

Chapter 82

WATER AND SEWER

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[HISTORY: Adopted by the Town Commissioners of the Town of Perryville 12-21-71 as Ord. No. 109. Section 82-5 and 82-8G amended at time of adoption of Code; see Chapter 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Building construction – See Chapter 32.

Garbage, rubbish and refuse – See Chapter 50.

ARTICLE I

Transitional Provisions; Charges; Disposition of Revenue

§ 82-1. Transitional provisions. [Amended 09-15-2020 by Ord. No. 2020-10]

The water and sewer connection and service charges heretofore imposed shall be superseded by schedules of water and sewer connection and usage charges established by the Mayor and Commissioners. The new rates and charges shall begin and be payable for all connection, all available facilities and all usage of said water and sewer systems during the first full quarter-annual period after new rates become effective. Nothing herein contained shall be construed to relieve any person or property owner from liability for water and sewer service billed to consumers at the rates prevailing in the billing periods to the billing period in which the rates hereby adopted shall become effective, and nothing herein contained shall be construed to modify or impair the power of the Town to collect and enforce the payment of water and sewer service bills which are or may become delinquent as of or after the said effective date.¹

¹ Editor's Note: This chapter took effect upon adoption 12-21-71.

§ 82-2. Imposition of charges; collection. [Amended 11-7-2000 by Ord. No. 2000-3, amended 09-15-2020 by Ord. No. 2020-10]

For the benefit derived from and the use of the water and sewer systems of the Town, the following connection and service charges are hereby imposed. In computing the

aforesaid charges, a separate charge shall be assessed to each separately owned commercial or industrial unit, regardless of how many physical connections to the Town system(s) are made; as well as to separate commercial or industrial unit with a water meter connection regardless of how owned. For purposes of residential units, each apartment building or complex shall be charged at a rate based upon cumulative usage by all dwelling units in the building or complex, and each condominium shall be charged a base minimum usage rate per dwelling unit computed for the total number of dwelling units in the condominium building or complex, plus additional usage charges for the number of gallons of water or sewer usage in excess of the minimum. In applying this language to a multi-business commercial or industrial property when appropriate, the number of businesses operating under separate names shall be used in determining the number of units to be billed. If a property contains both residential and business uses, each separate residential unit and each separate business shall be billed separately.

A. Connections charges.

- (1) (A) A water connection charge and a sewer connection charge are hereby imposed with respect to each property hereafter connected to the water and sewer systems of the Town. The purpose of the water and sewer connection charges is to pay the property's equitable share of the cost of the installing and expanding the Town's water and sewer systems, including debt service incurred to construct the necessary general facilities of the systems. The Town Engineer shall determine the size of water meter to be installed at the property, and the water and sewer connection charges for each such property shall thereupon be imposed in accordance with the following schedule. When establishing said water and sewer connection charges, the Board of Commissioners may consider anticipated funds needed so as to provide adequate funding for expansion of the water and/or sewer systems necessitated by the growth in the number of users to the system. All such water and sewer connection charges shall be paid prior to the issuance of any building permit, zoning certificate and/or zoning occupancy permit, except as provided in subsection A. (1)(B) below.
[Amended 1-7-1992 by Ord. No. 91-7, 10-4-22, Ord. 22-07]

(B) For properties to be served by a water meter larger than two inches, upon application to, and approval by, the town administrator, water and sewer connection charges may be paid in installments as follows: one third of the total connection charges to be paid when initially billed, and the remaining two-thirds of the total connection charges to be paid in equal installments on July 1 in each of the next two years, together with interest at the March 31 prime interest rate as published in the wall street journal plus 2%, adjusted on an annual basis, on the unpaid connection charges balance. Notwithstanding the foregoing sentence, if the initial one-third of the total connection charges is paid between April 1 and June 30, the first remaining installment shall not be due and payable until the second July 1 after the initial payment, and the second remaining installment shall be due and payable the following July 1.

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In all instances, any unpaid connection charges and interest thereon will be payable in full on sale or transfer of the property, with the exception of the sale or transfer of the property to a spouse, son, or daughter.

- (C) Until paid in full, unpaid connection charges and interest thereon shall be a lien upon the property served, collectible in the same manner as town taxes.
- (2) With respect to any property heretofore connected to the water system for which no water meter has been installed, the Town Engineer shall cause a meter of appropriate size to be installed and shall fix and determine the water connection charge established in accordance with Subsection A.(5) below.
- (3) With respect to any property heretofore connected to one (1) of said systems, but not to the other, a connection charge shall be paid in accordance with the schedule for the system to which connection is made.
- (4) It shall be the duty of the owner of every improved property in the Town which is not connected to both the water and sewer systems, or to one (1) of them, to apply to the Town for the appropriate connection within ninety (90) days of the passage of this chapter as to existing facilities and within ninety (90) days of issuance of notice from the Town, in writing or by publication, that such service or facility is available, and such property owner shall pay to the Town the appropriate connection charge at the time a permit based on such application is issued.
- (5) **[Amended 2-5-1985 by Ord. No. 85-2; 3-1-1988 by Ord. No. 88-1; 6-4-1991 by Ord. No. 91-4; 4-6-1999 by Ord. No. 99-2; 1-9-2001 by 2000-09, 6-1-2004 by Ord. No. 2004-01, amended 11/3/2020 by Ord. 2020-12]**

Water and sewer connection charges shall be based upon the number of equivalent dwelling units (EDU's) of water estimated to be consumed by the use that is proposed to be connected to the Town's water and sewer systems. Each EDU shall be 250 gallons per day of estimated water usage. For a single family dwelling the amount of estimated water usage shall be one EDU. The number of EDU's for all other proposed uses shall be determined by the Town Engineer based upon the estimated daily water consumption for that use. The amount of the water connection fee shall be \$7,000 per EDU, and the amount of the sewer connection fee shall be \$7,000 per EDU.

- (6) With respect to each property, the Town Engineer shall determine the size of meter required in accordance with guides and standards furnished him by the consulting engineers of the Town. If, in any instance, he is uncertain as to the size of meter required, he shall obtain a written

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recommendation from the consulting engineers before making his decision.

- (7) In addition to the Sewer Connection Charge in subsection A(5) above, prior to connecting to the Town of Perryville sewer collection and treatment system, the property owner or applicant for connection shall also pay to the Town a Sewer Facilities Fee which fee shall be One Thousand Dollars (\$1,000.) per equivalent dwelling unit (EDU). Each EDU shall be 250 gallons per day of estimated water usage. **[Amended 7-5-2005 by Ord. No. 2005-4]**

- B. **[Amended 5-4-76; 6-4-80 by Ord. No. 80-1; 6-14-83 by Ord. No. 83-3; 11-4-86 by Ord. No. 86-2¹; 6-26-2000 by Ord. No. 2000-02; 6-6-2006 by Res. No. 2006-6; 8-4-2009 by Res. No. 2009-17; 2-12-2014 by Res. No. 2014-06, 5-2-17 Res. 2017-04, 6-6-23 by Ord. 2023-08]** Usage charges. For the service of the water and sewer system of the Town, there are hereby fixed quarterly water and sewer usage charges calculated on the basis of the volume of water consumed by each connected property in each quarter annual period. With respect to each property for which a meter is not installed, the fixed charges shall be the charges for flat rate service shown on a rate schedule adopted by the Mayor and Commissioners by Ordinance. With respect to each property for which a meter is provided, there is hereby fixed a minimum charge based on the size of the meter and additional charges based on consumption of water in excess of a fixed number of gallons. The Town shall cause each meter to be read at the end of each quarter annual period, and the quarterly charges for each metered property shall thereupon be determined in accordance with a rate schedule adopted by the Mayor and Commissioners by Ordinance. In the event any meter shall become defective or inoperable during any such period, so that the volume of consumption cannot be accurately determined, the water and sewer usage charges for such quarter shall be fixed by averaging the charges for the property to which such meter is connected for the four (4) preceding quarterly periods. With respect to each property which shall be connected to the sewer system of the Town but not to the water system of the Town, the flat rate sewer charge in the adopted rate schedule shall apply. The resulting figure shall be the quarterly usage charge for any such property.

Town of Perryville Rate Schedule

WATER METER SIZE	WATER Base	WATER O&M	TOTAL WATER	SEWER Base	SEWER O&M	TOTAL SEWER	TOTAL per qtr
5/8" WATER METER Minimum 3,000 gallons	\$20.11	\$36.32	\$56.43	\$19.33	\$27.47	\$46.80	\$144.51

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3/4" WATER METER Minimum 4,200 gallons	\$28.16	\$50.84	\$79.00	\$27.06	\$38.45	\$65.51	\$227.10
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1" WATER METER Minimum 6,600 gallons	\$44.24	\$79.90	\$124.14	\$42.53	\$60.43	\$102.96	\$227.10
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1-1/2" WATER METER Minimum 15,000 gallons	\$100.55	\$181.58	\$282.13	\$96.65	\$137.34	\$233.99	\$516.12
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2" WATER METER Minimum 19,200 gallons	\$128.71	\$232.42	\$361.13	\$123.71	\$175.79	\$299.50	\$660.63
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3" WATER METER Minimum 60,000 gallons	\$402.21	\$726.32	\$1,128.53	\$386.61	\$549.36	\$935.97	\$2,064.50
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4" WATER METER Minimum 150,000 gallons	\$1,005.53	\$1,815.79	\$2,821.32	\$966.53	\$1,373.40	\$2,339.93	\$5,161.25
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6" WATER METER Minimum 240,000 gallons	\$1,608.84	\$2,905.26	\$4,514.10	\$1,546.44	\$2,197.44	\$3,743.88	\$8,257.98
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8" WATER METER Minimum 480,000 gallons	\$3,217.68	\$5,810.52	\$9,028.20	\$3,092.88	\$4,394.88	\$7,487.76	\$16,515.96
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10" WATER METER Minimum 780,000 gallons	\$5,228.73	\$9,442.10	\$14,670.83	\$5,025.93	\$7,141.68	\$12,167.61	\$26,838.44
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12" WATER METER Minimum 960,000 gallons	\$6,435.36	\$11,621.04	\$18,056.40	\$6,185.76	\$8,789.76	\$14,975.52	\$33,031.92
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Water Service Charge	\$20.11	
Water Charge	\$12.11	/1,000 gallons over mi

Sewer Service Charge	\$19.33	
Sewer Charge	\$9.16	/1,000 gallons over mi

The usage rates charged to the Perry Point Veterans Administration Medical Center shall be as separately negotiated between the Town and the Veterans Administration.

- (1) **[Added 2-3-87 by Ord. No. 87-1]** When BOD, suspended solids or phosphorus concentrations from any user exceed the maximum allowable limits for these pollutants in domestic, commercial or industrial sewage, a surcharge shall be levied against said user. The surcharge for each contaminant shall be established pursuant to the following formulas:

- (a) BOD surcharge = unit cost x user's excessive concentration (mg/l) x user's volume (million gallons) x 8.34 (lb./gal.) ÷ total quarterly

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volume (million gallons) x maximum allowable concentration (mg/1) x 8.34 (lb./gal.).

- (b) SS surcharge = unit cost (\$/lb.) x user's excessive concentration (mg/1) x user's volume (million gallons) x 8.34 (lb./gal.). Unit cost (\$/lb.) = $0.50 \times \text{quarterly O \& M costs (\$)} \div \text{total quarterly volume (million gallons)} \times \text{maximum allowable concentration (mg/1)} \times 8.34 \text{ (lb./gal.)}$.
- (c) Phosphorus surcharge = unit cost (\$/lb.) x user's excessive concentration (mg/1) x user's volume (million gallons) x 8.34 (lb./gal.). Unit cost (\$/lb.) = $0.01 \times \text{quarterly O \& M costs} \times \text{maximum allowable concentration (mg/1)} \times 8.34 \text{ (lb./gal.)}$.
- (2) If more than one (1) element or contaminant exceeds allowable discharge concentrations, the surcharge for each element or contaminant shall be added together, and the sum of said surcharges shall be the total surcharge assessed to said user. **[Added 2-3-87 by Ord. No. 87-1]**
- (3) **[Added 2-3-87 by Ord. No. 87-1]** The maximum allowable limits (pollutant concentrations) are the following:
- (a) Biochemical oxygen demand: two hundred twenty (220) milligrams per liter.
- (b) Suspended solids: two hundred fifty (250) milligrams per liter.
- (c) Phosphorus: ten (10) milligrams per liter.

EXAMPLE: Determine BOD surcharge for a user having a BOD concentration of four hundred (400) milligrams per liter, quarterly flow of two million (2,000,000) gallons. Assume quarterly O & M expense of forth thousand dollars (\$40,000.) and quarterly flow at WWTP of seventy-five (75) million gallons.

$$\text{Unit Cost} = \frac{0.35 \times \$40,000.00}{75 \times 220 \times 8.34} = \$0.10/\text{lb.}$$

$$\text{BOD surcharge} = 0.10 \times 180 \times 2.00 \times 8.34 = \$300.00/\text{quarter.}$$

C. Extension where service not available.

- (1) The owner or owners of one (1) or more properties in the Town, located so that water and sewer service is not available, may petition or request the Town to extend service to such property or properties. For purposes of this paragraph, water or sewer service is not available to a property if the property

the Town Engineer determines the requested extensions to be feasible, the Town shall authorize and direct the owner or owners to proceed with the extension or extensions, at their expense. The extensions shall be undertaken under the supervision of the Town Engineer, pursuant to plans prepared in accordance with Town specifications and approved by the Town Engineer. Service shall be provided upon payment by the owner or owners of the properties to be served of the connection charges prescribed in Section 82-A (5), above. Thereafter each such property served shall be liable for the usage charges prescribed in Subsection B, above. If additional connections to said extensions are made by property owners who did not contribute to the cost thereof, said property owners requesting connection to the extension shall be assessed a proportional amount of the cost of the said extension. Said assessed amount shall be credited to the property owner or owners who originally contributed to said extension until said contributions have been fully received by property owner or owners, without interest, or for a period not exceeding five (5) years, whichever is less.

- (2) In the event the applicant for any such extensions shall be a person proposing to subdivide property and construct improvements thereon for resale, the procedure hereinabove set forth governing the construction of such extensions shall apply, except as follows:
 - (a) The improvements constructed on each lot shall be connected to said extensions upon payment by said person or his vendee of the connection charges prescribed in Subsection A, above. Notwithstanding any other language to the contrary, no building permit, zoning certificate or zoning occupancy permit shall be issued by the Town before all applicable water and sewer connection charges have been paid to the Town, unless the Mayor and Commissioners direct otherwise. **[Amended 1-7-1992 by Ord. No. 91-7]**
 - (b) Upon the sale or other transfer of each said improved parcel, the purchaser shall become liable for the usage charges prescribed in Subsection B, above.
- D. Service beyond corporate limits. With respect to all water and sewer service provided to properties beyond the corporate limits of the Town, the water and sewer connection charges shall be the same as those prescribed in Subsection A, above, but the quarterly water and sewer usage charges shall be determined by multiplying the rates prescribed in Subsection B above by the figure two (2).
- E. Charges for special consumers.

- (1) In any case where the supervisor shall advise that a water meter larger than a two-inch water meter must be installed in order to provide service for a particular property, the Town Commissioners shall, by resolution, establish special water and sewer connection charges for such property and may establish a special schedule of usage charges applicable to said property. At the time of issuance of a building permit the connection charge so established shall be paid. Any special usage charge established shall be billed and paid in the same manner as hereinabove established. **[Amended 7-1-2000]**
- (2) With respect to sewer service furnished the Perry Point Hospital of the United States Veterans Administration, the provisions of Section 5 of an ordinance of the Commissioners of Perryville, dated June 4, 1963, governing the metering of sewage flow and charges for sewage treatment shall continue to apply; provided, however, that the Town Commissioners may, by resolution, amend said Section 5, thereby substituting other arrangements or agreements with said Veterans Administration covering the charge for said sewer service or for water service, if ultimately furnished, as may be compensatory for the service furnished.
- (3) Whenever a special water meter reading has been requested, a fee of Fifty Dollars (\$50.) shall be paid to the Town, which fee may be increased or decreased by a Resolution of the Mayor and Commissioners, prior to said reading being conducted. If the purpose of the reading is to check the accuracy of the meter because of questions concerning prior readings, and if it is determined that the prior meter readings were inaccurate and/or that the meter was operating improperly, the Town Administrator shall have the authority to refund the special meter reading fee. **[Amended 6-26-2000 by Ord. No. 2000-04]**
- (4) Any other special connection or usage charges or any agreements approved pursuant to this subsection shall be committed to writing and, when approved by resolution as aforesaid, shall be treated as an amendment of this section and treated in all respects as part hereof.

F. Notice of new construction.

- (1) Whenever the Town shall construct water or sewer lines in any street, lane or alley not theretofore served, then, at least thirty (30) days prior to the date when any such water or sewer line is scheduled for construction, the Town shall give written notice to the owner or owners of all properties abutting any such street, lane or alley that it will install, as part of such construction, a water house connection and a sewer tap for each improved property and that each such owner or owners of improved properties will be required to connect to said water and sewer lines within six (6) months after said lines are placed in service, paying the connection charges specified in Subsection A, above.

- (2) Said notice shall further state that no house connections or sewer taps will be constructed for unimproved properties abutting any such street, lane or alley, unless the owner or owners of such properties shall specifically request the same within thirty (30) days after the mailing of said notice. Any such house connection or sewer tap requested at the time of construction or thereafter shall be installed, but only after payment of the connection charges prescribed in Subsection A, above.

G. Collection of water and sewer charges. **[Amended 9-7-1999 by Ord. No. 99-6]**

- (1) The charges for shutting off or disconnecting water service shall be Thirty-Five Dollars (\$35.00) which shall be added to the delinquent usage bill and to the lien thereof. No such reconnection shall be made until said delinquent usage charge plus said charges for disconnection shall first be paid. The owner of any property for which water service is disconnected shall thereafter be liable for the minimum usage charge. Water service shall be disconnected if a bill has not been paid within thirty (30) days. A late notice shall be sent advising said property owner that disconnection shall occur within twenty (20) days if the water and sewer bill has not been paid in full. In addition to the above, interest shall accrue on the outstanding balance of the water and sewer bill at the rate of five percent (5%) per annum for any amounts not paid within thirty (30) days of billing.
- (2) In any case where an unexplained delinquency shall continue for thirty (30) days after mailing of any quarterly bill, the Supervisor shall shut off or disconnect water service to the property with respect to which such delinquency exists, but no such termination of service shall in any manner impair the lien for such delinquent charges hereby imposed.
- (3) The charges for shutting off or disconnecting water service shall be Thirty-Five Dollars (\$35.) which shall be added to the delinquent usage bill and to the lien thereof. No such reconnection shall be made until said delinquent usage charge plus said charges for disconnection shall first be paid. The owner of any property for which water service is disconnected shall thereafter be liable for the minimum usage charge. Water service shall be disconnected if a bill has not been paid within thirty (30) days. A late notice shall be sent advising said property owner that disconnection shall occur within twenty (20) days if the water and sewer bill has not been paid in full. In addition to the above, interest shall accrue on the outstanding balance of the water and sewer bill at the rate of five percent (5%) per annum for any amounts not paid within thirty (30) days of billing.

[Amended 9-7-1999 by Ord. No. 99-06]

H. Penalty for failure to connect. Failure of the owner or owners of improved properties abutting any street, lane or alley in which any water or sewer line is

installed and ready for service to connect to said lines after receipt of the notice provided for in Subsection F, above, with respect to new lines or, after receipt of special notice, with respect to existing lines, shall constitute a misdemeanor, punishable at the instance of the Town in accordance with the provisions of the Town Charter relating to violation of ordinances.²

- I. Minimal charge for water without meter connection. Whenever a property is connected to the municipal water system of the Town of Perryville without the installation of a water meter, and has been issued a building permit by the Town of Perryville, a minimal charge of Sixty-Five Dollars (\$65.) per month for water consumption shall be assessed to said property for each month that the property is connected to the municipal water system without a meter. Notwithstanding the foregoing, if the Town determines that water usage would render a bill in excess of the minimal charge of Sixty-Five Dollars (\$65.) per month based upon the water rate schedule of the Town and the amount of water determined to be used by the property, a water bill shall be assessed to the property owner in the amount which is based upon the amount of water used and the water rate schedule as set forth in this Ordinance. **[Amended 12-5-2000 by Ord. No. 2000-6]**
- J. Adjustment of Charges for Inadvertent Outside Leakage.

[Amended 10-24-2011 by Ord. 2011-2, Amended 1-9-2001 by Ord. 2000-08, Amended 5-23-2005 by Ord. No. 2005-2]

- (1) Whenever a water and sewer bill for a property in any quarter reflects water usage in excess of three hundred percent (300%) of the average water usage for the previous four (4) quarters, and the property owner and/or occupant has not through his own negligence and/or deliberate action caused the excessive use of water, the Town Administrator, or his designee, may adjust the water and sewer amounts of the bill to an amount equivalent to a bill for the average water usage for the previous four (4) billing quarters, provided that documentation of the leak and repair is provided by the property owner and/or occupant.
- (2) Whenever a water and sewer bill for a property has excessive water usage that meets the above criteria but is less than three hundred percent (300%) of the average usage for the previous four (4) quarters, the Town Administrator, or his designee, may adjust the sewer amount of said bill to an amount equivalent to the sewer amount of a bill for the average usage for the previous four (4) billing quarters, provided that documentation of the leak and repair is provided by the property owner and/or occupant.
- (3) In addition to the criteria for an adjustment set forth in paragraphs 1 and 2 of this subsection, a person may not receive an adjustment of the water or sewer amounts of the bill (I) if that person or property has received an adjustment within the past 36 months, (II) if all or a portion of the charge for excess water usage has been reimbursed under a policy of insurance; or (III) if a property

owner had not rectified, within 30 days from the date that the town mails written notice of the leak to the property owner, the leak giving rise to the excessive water usage. **[Amended 5-7-2019 by Ord. 2019-08]**

- (4) The maximum adjustment amount that may be approved by the Town Administrator or his designee is One Thousand Five Hundred Dollars (\$1,500.). The Town Administrator or designee must deny any requested adjustment over One Thousand Five Hundred Dollars (\$1,500.)
 - (5) A person dissatisfied with a decision of the Town Administrator or designee to deny, in whole or part, a request for an adjustment under this section may appeal the decision to the Mayor and Commissioners. An appeal must be made to the Mayor and Commissioners in writing within ten days of the decision of the Town Administrator or designee. The written notice of appeal must state the reasons why the decision appealed from was incorrect or such other reasons why an adjustment should be made under the circumstances presented, and must be accompanied by all documentation that supports the appeal. An appeal that is timely filed and accompanied by all supporting documentation will be scheduled for discussion and consideration by the Mayor and Commissioners. A person who files a notice of appeal must attend all meetings at which the Mayor and Commissioners discuss and consider the appeal. The Mayor and Commissioners may reverse or modify the decision of the Town Administrator or designee if the Mayor and Commissioners determine that the decision appealed from was incorrect or other reasons are presented why an adjustment should be made under the circumstances presented.
- K. Great Wolf Lodge sewer service charge adjustments. Great Wolf Lodge shall not be subject to the payment of sewer service charges under the following circumstances where water used by Great Wolf Lodge does not enter the town's sewer system: **[Added 6-6-2023 by Ord. 2023-09]**
- (1) To account for water evaporation from Great Wolf Lodge's indoor and outdoor recreation water amenities, Great Wolf Lodge shall receive a credit against each quarterly sewer service charge bill in an amount equal to the charge for 500,000 gallons.
 - (2) Great Wolf Lodge shall not be liable for the payment of sewer service charges that are imposed or computed based upon the volume of water used in Great Wolf Lodge's outdoor irrigation system, provided that the volume of irrigation system water utilized or consumed is metered separately from all other water utilized or consumed by Great Wolf Lodge.

§ 82-3. Disposition of revenue.

All revenues derived by the Town from the charges imposed by § 82-2 of this chapter, shall be credited by the Town Treasurer, as received, to the following funds, and disbursements from said funds shall be made only for the purposes herein specified.

Three (3) separate funds are hereby established, as follows:

A. Construction fund. All revenues realized by the Town from the collection of water and sewer connection charges shall be deposited in and credited to this fund. In addition, there shall be credited to this fund any surplus or excess proceeds from the sale of bonds or other obligations by the Town after completion of the work for which said bonds or other obligations are issued. There shall also be credited to and deposited in this fund any sums paid to the Town by property owners for construction of water and sewer line extensions, pursuant to § 82-2C, above. Disbursements from this fund shall be made only for the purchase and installation of water meters, the expenses incurred by the Town for making connections with its water and sewer lines and the cost of constructing extensions authorized in § 82-2C, above, together with the cost of plans, specifications and drawings for such extensions. If, at any time, there shall be a balance in the construction fund not committed to any of the foregoing purposes, the Town may authorize the use of all or any part of said balance for capital improvements to said water and sewer systems, including extension of lines and replacement of worn-out or exhausted lines and equipment.

B. Revenue fund.

- (1) All revenues realized by the Town from the collection of water and sewer usage charges shall be credited to and deposited in this fund as received. There shall be disbursed from this fund all expenses of operation, maintenance and repair of the water and sewer systems of the Town, including a reasonable proportion of the salary of the Supervisor and of all operating personnel. In addition, there shall be disbursed from this fund a proper sum for credit to the general fund of the Town to cover overhead expense incurred by the Town for services and facilities provided the Water and Sewer Department by other Town employees. All balances in said revenue fund not required for the foregoing purposes or to create a reasonable reserve to cover the same shall be withdrawn from the revenue fund at semiannual intervals and credited to the debt service fund.
- (2) There shall be an annual and separate budget for the Water and Sewer Department as part of the annual budget of the Town, and disbursements shall be made from said revenue fund within the limits prescribed by said budget, unless the Town shall, by special resolution, authorize increased or different expenditures or disbursements. If, at any time, the revenues deposited to the credit of the revenue fund shall be insufficient to meet the foregoing disbursements and to make payments to the debt service fund sufficient to meet the requirements of said fund, the Town shall immediately request the consulting engineers to propose a revised schedule of water and sewer usage charges which will produce sufficient

revenue to make up any such deficiency. Within sixty (60) days after receipt of such schedule, the Town Commissioners shall adopt the same in lieu of the schedule prescribed in § 82-2 of this chapter, with such modifications as they may deem necessary or appropriate.

C. Debt service fund.

- (1) As provided in Subsection B, above, all revenues credited to the revenue fund not required for the purposes stated in said subsection shall be transferred at semiannual intervals to the debt service fund. Moneys credited to the debt service fund shall be used solely for the purposes herein specified and not for any other purpose. The Town Treasurer shall pay from the debt service fund the amounts necessary to meet the principal and interest maturities of all outstanding bonds, notes or other obligations of the Town, issued or incurred for construction, improvement, extension or replacement of the water and sewer systems. Such payments are to be made as and when said principal and interest obligations are due and payable. Such payments shall be made to the paying agent or its successor named in the ordinance authorizing any such bonds, in the amounts agreed upon with said paying agent as being due and payable. With respect to any such obligation, payable directly by the Town, the Town Treasurer may make payment directly to the obligee upon receipt of acknowledgment of such payment.
- (2) The debt service fund is hereby unconditionally pledged to the payment of the above described obligations and the interest thereon and, except as provided below, shall not be diverted to or used for any other purpose. Any such diversion or other use shall constitute a breach of public trust on the part of the official or officials of the Town who shall make or permit the same.
- (3) In the event that, at the end of any fiscal year of the Town, the balance in the debt service fund shall be sufficient to meet all principal and interest payments on the bonds, notes or other obligations above described during the first six (6) months of the next succeeding fiscal year, the difference between said balance and said debt service requirement may, by resolution of the Town Commissioners, be transferred to the construction fund for expenditure exclusively on the water and sewer projects for which said fund is hereby established.
- (4) If, at any time, the moneys to the credit of the debt service fund shall be insufficient to provide for payment of the obligations to which said fund is pledged, as such obligations become due and payable, the Town Commissioners may transfer to the debt service fund from the general fund of the Town such amount or amounts as may be necessary to make up any such deficiency. Any such transfer shall be treated as an indebtedness of

the water and sewer systems, subordinate, however, to the bonds, notes or other obligations to which said debt service fund is pledged, and shall be repayable in whole or in part only after the current debt service requirements of said bonds, notes or other obligations have been paid or fully provided for.

ARTICLE II

Rules and Regulations

§ 82-4. Compliance required; enforcement.

The following separate rules and regulations are hereby adopted for the administration of the water and sewer systems of the Town. Such rules and regulations shall have the force of law, shall be binding on the owner or occupant of each property connected or to be connected to said systems and shall be enforceable by the Town Engineer. Any violation of any of said rules and regulations by any such owner or occupant shall constitute a misdemeanor, punishable as hereinabove provided. In addition, the Town shall have the right to compel compliance with said rules and regulations by any such owner or occupant in a civil proceeding in any court of law having jurisdiction, but no such civil proceeding shall constitute a waiver by the Town of its right of criminal prosecution for the same violation. Any person using or proposing to use said water and sewer systems, who is dissatisfied with any decision of the Town Engineer under said rules and regulations, shall have the right to a hearing before the Town Commissioners, and the decision of the Town Commissioners at said hearing shall be final. [**Amended 9-15-2020 by Ord. No. 2020-10**]

§ 82-5. Definitions.

For the purposes of this Article the following words shall have the meanings indicated:

CONSUMER – The owner and the occupant of any property using or proposing to use either or both of said systems.

SUPERINTENDENT – The Superintendent of the Water Plant and Sewer Plant.

SUPERVISOR – The Director of Public Works.

TOWN – Any agent or employee of the town responsible for administering the water and sewer systems of the Town.

TOWN ENGINEER – A professional engineer (P.E.) employed by the Town or a consulting engineer under contract with the Town.

§ 82-6. Water system.

The following rules and regulations shall govern the use of the water system:

- A. Responsibility of Town. The Town shall not be responsible for the condition, maintenance or repair of any piping, apparatus, appliance or equipment, except the meter belonging to the Town, as may be installed on the consumer's property or on his side of the point of delivery of water to such consumer. However, prior to rendering service or at any time thereafter upon reasonable notice, the Town may inspect such facilities and, as a condition to the rendering or continuance of service, may require such improvement, repair or replacement of such facilities as may be deemed necessary for the proper operation and maintenance of said water system.
- B. Liability for charges. The title owner of each property connected to the water system shall be primarily responsible for all charges imposed by the Town. However, at the written request of any such owner, the Town will bill the occupant or tenant of any such property for usage charges but such action shall not relieve the owner of his obligation to pay any such bill which may be delinquent.
- C. Temporary service. Any person applying for temporary service shall be liable for the full cost of making the necessary connection and, prior to such connection, shall deposit in advance with the Town an amount equal to the estimate by the Town of such cost. Said person shall also deposit in advance an amount equal to the estimated usage charge for a period of three (3) months from the date of such connection. Both deposits shall be treated as credits against the final charge for said service and an appropriate adjustment of charges and credits shall be made upon discontinuance of service. It shall be unlawful to connect any water line to the Town water system or to use the Town water system in any fashion, or to draw any water from the Town water system, without obtaining an appropriate permit from the Town of Perryville for either temporary service or permanent service.
[Amended 3-2-1999 by Ord. No. 99-01]
- D. Cross connections. Connection of the water supply of the Town with any service pipe connected to any private source of water supply is hereby prohibited, nor shall the water system of the Town be connected in any manner with any vat, tank or other apparatus which contains or may contain any other liquid or chemicals.
- E. Access to premises. Employees of the Town, with proper identification, shall have the right to enter upon the premises of any consumer at any time during ordinary business hours for the purpose of reading the meter or examining, testing, changing or moving any water equipment, motors, apparatus or piping of the Town or measuring the consumer's water demand.
- F. Discontinuance, disconnection or reduction of service.

- (1) Water service to a particular property will be discontinued by the Town at the request of the consumer only if such consumer demonstrates to the

satisfaction of the Supervisor that the improvements on said property connected to the water system are to be demolished or so altered as to require a different connection on completion of alterations. Upon such request, the Supervisor may, in his discretion, order a complete disconnection of service. In either event he shall determine that liability of the consumer for water usage charges to the date of discontinuance, including disconnection charge of fifteen dollars (\$15.), and shall bill the consumer for the amount so determined, which bill shall be due and payable on presentation.

- (2) The Town shall have the unconditional right to disconnect or discontinue water service for any property, after giving the consumer not less than five (5) days' written notice of its intention so to do, if the Supervisor shall find that the consumer has on his premises any water piping, connection, apparatus or device which prevents the water meter or meters on such premises from registering or recording properly all water used on such property or which enables the consumer to obtain or use any water without such use having been registered or recorded properly by a town meter, or if any consumer shall fail or refuse to observe, fulfill or comply faithfully with the requirements of the Supervisor concerning the consumer's piping, fixtures or equipment.
- (3) The Town may also discontinue service if it shall find that any meter, equipment or other facility of the Town installed on a consumer's property has in any manner been damaged by said consumer or by any person for whom said consumer is responsible. In such instances, water service shall not be resumed until said consumer shall pay to the Town the estimated cost for restoring all damaged meters, equipment and facilities.
- (4) As hereinabove provided, the Town may discontinue or disconnect water service of any consumer who shall be delinquent in the payment of water and sewer usage charges.
- (5) The Town reserves the right to discontinue or interrupt water service to one (1) or more consumers whenever, in its judgment, such discontinuance or interruption shall be necessary for the purpose of working on the distribution system or the water supply or filtration equipment, or whenever it shall be necessary for the Town to make repairs, extensions or replacements to the water system. In the event any such interruption or discontinuance is known or planned in advance, the Town shall give affected consumers at least forty-eight (48) hours' notice thereof, either by publication or by posting printed placards in the areas affected. In the event such interruption or discontinuance is due to an unforeseen emergency, no advance notice thereof shall be necessary. The Town shall not be liable to any consumer for any damages of any kind or nature whatsoever resulting from such required interruption or discontinuance.

- (6) In order to maintain proper and sufficient pressures in the water distribution system, the Supervisor shall have the right, at all times, to determine, limit and regulate in a reasonable and nondiscriminatory manner the maximum amounts of water any consumer may use.

(7) **[Added 10/10/17 by Emergency Ord. No. 17-20]**

In the event of an operational failure in the Town's water production, treatment or distribution system that reduces the amount of water available for use by water system consumers, in consultation with the Town's Water Plant Superintendent, the Mayor of the Town of Perryville, or in the Mayor's absence or unavailability, the commissioner having the most seniority of all other Commissioners and being available to act, may declare a water system emergency and impose reasonable mandatory water conservation restrictions that prohibit nonessential uses of water until normal water system operations are restored. Nonessential uses of water include, but are not limited to:

- (a) The use of hoses, sprinklers, or other means for sprinkling or watering shrubbery, trees, lawns, grass, plants, gardens, flowers or other vegetation.
- (b) The use of water for washing automobiles, trucks, trailers, or other types of mobile equipment.
- (c) Washing of streets, driveways, parking lots, office buildings, and exterior of homes, sidewalks or other outside surfaces.
- (d) The use of water from fire hydrants for construction purposes and water main flushing. Public notice of a declaration of a water system emergency and water conservation restrictions shall be given by posting the notice on the Town's internet website, delivering the notice to representatives of the media who regularly cover town government matters, and all other available media. A notice shall include the penalties for violation of mandatory water conservation restrictions.

G. Responsibilities of consumers and of the Town.

- (1) Each consumer shall be solely responsible for the condition and maintenance of all privately owned piping, appliances, equipment or apparatus on the property of such consumer which involves the use of water on such property.
- (2) Each consumer shall also be responsible for notifying the Supervisor immediately of any change in connected load or in water equipment on the

consumer's premises which might affect the size of the meter for such premises or the water service to such consumer or to any other consumer of the Town.

- (3) Each consumer shall also promptly notify the Town of any observed or suspected defect in, or condition of, the portion of the water system of the Town abutting or located on such consumer's property, which affects or might affect water service or which might be dangerous to persons or property or to the public health.
- (4) With respect to water supply, the responsibility of the Town shall be limited to furnishing each consumer an adequate supply of treated water, subject to the right of discontinuance set forth in Subsection F, above. As stated in said subsection, the Town shall not be responsible for any damage occasioned by interruption to said service, nor shall the Town be responsible for damages caused by turbid water which may result from the cleaning of pipes, reservoirs or standpipes or the opening or closing of any gates or hydrants. The Town shall not be responsible for any injury or damage resulting from the manner in which water is used on the consumer's property.
- (5) With respect to equipment, the responsibility of the Town shall be limited to the proper maintenance and operation of the portions of the water system located on public property or in any public way and to the provision for each consumer of an operating water meter and a service connection from the distribution system of the Town to the point of delivery of water to the consumer, which point shall be considered the connection located at or near the consumer's property line or on the consumer's property.
- (6) With respect both to water service and to maintenance and operation of the water system owned by the Town, the Town shall not be liable for the negligence or willful misconduct of any employee of the Town unless such negligence or misconduct shall occur while said employee is engaged in the performance of duties properly delegated to him by the Town.
- (7) Each consumer shall comply with all water conservation restrictions imposed by the Mayor or senior available Commissioner during a water system emergency. Violation of a water conservation restriction will result in a warning, second offense is a misdemeanor punishable by a fine in the amount of \$150, \$300 for a third offense and \$500 for a fourth and subsequent offenses. Each day that a violation continues is a separate offense. Violations of mandatory water restrictions also may be enforced as provided in § 82-6 of this code. **[Added 10/10/17 by Emergency Ord. No. 17-20]**

H. Service connections.

- (1) The Town shall designate the location for a service connection for each improved property at a point along the frontage of such property abutting the street, lane or alley in which a water main lies. The size of the street service or house connection shall be determined by the Town Engineer on the basis of the estimated volume of water to be used by each consumer on the property for which the connection is provided. The owner of the property to be served shall be responsible to make the connection in accordance with Town specifications and plans prepared by and at the expense of the owner and approved by the Town Engineer, and under the supervision of the Town Engineer. **[Amended 9/15/2020 by Ord. No. 2020-10]**
- (2) After construction of a service connection, any change in the location thereof or in the size thereof shall be made by the Town at the expense of the consumer. Maintenance of all service connections to the property line shall be the responsibility of the Town which shall bear the full cost of such maintenance.
- (3) Consumers shall be responsible for paying the cost of the service connection and all service pipes and lateral lines from the service connection to and in the improvement on each property to be served. The Town Engineer shall determine the quality of pipes to be used so that the same will withstand anticipated water pressures. Such service pipes shall be laid on the property of each consumer at such depth and in such location as to connect with the service connection. **[Amended 9/15/2020 by Ord. No. 2020-10]**
- (4) Service pipes within and outside buildings shall be so located as to achieve maximum protection from freezing.
- (5) No attachment to a consumer's service pipe shall be made between the meter and the water main of the Town.
- (6) Each consumer's service pipes shall be maintained by such consumer in good condition and free of leaks, at his expense. Each such service pipe shall have placed thereon a cutoff immediately inside the building or foundation wall at the place of entry.
- (7) A separate service pipe shall extend to each separate permanent building even though there may be two (2) buildings on the same property under a single ownership. A separate service pipe shall be provided for each semidetached building separated from its connecting building by a load-bearing partition.

I. Private fire service connections.

- (1) Before any property owner shall install any private fire protection or sprinkler system in any building, which system is to be connected to the water system of the Town, he shall submit his proposal to the Town Engineer who is hereby empowered to require compliance with reasonable guides and standards as to the installation of said system and the connection thereof with the water system of the Town. Each such system may be separately connected and metered and the property owner shall bear the cost thereof. **[Amended 9/15/2020 by Ord. No. 2020-10]**
- (2) Approval of a connection for a private fire protection system shall not be deemed to constitute a guaranty by the Town that requisite water pressure will be maintained by the Town at all times or that the water main to which said system is connected will be of sufficient capacity at all times to meet the demands of said system. However, the Town Engineer may, in his discretion, refuse to permit any such connection if, in his judgment, the water system of the Town at the location in question is inadequate to meet the requirements of any such system. **[Amended 9/15/2020 by Ord. No. 2020-10]**

J. Water meters.

- (2) All connections made to the water system after the date of this chapter shall be metered.
- (3) Meters shall be installed by the Town on all existing connections as promptly as possible after the date of this chapter.
- (4) The size of each meter shall be determined by the Town Engineer, based on stated flow requirements of each consumer. **[Amended 9/15/2020 by Ord. No. 2020-10]**
- (5) All meters shall be furnished and installed by the Town at the cost and expense of the consumer, and shall remain the Town's property at all times. All meters shall be maintained and removed by the Town at its cost and expense, except that each consumer shall be responsible for the cost of change in location or size of the meter requested by such consumer. Each consumer also shall be responsible to pay the Town a meter administrative fee in the amount of \$100 when a new or replacement meter is installed, except that if a meter is found to be defective the Town shall refund the administrative fee to the consumer. **[Amended 9/15/2020 by Ord. No. 2020-10]**
- (6) In addition, each consumer shall be liable to the Town for any damage to a meter caused by the negligence or willful act of such consumer, which shall include abuse or misuse thereof. Every property owner on whose property a meter is located shall be responsible to the Town for the

protection and safekeeping of said meter from willful or negligent damage by such owner, his agents, employees or tenants.

- (7) Every consumer shall have the right to demand that the meter on his property be tested for accuracy, at the expense of the Town, at least once in each twelve-month period. More frequent tests may be requested, but the same shall be at the expense of the consumer if the meter tested is found to be accurate within the limits of plus or minus two percent (2%). The Town may, at its own expense, remove any meter for routine tests, repairs or replacement at any time. If, after any test by the Town, it is found that a water meter has an average error of more than plus or minus two percent (2%), such meter shall be promptly corrected or replaced by the Town. An appropriate correction in the water bills of the consumer affected, based on the percentage of error, shall be made for the two (2) quarterly billing periods preceding the period in which such test is made. If, upon any such test, it shall be found that said meter has not registered at all, the consumer affected shall be liable for water service on the flat rate basis prescribed by § 82-2B of this chapter for the quarterly billing period in which such error shall be detected.

- L. Fire hydrants. Fire hydrants may be installed by the Town and connected to the water system at such locations as shall be determined by the Town Engineer, in his discretion. No consumer shall have the right to demand the installation of a fire hydrant at any location. **[Amended 9/15/2020 by Ord. No. 2020-10]**

§ 82-7. Sewer system.

The following rules and regulations shall govern the use of the sewer system:

- A. Applicability of rules and regulations for water system. The provisions of § 82-6A, B, G and H of the rules and regulations for the water system shall, to the extent applicable, control the relations between consumers and the Town with respect to the sewer system, with appropriate changes in reference.
- B. Connection required.
 - (1) The owner or owners of every property in the Town improved with a structure used or usable for human habitation or occupancy shall connect said structure to the sewer system of the Town, if there shall exist a public sewer main, other than a force main, in a street, lane or alley abutting said property or if such a main shall at any time hereafter be so constructed. Prior to the time each new connection is made, said owner or owners shall pay to the Town the appropriate sewer connection charge specified in § 82-2 of this chapter. The owner or owners of every such improved property which is not connected to an existing sewer in a street, lane or alley abutting said property and the owner or owners of every such

improved property abutting a street, lane or alley in which a public sewer is hereafter laid shall make such connection at his or their own expense at the point and in the manner specified by the Town Engineer in accordance with Town specifications. Every such connection to an existing sewer shall be made within ninety (90) days of the date of passage of this chapter, unless extended by the Town Engineer for good cause shown, and every such connection to a new sewer shall be made within ninety (90) days of the issuance of notice by the Town Engineer to said owner or owners advising that said sewer is available for service. Any existing toilet or other facilities installed in a structure to be connected to the sewer system of the Town, any such facilities to be installed at the time of such connection and any such facilities installed after connection, including all vents, traps and related fixtures, shall be of a type and construction approved by the Town Engineer. After such connection, every such facility shall discharge only into said sewer system and, unless special approval is granted by the Town Engineer with respect to particular types of waste material, no private or separate system of disposal of sewage and wastes shall be maintained for any such facilities. **[Amended 9/15/2020 by Ord. No. 2020-10]**

- (2) After any such connection is completed and in operation, any septic tanks, cesspools, privies and related private sewage disposal systems shall be destroyed and abandoned by the owner or owners of the property connected and said cesspools and septic tanks shall be cleaned of sludge and filled with bank-run gravel or other approved material. The work shall be so performed that the abandoned facility will not thereafter constitute a hazard to the public health or to the safety of any person coming on the property for any reason.
- (3) Prior to requiring any such connection, the Town will require the owner of the property to provide at the owners expense, at the lowest elevation along the property line of the owner's abutting property, a separate pipe emptying into the sewer main, to which the building sewer shall be connected. The dimensions of said pipes may vary, in the judgment of the Town Engineer, depending on the volume of sewage to be discharged from each property. Such pipes shall be installed in accordance with Town specifications and under the supervision of the Town Engineer. **[Amended 9/15/2020 by Ord. No. 2020-10]**

C. Private facilities.

- (1) No privy or similar contrivance for the surface reception of sewage or human excretion shall be constructed or maintained in the Town, whether or not a public sewer main is available for appropriate connection. However, the Town Engineer may grant approval for the temporary use of

portable toilets equipped with self-contained waste holding tanks on construction sites or at places of large public gatherings where existing sanitary facilities are inadequate, provided that the method of emptying said holding tanks shall be as specified by the Town Engineer in advance of such use. **[Amended 9/15/2020 by Ord. No. 2020-10]**

- (2) A private sewage disposal system may be continued or hereafter constructed on any property in the Town if a public sewer is not located in a street, lane or alley on which said property abuts. Every existing private system shall be subject to inspection by the Supervisor and, upon receipt of notice from the Supervisor specifying the failure of any such system to conform to the requirements of the Health Officer of Cecil County or the applicable regulations of the State Department of Health of Maryland, the property owner or owners notified shall promptly make such repairs, alterations or additions as shall bring such system into compliance. Before construction of any new private disposal system, the plans therefore shall be submitted to the Town Engineer for his examination and no such construction shall be undertaken until said plans have been approved by the Town Engineer, as submitted or as modified pursuant to his demand. In each instance, the Town Engineer shall make his decision within thirty (30) days of such submission. If the Town Engineer shall disapprove any such plans, his decision shall be subject to review by the Town Commissioners on petition of the affected property owner or owners filed within thirty (30) days of such decision. Failure of the Town Engineer to act within the time herein specified shall be deemed a disapproval of the plans submitted. However, the Town Engineer may withhold his approval of construction of any private sewage disposal system if he shall find that the sewer system of the Town will be extended to provide service to the property affected within not more than six (6) months from such date of submission and, in such case, he may authorize such temporary facilities as may be necessary. Such finding shall not be subject to review. **[Amended 9/15/2020 by Ord. No. 2020-10]**

- (3) No private sewage disposal system, whether now or hereafter constructed, shall be deemed to confer on the owner or owners thereof any vested right to the continuance thereof and every such system shall be promptly abandoned as required by Subsection B, above, when service by the sewer system of the Town becomes available.

D. Building sewers.

- (1) No building sewer or sewer line extension connecting a building drain on a property with the sewer system of the Town shall be constructed by the owner or owners of any such property, or by any other person, without the prior written approval of the Town Engineer. Without such approval, no

person shall make any connection to, opening in or use of the sewer system of the Town. **[Amended 9/15/2020 by Ord. No. 2020-10]**

- (2) The Town Engineer shall determine the size of each building sewer to be installed, depending on the volume and type of sewage to be carried thereby. In addition, both before and during construction, the Town Engineer shall be satisfied that the slope, alignment and construction materials, as well as the method of excavating, placing of pipe, jointing, testing and trench backfilling all comply with applicable plumbing codes of Cecil County and with appropriate specifications and manuals of the American Society for Testing and Materials and the Federal Water Quality Administration. He shall see that all connections are made gastight and watertight and that no drains or downspouts carrying surface runoff or groundwater are connected to the building sewer. **[Amended 9/15/2020 by Ord. No. 2020-10]**
- (3) Wherever possible, the Town Engineer shall require that a building sewer be brought to a building at an elevation below the basement floor so as to permit gravity flow, but where this shall not be possible, he shall require that sewage carried by the building drain be lifted by an approved means for discharge into the building sewer. **[Amended 9/15/2020 by Ord. No. 2020-10]**
- (4) A final inspection of each building sewer shall be made by the Town Engineer before trench backfilling, and, upon such inspection, he may require such additional work as may be necessary to meet the foregoing requirements. **[Amended 9/15/2020 by Ord. No. 2020-10]**
- (5) The Town Engineer shall require that all excavations for a building sewer be adequately guarded and illuminated during the construction period and that all damage to a sidewalk or public way or to a public sewer main be fully repaired and restored at the cost and expense of the property owner. Existing building sewers meeting the requirements of this subsection may, with the approval of the Town Engineer, be used for a new structure replacing the structure connected to said sewer. The Town Engineer may permit a single building sewer to serve two (2) adjacent structures where he shall find that construction of a separate building sewer for each structure is not possible or feasible. In such case, however, a separate connection and sewer usage charge shall be imposed for each structure. **[Amended 9/15/2020 by Ord. No. 2020-10]**
- (6) Each building sewer shall be constructed, as aforesaid, and thereafter maintained, at the sole cost and expense of the owner or owners of the property connected.

E. Limitations on use of sewer system.

- (1) 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 public sewer. Stormwater and all other unpolluted drainage, including industrial cooling water or unpolluted process waters, shall be discharged to natural outlets approved by the Superintendent or Town Engineer.
[Amended 9/15/2020 by Ord. No. 2020-10]
- (2) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the Town's sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
 - (c) Any waters or wastes having a pH lower than five point five (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.
- (3) No person shall discharge or cause to be discharged into the sewer system the following described substances, materials, waters or wastes unless the Superintendent finds that because of 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, such wastes will not harm either the sewers, sewage treatment process or equipment, have an adverse effect on

the receiving watercourse or can otherwise endanger life, limb, public property or constitute a nuisance. The substances prohibited are:
[Amended 9/15/2020 by Ord. No. 2020-10]

- (a) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150° F.) [sixty-five degrees centigrade (65° C.)].
- (b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit (32° and 150° F.) [zero and sixty-five degrees centigrade (0° and 65° C.)].
- (c) Any garbage that has not been properly shredded by a garbage grinder equipped with a motor of three-fourths (3/4) horsepower [zero point seventy-six (0.76) metric] or greater.
- (d) Any waters or 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 Supervisor for such materials.
- (f) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Supervisor as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies having jurisdiction over discharge of such sewage to the received waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Supervisor in compliance with applicable state or federal regulations.
- (h) Any waters or wastes having a pH in excess of nine point five (9.5).
- (i) Materials which exert or cause:

- [1] Unusual concentrations on inert suspended solids (such as, but not limited to, fuller's 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 biochemical oxygen demands, chemical oxygen demands or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- [4] Unusual volume of flow or concentration of wastes constituting slugs, as defined by the Supervisor.

(j) Waters or wastes containing substances which are not amenable to treatment to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

F. Special powers of Municipal Superintendent. **[Amended 9/15/2020 by Ord. No. 2020-10]**

- (1) If any waters or wastes are discharged or are proposed to be discharged to the sewer system, which waters contain the substances or possess the characteristics enumerated in Subsection E, above, must have prior approval of the Superintendent, and the Superintendent may: **[Amended 9/15/2020 by Ord. No. 2020-10]**
 - (a) Reject the wastes; or
 - (b) Require pretreatment to an acceptable condition for discharge to the sewer system; or
 - (c) Require control over the quantities and rates of discharge; and
 - (d) Require, with the approval of the Town Commissioners, payment of an additional sewer usage charge to cover the added cost of handling and treating the wastes.
- (2) If the Superintendent permits the pretreatment of equalization of waste flows, the design and installation of the plants and equipment shall be subject to his review and approval in accordance with the requirements of all applicable laws. Such pretreatment plants and equipment shall be

continuously maintained in satisfactory operating condition by the consumer. **[Amended 9/15/2020 by Ord. No. 2020-10]**

- (3) Grease, oil and sand interceptors shall be provided when required by the Superintendent or Town Engineer 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 dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent or Town Engineer and shall be so located as to be readily and easily accessible for cleaning and inspection. **[Amended 9/15/2020 by Ord. No. 2020-10]**
- (4) 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 measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Town Engineer. 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 time. **[Amended 9/15/2020 by Ord. No. 2020-10]**
- (5) All measurements, tests and analyses of the characteristics of waters and wastes referred to in Subsection E and this Subsection F 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.

ARTICLE III

Wastewater Pretreatment [Added 9-3-85 by Ord. No. 85-5¹]

§ 82-8. General provisions.

A. Purpose and policy.

- (1) This Article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Perryville and enables the Town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the

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General Pretreatment Regulations promulgated pursuant thereto (40 CFR Part 403).

(2) The objectives of this Article are to:

- (a) Prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.
 - (b) Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.
 - (c) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
 - (d) Provide for equitable distribution of the cost of the municipal wastewater system.
- (3) This Article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- (4) This Article shall apply to the Town of Perryville and to persons outside the Town who are, by contract or agreement with the Town, users of the Town POTW.

B. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated:

ACT or THE ACT – The Federal Water Pollution Control Act, also known as the “Clean Water Act,” as amended, 33 U.S.C. § 1251 et seq.

AUTHORIZED REPRESENTATIVE OF USER – An “authorized representative of a user” may be:

- (1) A principal executive officer of at least the level of vice president if the industrial user is a corporation.
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.

- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates.

BIOCHEMICAL OXYGEN DEMAND (BOD) – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees centigrade (20° C.) expressed in terms of weight and concentration [milligrams per liter (mg/l)].

BUILDING SEWER – A sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL STANDARDS – National Categorical Pretreatment Standards or Pretreatment Standard. See definition of “National Categorical Pretreatment Standards.”

COMMISSIONERS (TOWN COMMISSIONERS) – The Board of Commissioners of the Town of Perryville.

COOLING WATER – The water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

DIRECT DISCHARGE – The discharge of treated or untreated wastewater directly to the waters of the State of Maryland.

DOMESTIC WASTEWATER – The liquid wastes originating from private residences and containing those pollutant concentrations that are normally associated with household activities.

ENVIRONMENTAL PROTECTION AGENCY or EPA – The United States Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said Agency.

GRAB SAMPLE – A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

HOLDING TANK WASTE – Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INDIRECT DISCHARGE – The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. § 1317) into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER – A person who is engaged in manufacturing or commerce, or a member of any class of significant producers of pollutants identified under rules or regulations adopted by the state or EPA.

INTERFERENCE – Any inhibition or disruption of the POTW treatment processes or operations which causes a violation of any requirement of the POTW's NPDES permit or prevents the POTW from using the sewage sludge or disposing of such sludge under any state or federal law or regulation.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD – Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD – Any regulation developed under the authority of Section 307 (b) of the Act and 40 CFR 403.5.

NONDOMESTIC WASTEWATER – The liquid wastes originating from establishments engaged in some form of business, commercial or industrial activity.

NPDES or STATE DISCHARGE PERMIT – A permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S. C. § 1342) or Title 9, Sections 9-323 and 9-324, of the Health-Environmental Article of the Annotated Code of Maryland.

PERSON – Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

pH – The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution. It indicates the intensity of acidity and alkalinity on a scale running from zero (0) to fourteen (14). [A pH of seven point zero represent alkalinity and below seven point zero (7.0) represent acidity.]

POLLUTANT – Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial and agricultural waste or any other contaminant.

POLLUTION – The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW TREATMENT PLANT – That portion of the POTW designed to provide treatment to wastewater.

PRETREATMENT or TREATMENT – The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or other means, except as prohibited by 40 CFR 403.6(d).

PRETREATMENT REQUIREMENTS – Any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard imposed on an industrial user by the EPA, state or POTW.

PUBLICLY OWNED TREATMENT WORKS (POTW) – Any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial waste (as defined by Section 212 of the Act). The systems include sewers, pipes and equipment used to convey wastewater to the treatment facility. The term also includes the agency or person authorized to operate such facilities in accordance with the county plan approved in accordance with Maryland Health-Environmental Article, Title 9, Subtitle 5.

SIGNIFICANT USER – Any user of the Town's wastewater disposal system who:

- (1) Has a discharge flow of twenty-five thousand (25,000) gallons or more per average workday;
- (2) Has an average of wastewater flow greater than five percent (5%) of the flow in the Town's wastewater treatment system;
- (3) Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Federal Water Pollution Control Act or state law or regulation; or
- (4) Is found by the POTW or Maryland Office of Environmental Programs to have significant impact, either singly or in combination with other contribution industries, on the wastewater treatment system, the quality of sludge, the system's effluent discharge quality or air emissions generated by the system.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) – A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

STATE – The State of Maryland.

STORMWATER – Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUPERINTENDENT – The person designated by the Town to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this Article, or his duly authorized representative.

SUSPENDED SOLIDS – The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids and which is removable by laboratory filtering.

TOWN – The Town of Perryville, an incorporated municipality of the State of Maryland, or, where appropriate to the context, the Commissioners of Perryville.

TOXIC POLLUTANT – Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under Section 307(a) of the Federal Water Pollution Control Act or other federal statutes or in regulations promulgated by the Maryland Office of Environmental programs under state law.

USER – Any person who contributes, causes or permits the contribution of wastewater into the Town's POTW.

WASTEWATER – The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated.

WASTEWATER CONTRIBUTION PERMIT – As set forth in § 82-112 of this Article.

WATERS OF THE STATE:

- (1) Both surface and underground waters within the boundaries of this state subject to its jurisdiction, including that part of the Atlantic Ocean within the boundaries of this state, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, public ditches, tax ditches and public drainage systems within this state, other than those designed and used to collect, convey or dispose of sanitary sewage; and
- (2) The floodplain of free-flowing waters determined by the Department of Natural Resources on the basis of one-hundred-year flood frequency.

C. Word usage. "Shall" is mandatory; "may" is permissive.

D. Abbreviations. The following abbreviations shall have the designated meanings:

- (1) BOD: biochemical oxygen demand.

- (2) CFR: Code of Federal Regulations.
- (3) COD: chemical oxygen demand.
- (4) EPA: Environmental Protection Agency.
- (5) l: liter.
- (6) mg: milligrams.
- (7) mg/l: milligrams per liter.
- (8) NPDES: National Pollutant Discharge Elimination System.
- (9) POTW: publicly owned treatment works.
- (10) SIC: standard industrial classification.
- (11) SWDA: Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq.
- (12) U.S.C.: United States Code.
- (13) TSS: total suspended solids.

§ 82-9. Discharge regulations.

A. General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, to a POTW any pollutant or wastewater which will cause interference with the operation or performance of the POTW. These general prohibitions apply to all users of a POTW whether or not the user is subject to national categorical pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

- (1) Any substances which by reason of their nature or quantity may cause fire or explosion or be injurious to the POTW or to the operation of the POTW.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension or any material which can be disposed of as trash.
- (3) Any wastewater having a pH less than five point zero (5.0) or greater than nine point zero (9.0).

- (4) Any wastewater containing toxic pollutants which may cause interference with any wastewater treatment process, constitute a hazard to humans or animals or pass through the POTW and pollute the waters of the state.
 - (5) Any substance which may create a public nuisance, cause hazard to life or prevent entry into the sewers for maintenance and repair.
 - (6) Any wastewater having a temperature greater than one hundred thirty degrees Fahrenheit (130° F.) [forty degrees centigrade (55° C.)].
 - (7) Any heat sufficient to raise the temperature of the wastewaters at the POTW treatment facility above one hundred four degrees Fahrenheit (104° F.) [forty degrees centigrade (40° C.)].
 - (8) Any slug load or release rate of pollutants, including oxygen demanding pollutants, which may cause interference with the POTW.
- B. Pretreatment and federal categorical pretreatment standards. Industrial users shall provide necessary wastewater treatment as required to comply with this Article and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations.
- C. Specific pollutant limitations. No person shall discharge wastewater containing concentrations of the following elements or materials in excess of:
 - (1) Two hundred twenty (220) mg/l BOD5.
 - (2) Two hundred fifty (250) mg/l TSS.
- D. State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Article.
- E. Town's right of revision. The Town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal systems if deemed necessary to comply with the objectives of this Article.
- F. Excessive discharges. No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards or to achieve compliance with this Article.
- G. Spill prevention plans.
 - (1) Each user shall provide protection from accidental discharge of prohibited materials or other materials which may interfere with the POTW by

developing spill prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review and shall be approved by the Town before construction of the facility. All existing significant users shall complete such a plan. No significant user who commences contribution to the POTW after the effective date of this Article shall be permitted to introduce pollutants into the system until spill prevention plans have been approved by the Town. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Article. Industrial users that store hazardous substances shall not contribute to the POTW after the effective date of this Article unless a spill prevention plan has been approved by the Town. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage and transportation of hazardous substances.

H. Notification.

- (1) In the case of any discharge in violation of this Article or permit conditions, the industrial user shall immediately notify the POTW of the discharge by telephone. The notification shall include:
 - (a) The location of the discharge.
 - (b) The type of waste, including concentration and volume.
 - (c) Any corrective actions taken by the user.
- (2) Within five (5) days following such a discharge, the user shall submit a written report describing the cause of the discharge and the measures that will be taken by the user to prevent similar future discharges.
- (3) Such notification shall not relieve the user of any expense, loss, damage or other liability resulting from the discharge, nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed under this Article or other applicable state or federal law.

I. Employee training. The industrial user shall permanently post a notice in a prominent place advising all employees of who to call in the event of a dangerous discharge for which notification is required. Employees shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure.

J. Records.

- (1) Users shall retain and make available upon request of authorized representatives of the POTW, the state or the EPA all records required to be collected by the user pursuant to this Article.
- (2) These records shall remain available for a period of at least three (3) years after their collection.
- (3) This period shall be extended during any litigation concerning compliance with this Article or permit conditions.

K. Analytical requirements. All analyses, including sampling techniques, submitted in support of any application, report or evidence or required by any permit or order shall be performed in accordance with procedures approved by the EPA.

§ 82-10. Charges and fees.

A. The Commissioners may adopt by resolution charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the Town's pretreatment program.
- (2) Fees for monitoring, inspection and surveillance procedures.
- (3) Fees for reviewing spill prevention plans and construction.
- (4) Fees for permit applications.
- (5) Fees for filing appeals.
- (6) Fees for consistent removal (by the Town) of pollutants otherwise subject to federal pretreatment standards.
- (7) Other fees as the Town may deem necessary to carry out the requirements contained herein.

B. These fees relate solely to the matters covered by this Article and are separate from all other fees chargeable by the Town.

§ 82-11. Users required to obtain permit.

A. Wastewater discharges. It shall be unlawful to discharge without a permit to any natural outlet within the Town or in any area under the jurisdiction of said Town and/or to the POTW any wastewater except as authorized by the Commissioners in accordance with the provisions of this Article.

B. Wastewater contribution permits.

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- (1) The following industrial users are required to apply for a wastewater contribution permit:
 - (a) Any user whose discharge would be in violation of § 82-9A(4) if they had no permit.
 - (b) Any significant industrial user.
 - (c) Any user subject to a national categorical pretreatment standard.
 - (d) Any user required by state pretreatment requirements to obtain a permit.
 - (e) Any user providing pretreatment.
 - (f) Any other user directed by the POTW to apply for a permit.
 - (2) Existing users required by Subsection B(1)(a) to obtain a permit must apply for a wastewater contribution permit within ninety (90) days of the effective date of this Article.
 - (3) New sources required by Subsection B(1)(a) to obtain a permit must apply for and receive a wastewater contribution permit prior to discharging pollutants into the POTW. A “new source” is considered any source the construction of which is commenced after the publication of proposed regulations prescribing a categorical pretreatment standard which will be applicable to such source. See Section 307(c) of 33 U.S.C. § 1347.
 - (4) Any user not required to obtain a permit for existing discharges must apply for and receive a wastewater contribution permit prior to changing the user’s discharge in such a manner that the resulting discharge would require a permit.
- C. Permit application. Users required to obtain a wastewater contribution permit shall complete and file with the Town an application in the form prescribed by the Town accompanied by a fee as set by resolution of the Commissioners. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
- (1) Name, address and location of contributing plant or facility.
 - (2) Standard industrial classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
 - (3) Wastewater constituents and characteristics, including but not limited to those mentioned in § 82-9, as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with

procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.

- (4) Time and duration of contribution.
- (5) Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.
- (8) The nature and concentration of any pollutants in the discharges which are limited by any national categorical pretreatment standard or any pretreatment requirement and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
- (9) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
 - (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (b) No increment referred to in Subsection C(9) shall exceed nine (9) months.
 - (c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent, including, as a minimum, whether or not it complied with the increment of progress to be

met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Town.

- (10) Each product produced by type, amount, process or processes and rate of production.
 - (11) Type and amount of raw materials processed (average and maximum per day).
 - (12) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
 - (13) Name and address of the individual(s) authorized to accept service of process or other notice in behalf of the applicant.
 - (14) Any other information as may be deemed by the Town to be necessary to evaluate the permit application.
- D. Wastewater contribution permit required. After one hundred eighty (180) days from the effective date of this Article, it shall be unlawful for a user subject to a national categorical pretreatment standard or other significant industrial user or any other user directed to apply for a permit by the Town to discharge wastewater into the POTW except in accordance with the terms and conditions of a wastewater contribution permit.
- E. Permit conditions. Wastewater contribution permits shall be expressly subject to all provisions of this Article and all other applicable regulations, user charges and fees established by the Town. Permits may contain the following:
- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW.
 - (2) Effluent limitations on the average and maximum wastewater constituents and characteristics.
 - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.
 - (4) Requirements for installation and maintenance of inspection and sampling facilities.
 - (5) Requirements and specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

- (6) Compliance schedules.
- (7) Requirements for submission of technical reports or discharge reports; these reports include any reporting requirements contained in a national categorical standard or pretreatment requirement.
- (8) Requirements for collecting, retaining and providing access to plant records relating to the user's discharge.
- (9) Requirements for notification to the Town on any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (10) Requirements for notification of spills.
- (11) Other conditions as deemed appropriate by the Town to ensure compliance with this Article.

F. Basis for effluent limitations.

- (1) Effluent limitations shall be based upon the more stringent of the following:
 - (a) National categorical pretreatment standards;
 - (b) State pretreatment requirements; or
 - (c) Local limitations calculated by mass balance or other valid scientific method necessary to protect the POTW from materials described in § 82-9.
- (2) The POTW may exempt a user from local limitations as long as the POTW does not violate the applicable NPDES or state discharge permit.

G. Periodic compliance reports. Any user subject to a national categorical pretreatment standard shall submit to the Town a semiannual report indicating the nature and concentration of pollutants in the discharge by such standards. The specific standards or the POTW itself may require this report to be filed more frequently. In addition, this report shall include a report of all daily flows which, during the reporting period, exceeded the average daily flow in the permit.

H. Permit duration. Permits shall be issued for a specified time period not to exceed five (5) years. The user shall apply for permit re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

I. Permit modifications.

- (1) Within nine (9) months of the promulgation of a national categorical pretreatment standard or pretreatment requirement or such shorter time as specified within the standard or requirement, the wastewater contribution permits of users subject to such standards shall be revised to require compliance with such standard within the time prescribed by such standard. The user shall reapply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the pretreatment standard.
- (2) A user must reapply for a permit whenever the mass loading of pollutants contained in the permitted discharge exceeds the average daily quantity applied for by greater than ten percent (10%).
- (3) A user may reapply for a wastewater contribution permit whenever the user believes that some of the permit requirements no longer apply.

J. Permit transfer. Wastewater contribution permits are issued to a specific user for a specific operation. A wastewater contribution permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the Town.

K. Monitoring.

- (1) Users shall provide and maintain at their own expense, in safe and proper condition, facilities to allow the authorized representatives of the POTW, EPA or the state to inspect, sample or measure flows from wastewater subject to this Article.
- (2) There shall be ample room in or near such facilities to follow accurate sampling and preparation of samples for analysis.
- (3) If locating such facilities on a user's property would be impractical, the user may apply to the POTW for a right-of-way or for permission to construct on public property.
- (4) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Town's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification to proceed by the Town.

L. Right of entry. Representatives of the POTW, the state and EPA, upon showing proper identification, shall have the right to enter and inspect the premises of any

user who may be subject to the requirements of this Article. Industrial users required to obtain wastewater contribution permits shall allow authorized representatives of the POTW, state and EPA access at all reasonable times to all premises for the purpose of inspecting, sampling, examining records or copying records in the performance of their duties. Authorized representatives of the POTW, state and EPA shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training or wearing of special protective gear, the user shall make necessary arrangements, at its own expense, to enable authorized representatives of the POTW, state and EPA to enter and inspect the premises as guaranteed by this subsection.

M. Confidential information.

- (1) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- (2) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except upon written request by the state or EPA for uses related to this Article. Confidential portions of a report shall be available for use by the state or EPA in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the POTW as confidential shall not be disclosed unless the user is given a ten-day notification prior thereto.

§ 82-12. Enforcement.

A. Harmful contributions.

- (1) The POTW may suspend the wastewater treatment service or a wastewater contribution permit or cut off the sewer connection when such suspension or cutoff is necessary, in the opinion of the POTW, in order to stop an actual or threatened discharge which:
 - (a) Presents or may present an imminent or substantial endangerment to the health or welfare of persons;
 - (b) Presents or may present an imminent or substantial endangerment to the environment;
 - (c) May cause or actually causes interference with the POTW; or

- (d) Causes the POTW to violate any condition of its NPDES or state discharge permit.
 - (2) The POTW may reinstate the wastewater contribution permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.
 - (3) In the event of a suspension or cutoff under this section, within fifteen (15) days the user shall submit a written report describing the event that caused the suspension and the measures taken to prevent any recurrence.
- B. Revocation of permit. The Town may revoke any wastewater contribution permit pursuant to the procedures set forth in Subsection C if the Town finds that:
- (1) A user has falsified information or records submitted or retained in accordance with this Article;
 - (2) A user has violated the conditions of a wastewater contribution permit;
 - (3) A user has refused right of entry guaranteed by § 82-11L of this Article.
 - (4) A user has failed to reapply for a permit or to request a required permit modification when required; or
 - (5) A user has discharged into the POTW in violation of this Article.
- C. Show cause hearing.
- (1) The Town may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Commissioners why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Commissioners regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Commissioners why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
 - (2) The Commissioners shall conduct the hearing and take the evidence and may designate any of its members or the Town Administrator or Town Attorney to issue in the name of the Commissioners notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

- (3) At any hearing held pursuant to this Article, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the cost of same.
- (4) After the Commissioners have reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period of not less than three (3) days, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
- (5) Legal action. If any person discharges sewage, industrial wastes or other wastes into the Town's wastewater disposal system contrary to the provisions of this Article, federal or state pretreatment requirements or any order of the Town, the Town Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of this county.

§ 82-13. Civil and criminal penalties.

- A. Civil penalties. Any user who is found to have violated an order of the Commissioners or who negligently failed to comply with any provision of this Article, and the orders, rules, regulations and permits issued hereunder, shall be deemed guilty of an infraction and shall be fined one hundred dollars (\$100.) for each initial offense and two hundred dollars (\$200.) for every subsequent offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Town may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Article or the orders, rules, regulations and permits issued hereunder.
- B. Criminal penalties.
 - (1) Any person who knowingly violates any provision of or fails to perform any duty imposed by this Article or who knowingly violates any provision of or fails to perform any duty imposed by a rule, regulation, order or permit adopted or issued under this Article is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding five hundred dollars (\$500.) or imprisonment not exceeding ninety (90) days, or both.
 - (a) In addition to any criminal penalties imposed on a person convicted under this subsection, the person may be enjoined from continuing the violations.

- (b) Each day on which a violation occurs is a separate violation under this subsection.
- (2) Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained under this Article or any rule, regulation, order or permit adopted or issued under this Article, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under this Article or any rule, regulation, order or permit adopted or issued under this Article, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars (\$500.) or by imprisonment for not more than ninety (90) days, or by both.

§ 82-14. Severability.

If any provision, paragraph, word, section or Article of this Article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

§ 82-15. Repealer.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Article are hereby repealed to the extent of such inconsistency or conflict.