connection Prohibited.**

- (a) No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public potable or consumer's water system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the water purveyor, and as required by the laws and regulations of the Missouri Department of Natural Resources.
- (b) No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the water purveyor and the Missouri Department of Natural Resources.
- (c) No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the water purveyor as necessary for the protection of health and safety.

(Ord. 183, §3)

## **Sec. 26-26. Survey and Investigations.**

- (a) The consumer's premises shall be open at all reasonable times to the water purveyor, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
- (b) On request by the water purveyor or his authorized representative, the consumer shall furnish information on water use practices within his premises.
- (c) It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system.

(Ord. 183, §4)

## **Sec. 26-27. Type of Protection Required.**

The type of protection required by this Division shall depend on the degree of hazard which exists, as follows:

1. An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
2. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
3. An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(Ord. 183, §5)

## **Sec. 26-28. Where Protection is Required.**

- (a) An approved backflow prevention assembly shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
- (b) An approved air gap separation or reduced pressure principle backflow prevention assembly shall be installed at the service connection or within any premises where, in the

judgment of the water purveyor of the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the material used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed. The includes but is not limited to the following situations:

1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the water purveyor and the Missouri Department of Natural Resources.
2. Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.
3. Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.
4. Premises having a repeated history of cross connections being established or reestablished.
5. Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion
6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
7. Premises where materials of a toxic or hazardous nature are handled such that if back siphonage or backpressure should occur, a serious health hazard may result.

(c) The types of facilities listed in Appendix B fall into one or more of the categories of premises where an approved air gap separation or reduced pressure principle backflow prevention assembly is required by the water purveyor and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water purveyor and the Missouri Department of Natural Resources.

(Ord. 183, §6)

## **Sec. 26-29. Backflow Prevention Assemblies.**

- (a) Any backflow prevention assembly required to protect the facilities listed in Appendix B shall be of a model or construction approved by the water purveyor and the Missouri Department of Natural Resources.
  1. Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.
  2. A double check valve assembly or a reduced pressure principle backflow prevention assembly shall be approved by the water purveyor, and shall appear on the current "list of approved backflow prevention assemblies" established by the Missouri Department of Natural Resources.

Types of facilities representing cross connection hazards

1. Aircraft and missile manufacturing plants;
2. Automotive plants including those plants which manufacture motorcycles, automobiles, trucks, recreational vehicles and construction and agricultural equipment;
3. Potable water dispensing stations which are served by a public water system
4. Beverage bottling plants including dairies and breweries;
5. Canneries, packing houses and reduction plants;
6. Car washes;
7. Chemical, biological and radiological laboratories including those in high schools, trade schools, colleges, universities and research institutions;
8. Hospitals, clinics, medical buildings, autopsy facilities, morgues, mortuaries and other medical facilities;
9. Metal or plastic manufacturing, fabrication, cleaning, plating or processing facilities;
10. Plants manufacturing paper and paper products;
11. Plants manufacturing, refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum or petroleum products, pharmaceuticals, radiological materials or any chemical which would be a contaminant to the public water system;
12. Commercial facilities that use herbicides, pesticides, fertilizers or any chemical which would be a contaminant to the public water system;
13. Plants processing, blending or refining animal, vegetable or mineral oils;
14. Commercial laundries and dye works;
15. Sewage, storm water and industrial waste treatment plants and pumping stations;
16. Waterfront facilities including piers, docks, marinas and shipyards;
17. Industrial facilities which recycle water;
18. Restricted or classified facilities or other facilities closed to the supplier of water or the department;
19. Fire sprinkler systems using any chemical additives;
20. Auxiliary water systems;
21. Irrigation systems with facilities for injection of pesticides, herbicides or other chemicals or with provisions for creating back pressure;
22. Portable tanks for transporting water taken from a public water system; and
23. Facilities which have pumped or repressurized cooling or heating systems that are served by a public water system, including all boiler systems.

(b) Existing backflow prevention assemblies approved by the water purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this Division so long as the water purveyor is assured that they will satisfactorily protect the water system. Whenever the existing assembly is moved from its present location, or requires more than minimum maintenance, or when the water purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention assembly meeting the requirements of this Division.

(Ord. 183, §7)

## **Sec. 26-30. Installation.**

- (a) Backflow prevention devices required by this Division shall be installed at a location and in a manner approved by the water purveyor and shall be installed at the expense of the water consumer.
- (b) Backflow prevention devices installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
- (c) Backflow prevention devices shall be located so as to be readily accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid.

(Ord. 183, §8)

## **Sec. 26-31. Inspection and Maintenance.**

- (a) It shall be the duty of the consumer at any premises on which backflow prevention devices required by this Division are installed to have inspection, tests, and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
  1. Air gap separations shall be inspected at the time of installation and at least every twelve months thereafter.
  2. Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every thirty months.
  3. Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five years.
- (b) Inspections, tests, and overhauls of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by a State of Missouri certified backflow prevention device tester.
- (c) Whenever backflow prevention devices required by this Division are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
- (d) The water consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspections, tests, repairs, and overhauls shall be made available to the water purveyor upon request.
- (e) Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the water purveyor.

(Ord. 183, §9)

**Sec. 26-32. Violations.**

- (a) The water purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this Division is not installed, tested, and maintained in a manner acceptable to the water purveyor, or if it is found that the backflow prevention device has been removed or bypassed, or if any unprotected cross connection exists on the premises.
- (b) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Division to the satisfaction of the water purveyor.

(Ord. 183, §10)