

Chapter 18

UTILITIES¹

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ARTICLE I. IN GENERAL

Sec. 18-1. Waterworks secretary.

The city clerk shall act as secretary for the waterworks and sewerage system and shall act as such without any additional salary than the regular salary. He shall keep an accurate account of every water consumer and all sewerage revenues separate and apart from other funds, and turn all of said revenues over to the treasurer of the city, taking his receipt for same. He shall make monthly reports, to the city council, of the monies collected and connections with the waterworks, sewer mains or laterals, and the revenue derived from each.

(Code 1977, § 19-10)

Sec. 18-2. Water and sewer lines property of city.

Where one or more property owners, having laid sanitary sewer or water lines to serve their property, cause the same to be connected to sanitary sewer or water mains of the city, either by their own efforts or by and through the officers and employees of the city, the title and ownership of all sanitary sewer and water lines that are connected to the sanitary sewer or water system of the city shall immediately vest in the city, become the sole property of the city, and shall be a public sanitary sewer line or water line, as the case may be, unless it is expressly agreed otherwise in writing with the city.

(Code 1977, § 19-76)

Sec. 18-3. Delinquent bills—List of water and garbage bills; preparation charge.

The city clerk shall, on the tenth (10th) day following the date the original utility bill was mailed, prepare and deliver to the city manager a complete list of all delinquent water and garbage accounts and shall add thereto ten percent (10%) of the delinquent amount owed.

(Code 1977, § 19-77; Ord. No. 846, § 1, 9-5-95)

¹ **Charter references**—Acquisition of public utility property, franchises, § 1-3; effective date of franchises, § 2-13.
Cross references—Administration, Ch. 2; buildings and building regulations, Ch. 5; health and sanitation, Ch. 18; licenses and business regulations, Ch. 9; motor vehicles and traffic, Ch. 10; planning and development, Ch. 15; streets, sidewalks and other public areas, Ch. 16; taxation, Ch. 17; certain ordinances not affected by Code, § 1-9; finance department, § 2-36; department of public works, § 2-37; telephone exchange fee, §§ 9-111 *et seq.*; drainage onto streets, etc., §§ 16-24 *et seq.*
State law references—Relocation, etc., of property of public utilities for parking stations, 11 O.S. § 32-104; public utilities in cities generally, 11 O.S. Art. XXXV; sewer and water systems in cities, 11 O.S. Art. XXXVII.

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Sec. 18-4. Same—City manager to give notice.

(a) The city manager shall cause notice to be given to each person who is then delinquent for ten (10) days or longer, as to either water account or garbage collection account, that, if such delinquency is not paid within five (5) days after the date of such notice, water service shall, without further notice, be discontinued.

(Ord. No. 846, § 1, 9-5-95)

(b) This notice shall be served on all persons so delinquent as to either water or garbage collection, irrespective of whether such delinquency exists as to both water and garbage collection.

(c) The city manager, after compliance with this article, shall cause discontinuance of water service to all persons, unless both garbage collection and water rents, or either of them as the case of delinquency may be, are paid in full as required by notice mailed to such users.

(d) The notice required by this section shall be by mailing to such user at the address shown on the book of accounts of the city, and such notice shall be dated the same day it is mailed; in the event of discrepancy, the effective date of such notice shall be the date shown by United States Postal Service cancellation stamp and postmark.

(Code 1977, § 19-78; Ord. No. 716, § 1, 10-7-80)

Cross reference—City manager, § 2-5.

Sec. 18-5. Same—Water users having more than one location.

The authority and direction hereby granted and imposed shall extend to water users having one or more locations for use of water, or one or more accounts for water rental; if any such person is delinquent on water rental or garbage collection on any one of two (2) or more such accounts for thirty (30) days or longer, the city manager, after complying with section 18-4, shall discontinue water service at all locations charged to such person.

(Code 1977, § 19-79)

Sec. 18-6. Charge for reconnections.

There is hereby imposed a charge of twenty dollars (\$20.00) as a service charge for reconnecting every water connection which has been discontinued and disconnected under the provisions hereof, and such charge shall be paid before service is restored.

(Code 1977, § 19-80; Ord. No. 846, § 1, 9-5-95)

Secs. 18-7–18-20. Reserved.

ARTICLE II. WATER²

DIVISION 1. GENERALLY

Sec. 18-21. Water division to maintain and operate water system.

The water division of the public works department shall maintain and operate the municipal water system.

(Code 1977, § 19.1)

Cross reference—Administration, Ch. 2.

²**Cross reference**—Lake board, §§ 14-46 et seq.

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Sec. 18-22. Liability for damages; right to shut off water.

(a) The city shall not be liable for any damages by reason of the breakage of any pipe, pipes or service cock.

(b) The city reserves the right at all times, without notice, to shut off the water in the mains, for the purpose of repairs, and shall be liable for no damages occasioned by any machinery or apparatus of the waterworks getting out of repair; the city also reserves the right to shut off water for any violation of any rules of the water division.

(Code 1977, §§ 19-6, 19-7)

Sec. 18-23. Right of entry.

Every person having water service from the municipal waterworks, whether within or without the city limits, shall, at any reasonable hour, permit the superintendent, or any person authorized by him, to enter upon the consumer's premises for the purpose of examining water pipes and fixtures and the manner in which water therefrom is used, or for the purpose of cutting off the consumer's water supply for cause. Any failure or refusal to comply with the terms of this section shall be deemed a violation thereof.

(Code 1977, § 19-13)

Sec. 18-24. Application for service.

All applications for service attachments to the water distribution pipes, for the purpose of introducing water into the premises, must be made by the parties desiring such attachments. The application shall be made in writing to the city clerk.

(Code 1977, § 19-2)

Sec. 18-25. Tap fee.

(a) The city clerk and city manager are hereby ordered and directed to make the following charges and to collect the following amounts for water taps and installation charges on all taps to and installations charges to and from existing water lines serviced by the city:

- (1) Each year, the city manager shall determine the actual cost of materials for water taps and installation cost in service and labor, and file such statement with the city clerk on or soon after the first day of each year;
- (2) The city clerk shall then add ten (10) percent to the amount of actual cost of materials, service and labor, and the sum thereof shall be the amount to be charged and collected by the city clerk for all water taps and installations made hereafter on water lines serviced By the city.

(b) Prior to any increase in the amount of the tap fee, the same shall be approved by resolution of the city council.

(Code 1977, § 19-5; Ord. No. 730, § 2, 1-19-82)

Sec. 18-26. Meter deposit—Assessed.

(a) Each year, the city manager shall determine the actual cost of materials for water meters and the deposits thereon, which said meter deposit shall be paid into the office of the city clerk at such time and in such amount as determined by the city manager's annual report. Such statement or report shall be filed with the city clerk on or soon after the first day of each year.

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(b) Prior to any increase in the amount of water meter deposits, the same shall be approved by resolution of the city council.

(Ord. No. 730, §§ 1, 2, 1-19-82)

(c) The city clerk shall prepare an appropriate form of application for the commencement of utility services. The form of said application shall be submitted to the city council for approval. All application for utility services shall require, at a minimum, the applicant's name, residential and mailing address, current residential and alternate telephone numbers, photo identification, place of employment, and the applicant's social security number. Other information deemed necessary by the city clerk may be included in the proposed application form.

(Ord. No. 846, § 1, 9-5-95)

Sec. 18-27. Same-Investment.

Money deposited with the city as water meter deposits may be invested as provided by the Oklahoma Statutes.

(Code 1977, § 1-66)

State law reference-Investment of funds, 62 O.S. §§ 348.1 *et seq.*

Sec. 18-27.1. Same-Transfer fee.

Each year, the city manager shall determine the actual cost of labor for water meter deposit transfers and said water meter deposit transfer fee shall be paid into the office of the city clerk at such time and in such amount as determined by the city manager's annual report. Such statement or report shall be filed with the city clerk on or soon after the first day of each year.

Prior to an increase in the amount of water meter deposit transfer costs the same shall be approved by resolution of the city council.

(Ord. No. 800, § 1, 2-6-90)

Editor's note-Ord. No. 800, § 1, adopted Feb. 6, 1990, did not specifically amend the Code and at the discretion of the editor said provisions have been included herein as § 18-27.1.

Sec. 18-28. Meter reading.

Meters shall be read on or about the twentieth day of each month by the proper authorities. The consumer will be notified by postal card, or otherwise, of the sum due. Should any meter fail to register properly and not show correctly the quantity of water used since the previous reading, in arriving at the quantity used, the right shall exist on the part of the city to average the month and charge for water on the basis of any three (3) months within the previous year. The city reserves the right to control all meters in order that they may be protected and kept in repair.

(Code 1977, § 19-9)

Sec. 18-29. Water rates; when bills due.

Effective as of 12:01 a.m. on January 1, 2017:

(a) Rates to be charged for water furnished by the city shall be as follows:

(1) Domestic Rates:

- a. First 1,000 gallons \$16.80
- b. All gallons in excess of 1,000 and up to 20,000 gallons (per thousand gallons) 2.70

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- c. All gallons in excess of 20,000 gallons (per thousand gallons) 3.00
- (2) Water furnished outside corporate limits:
 - a. First 1,000 gallons 23.25
 - b. All gallons in excess of 1,000 and up to 20,000
gallons (per thousand gallons) 3.00
 - c. All gallons in excess of 20,000 gallons
(per thousand gallons) 3.00

(Ord. No. 907, § 1, 12-14-04; Ord. 914, § 1, 6-13-06 Ord. 928, § 1, 8-12-08, Ord. No. 962, § 1-2, 10-11-16)

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- (b) All water rents owed to the city shall be due and collectable on the first of each month, immediately following the month for which service was rendered, and each consumer shall forthwith be notified by postal card, or otherwise, of the amount of water rent due.

(Code 1977, §§ 19-11, 19-12; Ord. No. 678, § 2, 7-5-77; Ord. No. 714, § 1, 8-5-80; Ord. No. 724, § 1, 10-15-81; Ord. No. 764, 7-16-85; Ord. No. 802, § 1, 3-6-90; Ord. No. 872, § 1, 12-28-99)

Sec. 18-30. Certain uses prohibited; disconnection for violation.

No person supplied with water from the municipal waterworks shall:

- (1) Use the water for any purpose other than that stated in the application;
- (2) Supply water to others; or
- (3) Permit others to use water furnished them by the municipal waterworks.

For any violation of this rule the water shall be cut off and not turned on again until payment of a fee of ten dollars (\$10.00).

(Code 1977, § 194)

Sec. 18-31. Unauthorized reconnection of water service.

Any willful attempt on the part of any water consumer or other person to reconnect or reestablish water service from the city mains, after same has been disconnected by the superintendent of waterworks, or any interference or tampering with the disconnection except on permit of the waterworks superintendent, is a violation of this chapter.

(Code 1977, § 19-14)

Sec. 18-32. Stop and waste cock.

Every service pipe must be furnished with a stop and waste cock inside the premises, below the action of frost, so situated that the water can be cut off and drained from the pipes. When it is cold enough to freeze in the pipes, it must be shut off and emptied by the consumer.

(Code 1977, § 19-8)

Sec. 18-33. Water shortage periods.

(a) All users of the municipal water system shall abide by the following rules during any period of water shortage declared by the city council, to ensure proper health and sanitary conditions within the city:

- (1) The city manager may arbitrarily determine, from week to week, guidelines for watering public and private lawns, with a reasonable notice to be given in the news media;
- (2) The city manager may arbitrarily determine any additional water use limitations (private car washing, etc.), as may be needed, on a week to week basis, with guidelines to be given by a reasonable notice in the news media; and
- (3) The city manager may arbitrarily cut back the amount of water being sold to adjacent water districts, within the terms of the contracts with said districts, to provide uniform use between users within the city and users outside tile city.

(b) In addition to any fine imposed for a violation of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances, against any person continuing prohibited uses, including, but not limited to, termination of water services.

(Ord. No. 715, §§ 1, 2, 8-5-80)

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Sec. 18-34. Responsibility for damage to water meters; tampering; fraudulent use of water.

(a) The user of water or premises owner in the City of Pauls Valley, where water is being sold and furnished by said city, shall be responsible for all damage to, or loss of, the city's property located upon the user or owner's premises, unless occasioned by causes beyond the user or owner's control. The user or owner shall not authorize any one to change, remove, or tamper with the city's property.

(b) No regulating or measuring equipment, or other property or equipment owned by the city, wherever situated, whether upon user's premises or elsewhere, shall be tampered with or interfered with, either for the purpose of adjustment or otherwise.

(c) For the purpose of defining "fraudulent use of water," for the sections following herein, such term shall include any unauthorized use of the city's water service by any user or owner.

(d) In the event fraudulent use of water or evidence of attempted fraudulent use of water is discovered, or where the city's regulating or measuring equipment or other property has been tampered with, water service may be discontinued by the city upon appropriate notice to the user and owner. Water service to the user or owner will not be resumed until such user or owner shall have paid all bills including:

- (1) The charge for the estimated amount of water fraudulently consumed;
- (2) The cost of replacement or repair et any damaged meter or associated equipment;
- (3) The cost of installation of protective facilities, or of relocation of the meter, ff determined necessary by the city;
- (4) A reconnection charge of twenty dollars (\$20.00);
- (5) If water service has been restored by other than city personnel after having been disconnected initially for one of the reasons stated herein, the user or owner shall, in addition to the charges enumerated above, pay a eighty dollar (\$80.00) charge for each instance where service has been disconnected by city personnel after such unauthorized restoration of service.

(e) If it has been shown to the satisfaction of the city that the user, owner, or applicant for service had no connection with, or knowledge of, such fraudulent use of water or such tampering, water service may be resumed after the condition causing or permitting the fraudulent usage has been corrected and such user, owner, or applicant for service has paid for any unmetered service received.

(Ord. No. 767, §§ 1-5, 12-18-85; Ord. No. 846, 9-5-95)

Secs. 18-35-18-40. Reserved.

DIVISION 2. WATER DISTRICT³

Sec. 18-41. Definitions.

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

Center line. The center line of the watercourse, as herein described.

High-water line. The margin of the Pauls Valley Reservoir, when the surface thereof is at an elevation of eight hundred ninety-nine (899) feet.

³Cross references—Administration, Ch. 2; personnel generally, §§ 2-56 *et seq.*
State law reference—Water districts, 11 O.S. §§ 37-110 *et seq.*

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Linear distance of a structure or object from a reservoir or from a watercourse. The shortest horizontal distance from the nearest point of the structure or object to the high-water line of the reservoir or center line of a watercourse.

Reservoir. The Pauls Valley Reservoir, maintained as a water supply by the city, or any tributary which serves as a source of the Pauls Valley Reservoir.

Watercourse. Every spring, pond, stream, ditch, gutter or other channel of every kind, the waters of which when running, whether continuously or occasionally, eventually flow or may flow into the Pauls Valley Reservoir.

(Code 1977, § 19-35)

Sec. 18-42. Pauls Valley Water District created.

Under, and by virtue of, the authority granted by the Oklahoma Statutes, there is hereby created and established a water district in Garvin County, Oklahoma, designated as the Pauls Valley Water District, which shall embrace all the land in the county and state within the following metes and bounds:

- (1) All of Sections 28 and 33, Township 4 North, Range 1 East;
- (2) The east half of the northeast quarter; the east half of the west half of the northeast quarter; and the east half of the southwest quarter of the northwest quarter of the northeast quarter of Section 29, Township 4 North, Range 1 East;
- (3) The east half of the east half of the southeast quarter; the east half of the northeast quarter of the southeast quarter; the east half of the northwest quarter of the southeast quarter of the southeast quarter; and the southwest quarter of the southwest quarter of Section 29, Township 4 North, Range 1 East;
- (4) The southwest quarter of Section 21, Township 4 North, Range 1 East; and the east half of the southeast quarter of Section 20, Township 4 North, Range 1 East.

(Code 1977, § 19-31)

Sec. 18-43. Authority of city extended over water district.

As authorized by the laws of the state, the police power of the city is extended over all lands embraced within the above-described water district, and it is hereby declared that the jurisdiction of the city, the city council thereof, the courts and all proper officers of the city, in the fullest degree conformable to law, extends over and applies to the entire water district above described for the protection of the health of the inhabitants and the purity of the water supply of the city.

(Code 1977, § 19-32)

Sec. 18-43A. Certain state and county rules and regulations extended.

All the rules and regulations of the state and county boards of health or health departments and of the state commissioner of health and of the county health officer, respectively, now in force, are hereby extended over and shall apply and have full force and effect within the water district; and all such rules and regulations that may lawfully be made in the future shall extend over and have the same effect within the water district as within the limits of the city.

(Code 1977, § 19-33)

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Sec. 18-45. Power of city to promulgate additional rules and regulations.

The city council may, from time to time, promulgate, after approval of the state commissioner of health, such additional rules and regulations as may be deemed advisable, by resolution duly published and served as provided by law, and may by ordinance extend, modify or change the metes and bounds of the water district so as to embrace any additional lands directly or indirectly draining or shedding into the city's reservoir basin.

(Code 1977, § 19-36)

Sec. 18-46. Caretaker; appointment; duties; salary.

The city manager shall appoint a caretaker, whose duty it shall be to:

- (1) Maintain complete oversight and inspection of the water district and the watershed of the city's reservoirs;
- (2) Note any violation of the rules and regulations and also any cases of sickness existing within the water district or upon said watershed, and make report thereof to the city manager; and
- (3) Perform such other duties as may be required of him.

The salary of the caretaker shall be fixed by the city council.

(Code 1977, § 19-34)

Cross reference—Administration, Ch. 2.

Sec. 18-47. Certain state rules declared in force.

The following rules and regulations of the state commissioner of health are hereby ordained and declared to be in force within the Pauls Valley Water District:

- (1) No human excrement, or compost containing human excrement, or contents of any privy, cesspool, sewer or other receptacle for the reception or storage of human excrement, shall be deposited or discharged within the water district, or upon or into the ground at a place from which any such excrement, compost or contents or particles thereof, may flow, be washed or carried into any watercourse;
- (2) No house slop, sink waste, water which has been used for washing or cooking, or other polluted water shall be discharged into the Pauls Valley Reservoir, or into any watercourse within the water district; and no slop, sink waste, water which has been used for washing or cooking, or other polluted water shall be discharged into or upon the ground in the water district within six hundred sixty (660) feet of the high-water line of the Pauls Valley Reservoir, or within three hundred thirty (330) feet of the center line of any watercourse;
- (3) No garbage, manure or putrescible matter whatsoever shall be put into the Pauls Valley Reservoir or into any watercourse. No garbage, manure or putrescible matter shall be put upon the ground in the water district within six hundred sixty (660) feet of the high-water line of the Pauls Valley Reservoir, or within three hundred thirty (330) feet of the center line of any watercourse;
- (4) No stable, pigsty, henhouse, barnhouse, hopyard, hitching or standing place for horses, cattle or animals, or other place where animal manure is deposited or accumulated, any part of which is within six hundred sixty (660) feet of the high-water line of the Pauls Valley Reservoir, or within three hundred thirty (330) feet of the center line of any watercourse, shall be located, constructed or maintained in the water district; except, that the construction and use of buildings, animal lots and pasture land may be permitted, only by permission granted in writing by authorized representatives of the city, upon the recommendation of local health authorities. Such use shall be permitted only so long as changing conditions, in the opinion of local health authorities, do not create a health menace;

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- (5) No refuse, industrial waste, other waste products or polluting liquids or other substance of a nature poisonous or injurious either to human beings or animals, or of such nature as would impart an objectionable taste or odor to any water into which it might be discharged, and no putrescible water whatsoever, shall be discharged directly into or at any place from which it may flow or be washed or carried into the Pauls Valley Reservoir or into any watercourse;
- (6) No system of sewers or other works for the collection, conveyance, disposal or purification of domestic or manufacturing wastes, drainage or any other putrescible matter whatsoever shall, except in accordance with plans first approved in writing by the state health department, be constructed or maintained at any place within the water district;
- (7) No private or separate sewer, having an outlet upon or in the ground within six hundred sixty (660) feet of the high-water line of the Pauls Valley Reservoir or within three hundred thirty (330) feet of the center line of any watercourse, shall be constructed or maintained in the water district;
- (8) No public or private hospital, or other place intended for the reception or treatment of persons afflicted with a contagious or infectious disease shall, until the location and construction thereof have been approved in writing by the state department of health, be located or constructed at any place within the water district. No public or private hospital or other place intended for the reception or treatment of persons afflicted with a contagious or infectious disease shall be maintained at any place within the water district unless all the provisions required by the state department of health for the purification or disposal of sewage, drainage or other polluting or organic matter which may be discharged therefrom, have been complied with, and unless all orders issued from time to time by the state department of health in relation to the purification and disposal of sewage, drainage and other polluting or organic matter which may be discharged therefrom, are fully complied with;
- (9) No person shall bathe, wade or seine in, or drive or put any animal into, the Pauls Valley Reservoir, or bathe or wade in any watercourse;
- (10) No human habitation, cottage, tent, camp site or residence of any kind, either temporary or permanent, shall hereafter be built, set up or constructed upon any lands within six hundred sixty (660) feet of the high-water line of the Pauls Valley Reservoir or within three hundred thirty (330) feet of the center line of any watercourse, except upon such, or any part of such, lands the natural drainage of which is not into any reservoir or watercourse, and except the existing Girl Scout camp; provided, however, that the city may construct or maintain such structures within such prohibited territory as may be necessary in furtherance of the protection of such reservoirs from contamination and pollution;
- (11) No manufacturing establishment at which more than five (5) persons are employed and no slaughterhouse or rendering establishment shall be located upon the watershed of the Pauls Valley Reservoir, unless the state department of health is first notified regarding such manufacturing establishment, consents thereto and issues a permit therefor;
- (12) It is hereby made the duty of any and all persons having any knowledge of the existence of any contagious or infectious disease, or of any nuisance or violation of the law or of these rules within the limits of the water district, immediately to report same to the city health officer, who shall at once take such action as the case may require, within twenty-four (24) hours;
- (13) No gasoline drips, waste oil drips or drain pipe drips shall be allowed to be placed or used within the water district and any and all drips that might be located within the district now must be removed or placed in such condition that they do not drain within the water district;
- (14) No owner or occupant of land within the water district shall permit an animal carcass or any portion thereof to remain on the land under his control within the district. It is the duty of all owners or occupants of land within the district to immediately remove all dead animals from or upon their premises to points not less than six hundred sixty (660) feet from the high-water mark of any reservoir or within three hundred thirty (330) feet of the center line of any watercourse or of any lake, pond, stream, ditch, watercourse or other body of water, the water of which flows, or may flow, directly or ultimately into the Pauls Valley Reservoir;

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- (15) There shall be no camping within the water district within a distance of six hundred sixty (660) feet of the high-water mark of any reservoir or within three hundred thirty (330) feet of the center line of any watercourse.

(Code 1977, § 19-37)

Sec. 18-48. Pollution of watershed.

No person shall permit or cause any waste matter from oil or gas wells, or any salt water or other substance of any nature whatsoever that would pollute the water of the Pauls Valley Reservoir to flow across, over or under any land in the water district in such a manner that the waste matter, salt water or other substance will flow directly or ultimately into the Pauls Valley Reservoir or into any reservoir, lake, pond, stream, ditch, watercourse or other body of water, the water of which flows or may flow directly or ultimately into the Pauls Valley Reservoir.

(Code 1977, § 19-39)

Sec. 18-49. Burials.

No more burials or interments shall be made in the water district, in any cemetery that may be within the water district or in any other place within the water district.

(Code 1977, § 19-38)

Secs. 18-50–18-65. Reserved.

ARTICLE III. SEWERS GENERALLY⁴

DIVISION 1. GENERALLY

Sec. 18-66. City's duty where there are no installations.

This chapter shall in no way be construed, by implication or otherwise, as creating any obligation for the city to furnish sewer service where there are no existing sewer installations.

(Code 1977, § 19-50)

Sec. 18-67. Sewer fund established; use.

All revenues received by the city by virtue of this *article* and derived from the furnishing of sewer services herein referred to, shall be placed in a special fund to be known as the "Sewer Fund." The fund shall be used by the city for the purposes of maintaining and operating the sewer lagoons, all sanitary sewer lines of the city and other expenses, whether specifically mentioned or not, having to do with sewage disposal within or for the city. In addition thereto, the fund shall be used for the maintenance of equipment of the city, both repair and replacement thereof, and for the purpose of making any repairs on the city hall as may be directed by the city council. The fund may also be used to partially defray cost of maintenance of streets and alleys in the city, water installations and all structures owned and operated by the city. In addition thereto, the fund may also be used for the purchasing of property, both real and personal, including rights-of-way and easements and for any and all other expenses deemed necessary by the city council for the betterment of the city.

(Code 1977, § 19-51)

Cross reference—Finance, §§ 2-76 *et seq.*

⁴**Cross reference**—Cesspools, etc., as nuisance, § 12-5.

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Sec. 18-68. Reserved.

Sec. 18-69. Sewer service outside city--When furnished.

Sewer services may be furnished to residences and businesses located outside the corporate limits of the city; provided:

- (1) That sewers are already installed; and
- (2) That such sewers are of such size and material, and installed in accordance with proper engineering requirements, so as to make such service feasible without capital outlay expense. The determination of feasibility of the furnishing of such service shall be made by the city manager.

(Code 1977, § 19-48)

Sec. 18-70. Same--Charges.

All sewer services furnished residences and businesses located outside the corporate limits of the city shall be paid for by the users thereof, upon rates at fifty (50) percent higher than the rates established for users located within the corporate limits of the city.

(Code 1977, § 19.49)

Sec. 18-71. Charges for other places.

For each other place not mentioned herein where sewer connections are used, the charges shall be in conformity with the charges fixed above.

(Code 1977, § 19-47)

Sec. 18-72. Payment of charges; delinquency; collection; penalty.

(a) Any person owning property receiving sewer service, or any tenant therein, upon failure to pay for the sewer service herein required to be paid on or before the tenth day of the month following, shall be subject to having water services discontinued and shall not be permitted to reconnect his water service, except upon full and complete satisfaction of all arrearages of both water and sewer rents and services, respectively. In the event any delinquent user should reconnect for water services or cause the property involved to be reconnected so as to receive such service without first making payment of all delinquency of both water and sewer rents and fees, he shall be guilty of a misdemeanor.

(b) Enforced collection of the rates herein established for sewer service may be obtained by disconnecting the water, irrespective of whether or not the water rent (exclusive of sewer fees herein required) is paid or unpaid; and all of the provisions of this chapter for the collection of delinquent water rent bills are hereby specifically made applicable for sewer service.

(Code 1977, §§ 19-52, 19-53)

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Sec. 18-73. New sewers and connections.

(a) (1) Except as provided in subsection (a)(3) below, the connection of any structure or property to any sewer line or any part of a sewer system owned by the city, whether such structure, property, or sewer line/system lies within the corporate limits of the city or not, shall require such structure and the property on which such structure so connecting to the sewer is located to conform to and comply with (1) all provisions relating to the adoption, application and enforcement of Building Codes as established by Article I of Chapter 5 of the Code of Ordinances of the City of Pauls Valley (hereinafter referred to as "the Code"), as may be amended from time to time; (2) the Fire Prevention Code as currently adopted in Article III of Chapter 7 of the Code, as may be amended from time to time; (3) the Nuisance prevention and abatement provisions of Chapter 12 of the Code, as may be amended from time to time; (4) the Flood Damage Prevention provisions of Article V of Chapter 5 of the Code, as may be amended from time to time; (5) the provisions of Article VI of Chapter 5 of the Code pertaining to the Placement of Manufactured Housing, as may be amended from time to time; (6) the Health Code as provided for in Chapter 8 of the Code, as may be amended from time to time; (7) the Pauls Valley Subdivision Ordinance, as may be amended from time to time; and (8) the Pauls Valley Zoning Ordinance as currently established for areas within the corporate limits and as shall be established subsequent hereto by ordinance for areas outside the corporate limits to which the city provides sewer service. Such ordinance so establishing applicable zoning for such areas outside the city limits shall be adopted only after public hearing thereon of which all property owners potentially affected thereby are given notice in the same manner as for variance applications pursuant to the Zoning Ordinance.

(2) Enforcement of the provisions hereof shall be as provided throughout the Code for enforcement of the various specific codes and provisions enumerated in subsection (a)(1) above, whether such structure(s) and/or property lie within the corporate limits of the city or not.

(3) Before any person or entity shall be permitted to connect to any sewer line or any part of a sewer system owned by the city, the city must issue a permit to such person or entity requesting such connection. No such permit shall be issued to any person or entity until (1) the city shall be satisfied that any existing structure and property to be, connected shall be in substantial compliance with all of the provisions of Subsection (a)(1) of this Section or that such structure(s) and property will be made so within a reasonable time following connection, as evidenced by an express, written contract to such effect signed by the owner of such structure(s) and property. In all cases where any structure(s) and/or property requested to be connected to a sewer line or any part of a sewer system owned by the city which structure(s) and/or property does not lie within the corporate limits of the city the owner of such structure(s) and/or property shall, before being permitted to connect to such sewer line, execute a contract with the city wherein the owner of such structure(s) and/or property agrees to comply with all provisions of this Section and be subject to the enforcement of such provisions in the same manner as persons or entities owning property located within the city limits. Persons and entities so contracting shall be given the right and opportunity to seek variances from said codes and provisions in the same manner as persons and entities owning property within the corporate limits.

(4) The provisions of subsection (a)(1) through (a)(3) above shall not apply to structure(s) and/or property not lying within the corporate limits of the city where the city finds that such compliance provides no benefit to the city and requiring compliance would work an undue hardship on the owner(s) of such property. Such exemption shall be determined by ordinance adopted after public hearings of which property owners potentially affected are given notice in the same manner as for variance applications pursuant to the Zoning Ordinance.

(b) All new sanitary sewage works shall be designed and constructed in accordance with the requirements of the state department of health regulations.

(c) When a public sewer becomes available (within one hundred (100) feet) the building sewer shall be connected to said sewer within sixty (60) days.

(Ord. No. 744, § 2, 4-20-83; Ord. No. 835, § 1, 1-4-94; Ord. No. 871, §, 8-10-99)

(d) All developers or landowners who do not qualify as low-to-moderate-income developers/landowners, and all commercial and manufacturing businesses located within the Paul Valley Industrial Park shall bear the cost of sewer yard lines and hook-ups to the City's sewer system. In addition, all of said persons or entities shall provide to the City semi-annual employment and project beneficiary information as required by the Oklahoma Department of Commerce in compliance with the requirements of the CDBG funding agreement through which funding for the sewer system to said Industrial Park area has been or will be provided. Said information shall be provided for a period of at least two (2) years from the final close out of said sewer project for which said CDBG funding has been provided.

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Sec. 18-74. Remedies available to city.

(a) In addition to any fine imposed for a violation of section 18-73 or Article IV of this chapter, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances, against a person continuing prohibited discharges.

(b) The city reserves the right to terminate service to any customer who fails to pay bills when due or discharges any prohibited wastes into the sewerage system.

(Ord. No. 744, § 3, 4-20-83)

Secs. 18-75–18-85. Reserved.

DIVISION 2. USER CHARGES

Sec. 18-86. Sewer use charge.

Effective as of 12:01 a.m. January 1, 2017.

All residential users of the municipally-owned waste water treatment system shall be charged a minimum of Ten and 50/100 Dollars (\$10.50) per month, plus a charge based on metered water consumption as follows:

- a. First 2,000 gallons \$10.50
- b. All gallons in excess of 2,000 and up to 15,000 gallons (per thousand gallons) \$1.00
- c. All gallons in excess of 15,000 gallons (per thousand gallons) \$.75

(Ord. 914, § 9, 6-13-06, Ord. 962 § 3-4, 10-11-16)

All commercial users of the municipally owned waste water treatment system shall be charged a minimum of Twenty-One Dollars (\$21.00) per month, plus a charge based on metered water consumption as follows:

- a. First 10,000 gallons \$21.00
- b. All gallons in excess of 10,000 and up to 40,000 gallons (per ten thousand gallons) \$10.00
- b. All gallons in excess of 40,000 (per ten thousand gallons) \$5.00

(Ord. 907, § 12-14-04, Ord. 962, § 3-4, 10-11-16)

Effective each July 1 for all years subsequent to the passage hereof, all water and/or sewer utility rates established by Sections 1, 3, and 5, hereof, shall be adjusted up or down based on the United States Consumer Price Index ("CPI") as reported on July 1 of such year (or as soon thereafter as such index can be ascertained) using the CPI for July 1, 2008, as the base index year.

(Ordinance 914, § 13, 6-13-06, Ord. No. 962, § 8, 10-11-16)

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Sec. 18-87. User charge schedule.

As the BOD, suspended solids, and other pollutant concentrations discharged shall be approximately equal for all domestic users, users shall be charged on a volume basis in accordance with the following formula:

$$C_u = C_b + C_t/V_t (V_u)$$

(Based on Model No. 1, 40 CFR 35, Appendix B)

Symbols and definitions:

C_u = A user's charge per unit of time;

C_b = A user's base minimum charge (for debt retirement, billing, administration, etc.) per unit of time;

C_t = Total operation and maintenance (O&M) costs per unit of time;

V_t = Total volume contribution from all users per unit of time (may include extraneous flows);

V_u = Volume contribution from a user per unit of time.

(Ord. No. 745, § 2, 4-20-83)

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Sec. 18-88. Excessive strength charges.

For any user, when the BOD exceeds ⁵two hundred fifty (250) milligrams over one, the suspended solid exceeds two hundred fifty (250) milligrams over one, or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

$$C_s = (B_c(B) + S_c(S) + P_c(P))V_u$$

(Based on Model No. 2, 40 CFR 35, Appendix B)

Symbols and definitions:

- C_s = A surcharge for waste waters of excessive strength;
- B_c = O&M cost for treatment of a unit of biochemical oxygen demand (BOD);
- B = Concentration of BOD from a user above a base level; S = O&M cost for treatment of a unit of suspended solids (SS);
- S = Concentration of SS from a user above a base level;
- P_c = O&M cost for treatment of a unit of any pollutant;
- P = Concentration of any pollutant from a user above a base level;
- V_u = Volume contribution from a user per unit of time.

(Ord. No. 755, § 3, 4-20-83)

Sec. 18-89. Review and revision.

The user charge provisions of this division shall be reviewed not less often than every two (2) years regarding the waste water contribution of users and user classes, the total costs of the operation and maintenance of the treatment works, and its approved user charge system. The charges for users or user classes shall be revised to accomplish the following:

- (1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes;
- (2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation (including replacement) of the treatment works; and
- (3) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year, and the rates shall be adjusted accordingly.

(Ord. No. 745, § 4, 4-20-83)

Sec. 18-90. Toxic pollutants charges.

Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs.

(Ord. No. 745, § 5, 4-20-83)

⁵Maximum limit for average domestic waste.

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Sec. 18-91. Notification of rates and costs.

Each user shall be notified at least annually, in conjunction with the regular bill, of the sewer use rate and the portion of the user charges which are attributable to waste water treatment services. Costs shall be broken down to show the operation and maintenance costs attributable to that user.

(Ord. No. 745, § 6, 4-20-83)

Sec. 18-92. Charges for extraneous flows.

The costs of operation and maintenance for all flows not directly attributable to users (such as infiltration/inflow) shall be distributed among users on the same basis as operation and maintenance charges.

(Ord. No. 745, § 7, 4-20-83)

Sec. 18-93. Records.

A record keeping system shall be established and maintained by the city to document compliance with federal regulations pertaining to the user charge provisions of this division.

(Ord. No. 745, § 8, 4-20-83)

Sec. 18-94. Validity; precedence over agreements and contracts.

The user charge system shall take precedence over any terms or conditions of agreements or contracts between the city and any of the users, which are inconsistent with applicable federal regulations regarding user charge systems.

(Ord. No. 745, § 9, 4-20-83)

Sec. 18-95. Billing.

Users will be billed on a monthly basis, with payment due ten (10) days after the date of billing. Users on metered water service will be billed on the same notice as water charges and sewer use charges will be designated as a separate entry. Users of the waste water system not on metered water service will be billed monthly on an individual notice for waste water service, at the rate established by the utility superintendent. Users with accounts ten (10) days delinquent will be notified in writing by the utility superintendent that water and/or waste water services will be terminated unless the account is paid in full. The utility superintendent will utilize the law enforcement agency to assist, as required, in the control and management of the user charge system.

(Ord. No. 745, § 10, 4-20-83)

Secs. 18-96–18-110. Reserved.

ARTICLE IV. INDUSTRIAL WASTES

DIVISION 1. GENERALLY

Sec. 18-111. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively prescribed, unless the context clearly indicates a different meaning:

Approving authority: The public works authority, or its duly authorized representative, of the city.

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Biochemical oxygen demand (BOD): The quantity of oxygen by weight, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter, under standard laboratory conditions, for five (5) days, at a temperature of twenty (20) degrees centigrade.

Building sewer: The extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection).

Chemical oxygen demand (COD): The measure of the oxygen-consuming capacity of inorganic and organic matter present in the water or waste water, expressed in milligrams per liter as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and not necessarily correlating with biochemical oxygen demand.

City: The City of Pauls Valley, Oklahoma, public works director, or any authorized person acting in its behalf.

Control manhole: A manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Control point: A point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

Director: The public works director, city manager, or his duly authorized deputy, agent or representative.

Garbage: Animal and vegetable wastes, and residue from preparation, cooking and dispensing of food and from the handling, processing, storage and sale of food products and produce.

Industrial waste: Waste resulting from any process of industry, manufacturing, trade or business, from the development of any natural resource, any mixture of the waste with water or normal waste water or distinct from normal waste water.

Industrial waste charge: The charge made on those persons who discharge industrial wastes into the city's sewerage system.

Milligrams per liter (mg/l): The same as parts per million and is a weight-to-volume ratio; the milligram per liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Natural outlet: Any outlet into a watercourse ditch, lake or other body of surface water or groundwater.

Normal domestic waste water: Waste water, excluding industrial waste water, discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than two hundred (200) milligrams per liter; and BOD is not more than two hundred (200) milligrams per liter.

Overload: The imposition of organic or hydraulic loading on a treatment facility, in excess of its engineered design capacity.

Person: Includes a corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

pH: The logarithm (base 10) of the reciprocal of the hydrogen ion concentration in moles per liter.

Public sewer: Pipe or conduit carrying waste water or unpolluted drainage in which owners of abutting properties shall have use, subject to control by the city.

Sanitary sewer: A public sewer that conveys domestic waste water or industrial wastes or a combination of both, and into which storm water, surface water, groundwater and other unpolluted wastes are not intentionally passed.

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

Standard methods: The examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater," as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Storm sewer: A public sewer which carries storm and surface waters and drainage, and into which domestic waste water or industrial wastes are not intentionally passed.

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Suspended solids: Solids measured in milligrams per liter that either float on the surface of, or are in suspension in, water, waste water or other liquids, and which are largely removable by a laboratory filtration device.

To discharge: Includes to deposit, conduct, drain, emit, throw, run, allow to seep or otherwise release or dispose of, or to allow, permit or suffer any of these acts or omissions.

Trap: A device designed to skim, settle or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

Unpolluted waste water: Water containing:

- (1) No free or emulsified grease or oil;
- (2) No acids or alkalis;
- (3) No phenols or other substances producing taste or odor in receiving water;
- (4) No toxic or poisonous substances in suspension, colloidal state or solution;
- (5) No noxious or otherwise obnoxious or odorous gases;
- (6) Not more than ten (10) milligrams per liter each of suspended solids and BOD; and
- (7) Color not exceeding fifty (50) units as measured by the platinum-cobalt method of determination, as specified in "Standard Methods."

Waste: Rejected, unutilized or superfluous substances in liquid, gaseous or solid form, resulting from domestic, agricultural or industrial activities.

Waste water: A combination of the water-carried waste from residences, business buildings, institutions and industrial establishments, together with any ground, surface and storm water that may be present.

Waste water facilities: Includes all facilities for collection, pumping, treating and disposing of wastewater and industrial wastes.

Waste water service charge: The charge on all users of the public sewer system, whose wastes do not exceed in strength the concentration values established as representative or normal waste water.

Watercourse: A natural or man-made channel in which a flow of water occurs, either continuously or intermittently.

(Code 1977, § 11-1)

Sec. 18-112. Program established; coordinator.

(a) There is hereby established an industrial waste disposal program within the city. It shall be the policy of the city that no person shall discharge, or allow to be discharged from an establishment under his control, any effluent that would injure the health, safety and convenience of its people and in any way jeopardize the water resources of the city.

(b) The city council shall appoint the county health officer, or another qualified person, to act as coordinator to develop standards to be imposed on all industries located within the city. In developing these standards, the coordinator shall cooperate with the Oklahoma Water Resources Board and other state agencies as necessary.

(c) The city council shall appoint a committee to evaluate the program and make recommendations to the coordinator. Such committee shall include, but shall not be limited to, the superintendent of public works and the chairman of the planning and zoning commission.

(Code 1977, § 11-2)

Cross reference—Administration, Ch. 2.

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Sec. 18-113. Notice of violations.

The city shall serve any person discharging in violation of this article with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.

(Code 1977, § 11-21)

Sec. 18-114. Continuing prohibited discharges.

No person may continue discharging in violation of this article beyond the time limits provided in the notice.

(Code 1977, § 11-22)

Sec. 18-115. Remedies available to city.

In addition to proceeding under authority of section 1-7, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances, against a person continuing prohibited discharges.

(Code 1977, § 11-23)

Sec. 18-116. Failure to pay.

In addition to sanctions provided for by this article, the city is entitled to exercise sanctions provided for by the other ordinances of the city for failure to pay the bill for water and sanitary sewer service, when due.

(Code 1977, § 11-24)

Secs. 18-117–18-125. Reserved.

DIVISION 2. ENFORCEMENT

Sec. 18-126. Power to enter property.

(a) The director and other duly authorized employees of the city, bearing proper credentials and identification, are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this chapter.

(b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security and fire protection.

(c) The director and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter all private properties through which the city holds a negotiated easement, for the purposes of:

- (1) Inspection, observation, measurement, sampling or repair;
- (2) Maintenance of any portion of the sewerage system lying within the easements; and
- (3) Conducting any other authorized activity. (All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.)

(d) No person acting under authority of this provision may inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper manufacturing processes or other industrial processes beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

(Code 1977, § 11-19)

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Sec. 18-127. Authority to disconnect service.

(a) The city may terminate water and waste water disposal service and disconnect an industrial customer from the system when:

- (1) Acids or chemicals damaging to sewer lines or treatment processes are released to the sewer, causing rapid deterioration of these structures or interfering with proper conveyance and treatment of waste water;
- (2) A governmental agency informs the city that the effluent from the waste water treatment plant is no longer of a quantity permitted for discharge to a watercourse and it is found that the customer is delivering waste water to the city's system that cannot be sufficiently treated, or requires treatment that is not provided by the city as normal domestic treatment; or
- (3) The industrial customer:
 - a. Discharges industrial waste or waste water that is in violation of the permit issued by the approving authority;
 - b. Discharges waste water at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the waste water treatment system;
 - c. Fails to pay monthly bills for water and sanitary sewer services when due; and
 - d. Repeats a discharge of prohibited wastes to public sewers.

(b) If service is disconnected, the city shall:

- (1) Disconnect the customer;
- (2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and
- (3) Continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes.

(Code 1977, § 11-20)

Sec. 18-128. Use of public sewer system required; discharge of waste restricted.

(a) Unless exception is granted by the approving authority, the public sewer system shall be used by all persons discharging:

- (1) Waste water;
- (2) Industrial waste;
- (3) Polluted liquids; or
- (4) Unpolluted waters or liquids.

(b) Unless authorized by the approving authority, no person may deposit or discharge any waste included in paragraph (a) of this section from public or private property in or adjacent to any:

- (1) Natural outlet;
- (2) Watercourse;
- (3) Storm sewer; or
- (4) Other area within the jurisdiction of the city.

(c) The approving authority shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

(Code 1977, § 11-11)

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Sec. 18-129. Approving authority requirements for acceptance of wastes into system.

(a) If discharges or proposed discharges to public sewers may deleteriously affect waste water facilities, processes, equipment or receiving waters, create a hazard to life or health, or create a public nuisance, the approving authority shall require:

- (1) Pretreatment to an acceptable condition for discharge to the public sewers;
- (2) Control over the quantities and rates of discharge; and
- (3) Payment to cover the cost of handling and treating the wastes.

(b) The approving authority is entitled to determine whether a discharge or proposed discharge is included under paragraph (a) of this section.

(c) The approving authority shall reject wastes when:

- (1) It determines that a discharge or proposed discharge is included under paragraph (a) of this section; and
- (2) The discharger does not meet the requirements of paragraph (a) of this section.

(Code 1977, § 11-12)

Sec. 18-130. Approving authority review and approval of pretreatment or control processes.

(a) If pretreatment or control is required, the approving authority shall review and approve design and installation of equipment and processes.

(b) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.

(c) Any person responsible for discharges requiring pretreatment, flow-equalizing or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

(Code 1977, § 11-13)

Sec. 18-131. Discharges requiring trap.

(a) Discharges requiring a trap include:

- (1) Grease or waste containing grease in excessive amounts;
- (2) Oil;
- (3) Sand;
- (4) Flammable wastes; and
- (5) Other harmful ingredients.

(b) Any person responsible for discharges requiring a trap, shall at his own expense and as required by the approving authority:

- (1) Provide equipment and facilities of a type and capacity approved by the approving authority;
- (2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
- (3) Maintain the trap in effective operating condition.

(Code 1977, § 11-14)

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Sec. 18-132. Requirements for discharges through building sewers.

Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense and as required by the approving authority:

- (1) Install an accessible and safely located control manhole;
- (2) Install meters and other appurtenances to facilitate observation, sampling and measurement of the waste; and
- (3) Maintain the equipment and facilities.

(Code 1977, § 11-15)

Sec. 18-133. Sampling and testing.

(a) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb and property.

NOTE: The particular analyses involved will determine whether a twenty-four-hour composite sample from all falls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses will be obtained from twenty-four-hour composites of all outfalls. Where applicable, sixteen-hour, eight-hour or some other period may be required. Periodic grab samples will be used to determine pH.

(b) Examination of analyses of the characteristics of waters and wastes required by this chapter shall be:

- (1) Conducted in accordance with the latest edition of "Standard Methods"; and
 - (2) Determined from suitable samples taken at the control manhole provided or other control point authorized by the approving authority.
- (c) BOD and suspended solids shall be determined from composite sampling.
- (d) The city may select an independent firm or laboratory to determine flow, BOD and suspended solids.
- (e) The city is entitled to select the time of sampling, at its sole discretion so long as at least annual samples are taken.

(Code 1977, § 11-16)

Sec. 18-134. Continuation of existing discharges.

A person discharging industrial wastes into public sewers prior to the effective date of the ordinance from which this section is derived, may continue without penalty, so long as he:

- (1) Does not increase the quantity or quality of discharge without permission of the approving authority;
- (2) Has discharged the industrial waste at least six (6) months prior to the effective date of this chapter; and
- (3) Applies for and is granted a permit no later than one hundred twenty (120) days after the effective date of this chapter.

(Code 1977, § 11-7)

Sec. 18-135. Conditions of permits.

(a) The city may grant a permit to discharge to persons meeting all requirements of the preceding section, provided that the persons:

- (1) Submit an application within ninety (90) days after the effective date of this chapter on forms supplied by the approving authority;

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- (2) Secure approval by the approving authority of plans and specifications for pretreatment facilities when required; and
 - (3) Have complied with all requirements for agreements or arrangements including, but not limited to, provisions for:
 - a. Installation and operation of pretreatment facilities;
 - b. Sampling and analysis to determine quantity and strength; and
 - c. Providing a sampling point subject to the provisions of this chapter, and approval of the approving authority.
- (b) A person applying for a new discharge shall:
- (1) Meet all conditions of paragraph (a) of this section; and
 - (2) Secure a permit prior to discharging any waste.

(Code 1977, § 11-18)

Secs. 18-136–18-145. Reserved.

DIVISION 3. PROHIBITED DISCHARGES

Sec. 18-146. Injurious or hazardous waste.

No person may discharge to public sewers any waste which, by itself or by interaction with other wastes, may:

- (1) Injure or interfere with waste water treatment processes or facilities;
- (2) Constitute a hazard to humans or animals; or
- (3) Create a hazard in receiving waters of the waste water treatment plant effluent.

(Code 1977, § 11-3; Ord. No. 744, § 1, 4-20-83)

Sec. 18-147. Chemicals.

- (a) No discharge to public sewers may contain:
- (1) Cyanide in concentrations greater than 1.0 mg/l;
 - (2) Fluoride, other than that contained in the public water supply;
 - (3) Chlorides in concentrations greater than 250 mg/l;
 - (4) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas; or
 - (5) Substances causing an excessive chemical oxygen demand (COD).
- (b) No waste or waste water discharged to public waters may contain:
- (1) Strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;
 - (2) Fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65° centigrade);

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- (3) Objectionable or toxic substances, exerting an excessive chlorine requirement to such a degree that any such material received in the composite waste water at the waste water treatment works exceeds the limits established by the approving authority for such materials; or
- (4) Obnoxious, toxic or poisonous solids, liquids or gases.

(c) No waste, waste water or other substance may be discharged into public sewers, which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment and personnel at the waste water facilities.

(d) All waste, waste water or other substance containing phenols, hydrogen, sulfide or other taste- and odor-producing substances, shall conform to concentration limits established by the approving authority. After treatment of the composite waste water, concentration limits may not exceed the requirements established by state, federal or other agencies with jurisdiction over discharges to receiving waters.

(Code 1977, § 11-4)

Sec. 18-148. Heavy metals and toxic materials.

(a) No discharges may contain concentrations of heavy metals greater than amounts specified in paragraph (b), below.

(b) The maximum allowable concentrations of heavy metals, stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with "Standard Methods," are:

		<i>mg/l</i>
(1)	Arsenic	0.050
(2)	Barium	1.000
(3)	Boron	0.750
(4)	Cadmium	0.010
(5)	Chromium (total)	0.050
(6)	Copper	0.200
(7)	Lead	0.050
(8)	Manganese	0.200
(9)	Mercury	0.002
(10)	Nickel	0.200
(11)	Selenium	0.010
(12)	Silver	0.050
(13)	Zinc	2.000

(c) No other heavy metals or toxic materials may be discharged into public sewers without a permit from the approving authority, specifying conditions of pretreatment, concentrations, volumes and other applicable provisions.

(d) Prohibited heavy metals and toxic materials include, but are not limited to:

- (1) Antimony;
- (2) Beryllium;
- (3) Bismuth;
- (4) Cobalt;
- (5) Molybdenum;
- (6) Rhenium;
- (7) Strontium;
- (8) Tellurium;
- (9) Tin;
- (10) Uranyl ion;
- (11) Herbicides;
- (12) Fungicides; and
- (13) Pesticides.

(Code 1977, § 11-5)

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Sec. 18-149. Garbage.

(a) No person may discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half inch in any dimension are prohibited.

(b) The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater.

(Code 1977, § 11-6)

Sec. 18-150. Storm water and other unpolluted drainage.

(a) No person may discharge to public sanitary sewers:

- (1) Unpolluted storm water, surface water, groundwater, roof runoff or subsurface drainage;
- (2) Unpolluted cooling water;
- (3) Unpolluted industrial process waters; or
- (4) Other unpolluted drainage.

(b) In compliance with Oklahoma law and other statutes, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in paragraph (a) of this section may be discharged.

(Code 1977, § 11-7)

Sec. 18-151. High-temperature discharges.

No person may discharge liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65° centigrade), or any substance which causes the temperature of the total waste water treatment plant influent to increase at a rate of ten (10) degrees Fahrenheit or more per hour, or a combined total increase of plant influent temperature to one hundred (100) degrees Fahrenheit.

(Code 1977, § 11-8)

Sec. 18-152. Radioactive wastes.

(a) No person may discharge radioactive wastes or isotopes into public sewers, without the permission of the approving authority.

(b) The approving authority may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers.

(Code 1977, § 11-9)

Sec. 18-153. Substances capable of impairing facilities.

(a) No person may discharge into public sewers any substance capable of causing:

- (1) Obstruction to the flow in sewers;
- (2) Interference with the operation of treatment processes of facilities; or
- (3) Excessive loading of treatment facilities.

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- (b) Discharges prohibited by this section include, but are not limited to, materials which exert or cause concentrations of:
- (1) Inert suspended solids greater than 250 mg/l, including, but not limited to:
 - a. Fuller's earth;
 - b. Lime slurries; and
 - c. Lime residues.
 - (2) Dissolved solids greater than 500 mg/l, including, but not limited to:
 - a. Sodium chloride; and
 - b. Sodium sulfate.
 - (3) Excessive discoloration, including, but not limited to:
 - a. Dye wastes; and
 - b. Vegetable tanning solutions.
 - (4) BOD, COD or chlorine demand in excess of normal plant capacity.
- (c) No person may discharge into public sewers any substance that may:
- (1) Deposit grease or oil in the sewer lines in such a manner as to clog the sewer;
 - (2) Overload skimming and grease-handling equipment;
 - (3) Pass to the receiving waters without being effectively treated by normal waste water treatment processes, due to the non-amenability of the substance to bacterial action; or
 - (4) Deleteriously affect the treatment process, due to excessive quantities.
- (d) No person may discharge any substance into public sewers which:
- (1) Is not amenable to treatment or reduction by the processes and facilities employed; or
 - (2) Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (e) The approving authority shall regulate the flow and concentration of slugs, when they may:
- (1) Impair the treatment process;
 - (2) Cause damage to collection facilities;
 - (3) Incur treatment costs exceeding those for normal waste water; or
 - (4) Render the waste unfit for stream disposal or industrial use.
- (f) No person may discharge into public sewers solid or viscous substances which may violate paragraph (a) of this section, if present in sufficient quantity or size, including, but not limited to:
- (1) Ashes;
 - (2) Cinders;
 - (3) Sand;
 - (4) Mud;
 - (5) Straw;
 - (6) Shavings;
 - (7) Metal;
 - (8) Glass;
 - (9) Rags;
 - (10) Feathers;
 - (11) Tar;
 - (12) Plastics;

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- (13) Wood;
- (14) Unground garbage;
- (15) Whole blood;
- (16) Paunch manure;
- (17) Hair and flashings;
- (18) Entrails;
- (19) Paper products, either whole or ground by garbage grinders;
- (20) Slops;
- (21) Chemical residues;
- (22) Paint residues; or
- (23) Bulk solids.

(Code 1977, § 11-10)

Secs. 18-154-18-165. Reserved.

ARTICLE V. SOLID WASTE⁶

Sec. 18-166. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively prescribed, unless the context clearly indicates a different meaning:

Garbage. All putrescible waste except sewage and body waste, including vegetable and animal offal and carcasses of small dead animals and dead fowl, but excluding recognized industrial byproducts, and includes all such substances from all of the business and commercial establishments of the city.

Refuse. Solid waste (including garbage and rubbish).

Rubbish. Refuse other than garbage (tin cans, bottles, papers, etc.).

Waste. Any combination of garbage, refuse and/or rubbish, but not including yard waste.

Yard Waste. Grass cuttings, weed cuttings, leaves, tree limbs, brush, or any other type of vegetation debris.

(Code 1977, § 19-61; Ord. 928, §3, 8-12-08)

Sec. 18-167. City to provide collection and disposal service.

No person, other than the city sanitary division, shall collect, transport or dispose of garbage or rubbish within the business and commercial sections of the city, and the city shall provide proper and adequate service for the pick-up and disposal of all garbage and rubbish herein provided for.

(Code 1977, § 19-62)

Sec. 18-168. Disposal methods.

(a) All disposal of garbage and rubbish shall be by an approved method of incineration or by sanitary landfill and cover, the method and sites to be approved by the city council and the state health department.

(b) The disposal or burning of garbage or rubbish by any individual or business house or establishment in any place, private or public, within the limits of the city, is hereby prohibited.

(Code 1977, § 19-65)

Supp. 10 (11-10-09)

⁶Cross references—Department of public works, § 2-37; personnel generally, §§ 2-56 *et seq.*; health and sanitation, Ch. 8; accumulation of weeds and trash, §§ 12-26 *et seq.*; littering as nuisance, § 12-35; littering as general offense, § 13-22.

State law references—Municipal solid waste management systems, 63 O.S. § 2256; dump ground or dumping near highway, 21 O.S. §§ 1204 *et seq.*; feeding garbage to swine, 2 O.S. §§ 6-21 *et seq.*

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Sec. 18-169. Junk and material in disposal area; city property.

All junk and other materials placed on the disposal area are the property of the city, and no person is allowed to separate and collect, carry off or dispose of same, except under written direction of the city manager. (Code 1977, § 19-65)

Sec. 18-170. Waste containers; collection.

(a) All owners, occupants, or other persons in charge of any premises in the City shall place all waste in containers supplied by the City (poly-carts, dumpsters or roll-off containers). No other containers shall be used for regular waste collection by the City.

(b) All City-supplied containers shall be maintained in good condition by the user.

(c) The City Manager or his designee shall determine the routing of waste collection vehicles, and the required placement of containers for the various areas of the City so as to facilitate an orderly collection process.

(d) Waste will be collected one (1) time per week. City-provided waste containers must be placed no more than two (2) feet from the curbside, or alley-side, unless a curb does not exist, then no more than two (2) feet from the line where the street surface begins. Containers may also be placed in the drive approach no more than two (2) feet from the line where the street surface begins. In all cases, containers shall be placed as to provide clearance of at least two (2) feet on either side of the container. The location of the City-provided waste containers must be consistent with the normal collection route, curbside, or alley-side, determined by the City Manager. If collected alley-side, the container must be clearly visible and outside any yard fencing. A waiver of this requirement may be obtained from the City Manager upon proof of physical disability which prevents all persons at the residence from taking waste to the curb.

(e) Poly-cart containers shall be placed in accordance with subsection (d) hereof no earlier than 12:00 noon on the day prior to collection and shall be removed from the curbside, and placed at the house side, no later than 10:00 p.m. the day of the collection. This requirement shall not apply to residents with alley service.

(Code 1977, § 19-62; Ord. 928, §4, 8-12-08.)

Sec. 18-171. Same-Theft, molestation.

(a) The theft of a trash can or trash can lid, or base upon which a trash can is located, or the molestation of such articles is prohibited and is hereby declared to be an offense.

(b) It is hereby declared an offense for any person to rummage or scavenge through any trash receptacle within the corporate limits of the city, whether such trash receptacle is privately owned or provided by the city. Nothing herein shall prohibit the owner of a privately-owned trash receptacle from handling or dealing with the trash placed therein in any manner which does not constitute littering as prohibited by Section 12-27 of Article II, Chapter 12 of this Code or which does not otherwise violate any city, state, or federal law.

(c) Offenses committed in violation of this Section shall be punishable by a fine of up to \$200.00 per offense.

(Code 1977, § 19-63; Ord. No. 843, § 1, 10-18-94; Ord. No. 880, § 5, 6-27-00)

Sec. 18-171.1. Trash Receptacles.

(a) It shall be an offense for any person to deposit any trash or other matter into any city-owned trash or recycling receptacle (including, but not limited to dumpsters and trailers used for these purposes) unless such trash or recycling receptacle has been issued to such person or to a person or business for whom such person is an agent or employee or is otherwise authorized by the city to utilize such trash receptacle.

(b) Violations of this section shall be punishable by a fine of up to \$200.00 per offense.

(Code 858, § 1, 11-4-97; Ord. No. 880, § 5, 6-27-00)

Sec. 18-172. Yard trash.

(a) As used in this section:

Sturdy container shall mean a steel can, plastic bag, cardboard box or any other similar container.

Yard trash shall mean grass cuttings, weed cuttings, leaves or any other type of vegetation debris that can be packed in a container.

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(b) Yard trash shall not be deposited in any garbage containers. In all areas of the city where there are open unobstructed alleys wide enough for collection vehicles to travel with ease, side yard trash shall be placed at the alley lot line on the premises served, so as to be immediately accessible to the collection vehicles. In all other areas of the city, said yard trash shall be placed at the front curb.

(c) Said yard trash, except tree limbs and brush, shall be placed in a sturdy container, and both container and trash shall not exceed thirty-five (35) gallons in volume or seventy-five (75) pounds in weight. All tree limbs shall be cut in lengths not to exceed four (4) feet nor exceed seventy-five (75) pounds in weight, and shall be placed in containers or separate piles at the alley lot line or front curb, as provided in subsection (b).

(Ord. No. 680, §§ 1-3, 10-18-77)

Sec. 173. Rates for waste collection service.

(a) The monthly service charge for waste collection using poly-cart containers supplied by City shall be as follows:

<u>Poly-cart Size</u>	<u>Charge</u>
32 gallon	\$9.50
64 gallon	\$10.50
96 gallon	\$15.25

(b) The monthly service charges for waste collection using dumpsters supplied by City shall be as follows:

<u>Dumpster Size</u>	<u>Collections per Month</u>	<u>Charge</u>
2-yard	1	\$40.40
2-yard	2	\$80.80
2-yard	3	\$121.20
4-yard	1	\$80.80
4-yard	2	\$161.80
4-yard	3	\$242.40
6-yard	1	\$114.70
6-yard	2	\$229.40
6-yard	3	\$344.10
8-yard	1	\$151.85
8-yard	2	\$303.70
8-yard	3	\$455.55

(c) The waste collection service charges for temporary dumpsters shall be as follows:

Setting Fee:	\$25.00
Daily charge while dumpster is in place:	\$1.25
Dumping Fees:	
2-yard:	\$15.00 per dump
4-yard:	\$30.00 per dump

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| | 6-yard: | \$45.00 per dump |
| | 8-yard: | \$60.00 per dump |
- (d) The waste collection service charges for temporary roll-off containers shall be as follows:
- | | | |
|--|---|----------|
| | Setting Fee: | \$175.00 |
| | Daily charge while container is in place: | \$1.50 |
- Dumping Fees:
- | | | |
|--|----------------------|-----------------|
| | Municipalities: | \$27.50 per ton |
| | All Other Customers: | \$30.50 per ton |
| | Re-set fee: | \$100.00 |
- (e) The service charges for dumping at the City's transfer station shall be as follows:
- | | | |
|--|--------------|---------|
| | Minimum Fee: | \$15.00 |
|--|--------------|---------|
- | | <u>Container</u> | <u>Charge</u> |
|--|---|-----------------|
| | Pick-Up (6'-8') | \$15.00 |
| | Trailer (10'-12'): | \$17.00 |
| | Trailer (13'-15'): | \$23.00 |
| | Trailer (16'): | \$30.00 |
| | Trailer (Over 16') and all dump trucks: | \$30.50 per ton |

(f) Effective each July 1 for all years subsequent to the passage hereof, all water and/or solid waste utility rates established by Sections 1, 3 and 5, hereof, shall be adjusted up or down based on the United States Consumer Price Index ("CPI") as reported on July 1 of such year (or as soon thereafter as such index can be ascertained) using the CPI for July 1, 2008, as the base index year.

(Code 1977, § 19-67; Ord. No. 714, § 3, 8-5-80; Ord. No. 753, § 1, 11-1-83; Ord. No. 784, § 1, 5-5-87; Ord. No. 814, § 1, 6-26-92; Ord. No. 832, § 1, 9-7-93; Ord. No. 340, 8-16-94; Ord. No. 840, § 1, 8-16-94; Ord. No. 928, §5, 8-12-08, Ord. No. 962, § 5-9, 10-11-16)

Sec. 18-174. Uncollected or dumped garbage declared nuisance.

Fermenting or putrefying garbage, dumped in the open due to failure to provide adequate containers or in containers uncollected due to failure to pay the garbage service fee as provided in this article, or to improper type, placing or maintenance of containers, is a nuisance.

(Code 1977, § 19-66)

Cross reference—Nuisances, Ch. 12.

Secs. 18-175–18-190. Reserved.

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ARTICLE VI. EMERGENCY 911 TELEPHONE SERVICE⁷

Sec. 18-191. Emergency telephone service created; fee.

(a) The City of Pauls Valley, Oklahoma, hereby provides for the operation of an emergency telephone service within the 238 telephone exchange area, with other prefixes added by the telephone companies as they become operational, through the levy of an emergency telephone service tax or service fee. Said tax or service fee is hereby levied pursuant to Nine-One-One (911) Emergency Number Act, Title 63 O.S. Supp. 1986, §§ 2811 through 2819 and specifically Section 2814 thereof for the City of Pauls Valley and Garvin County, Oklahoma, to install and operate an Emergency 911 service and levy and collect a service fee or tax not to exceed five (5) percent of the amount billed to a service user for the tariff charges for exchange telephone service or its equivalent, in any year, such fee or tax to be imposed and shall remain in effect as such until a new vote of the electors of Garvin County is conducted as authorized by law.

(b) Collection of the emergency telephone service tax or fee shall begin September 1, 1993.

(Ord. No. 831, §§ 1, 2, 9-7-93)

⁷Cross references—Police department, § 2-38; fire department, §§ 7-16 *et seq.*; telephone exchange fee, §§ 9-111 *et seq.*