

ORDINANCE NO. 19, 2016 SERIES

AN ORDINANCE AMENDING SECTIONS 52.02, 52.48 AND 52.99
OF THE CITY OF FRANKFORT CODE OF ORDINANCES
RELATING TO SANITARY SEWERS

WHEREAS, the Board of Commissioners wishes to amend Sections 52.02, 52.48 and 52.99 of the City of Frankfort Code of Ordinances relating to Sanitary Sewers to establish a tap fee for single family residential dwellings, to prohibit knowingly discharges of unpolluted waters into the City's separate sanitary sewer system, and to establish a fine of \$75.00 per month for individuals or entities knowingly discharging unpolluted waters into the City's separate sanitary sewer system, and in order to facilitate the efficient operation of the Sewer Department.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY, that 52.02, 52.48 and 52.99 of the City of Frankfort Code of Ordinances are hereby amended to read as follows:

SECTION.02 CONNECTIONS; REQUIREMENTS AND CHARGES.

(A) *Connection required - stormwater.* All owners and occupants of houses, apartments, hotels, motels, trailer camps, manufacturing or commercial establishments or any other building of any kind situated upon lots abutting upon any street, alley or easement, in which there is hereafter installed a sewer line which is a part of any future extensions or improvements to the sewer system of the city, shall within 90 days from the date the sewer line is installed and placed in operation connect therewith all sanitary sewerage drain pipes of the houses, apartments, hotels, motels, trailer camps, manufacturing or commercial establishments or other buildings, conveying the sanitary sewage therefrom into the sewer line, the connections to be made under the regulations as the Board of Commissioners may establish by ordinance, and failure to do so is hereby declared to be unlawful and to constitute a nuisance. No stormwater drain shall be connected with any separate sanitary sewer hereafter constructed as or made a part of the separate sanitary sewage system of the city, nor shall any storm water be otherwise introduced into any separate sanitary sewer.

(B) *Plans for sewer connections.* All architects, contractors, builders or other persons who shall hereafter erect new buildings for dwelling, manufacturing or commercial purposes on a lot or parcel ground abutting on a street, alley or easement in which there is hereafter installed and maintained any additional sewer line or in which a sewer line exists which served a previously existing building, which is proposed to be used to serve the new or renovated building or buildings, shall before erecting any building exhibit to the city satisfactory evidence that a means has been or will be provided for connecting the sanitary sewerage drain from the building with the municipal sewer system. (70 Code, § 13.04.030) (Ord. 21-85, 1985, passed 6-24-85)

(C) *Connection charges.*

(1) Tap Fee: All single family residential dwellings, served by a single five-eighths-inch (5/8-inch) water meter, on an individual lot and connecting to the municipal sewer system of the City of Frankfort shall be assessed a tap fee of \$1,000 to be paid by the property owner, or his or her representative, prior to connecting to the municipal sewer system. The tap fee includes the cost of a cleanout vault and the Sewer Department's labor to install the cleanout vault to the Sewer Department's Specifications. Properties paying a Tap Fee shall not be subject to paying a Capacity Fee.

(2) Capacity Fee: For all other properties, not covered by 52.02(C)(1) above, [W]within the corporate limits and outside the city there are hereby imposed capacity fees, which include the cleanout vault fee, as set forth in the following schedule:

<i>Water Meter Size</i>	<i>Capacity Factor</i>	<i>Capacity Fees</i>
Five-eighths-inch	1	\$2,192
Three-quarters-inch	1.50	3,013
One-inch	2.50	4,655
One and one-half-inch	5	8,760
Two-inch	8	13,686
Three-inch turbine	22.50	37,495
Four-inch turbine	50	82,650
Six-inch turbine	90	148,330
Eight-inch turbine	175	287,900
Three-inch compound	16	26,822
Four-inch compound	25	41,600
Six-inch compound	80	131,910
Three-inch combination	32.50	53,915
Four-inch combination	57.50	94,965

(a) A capacity fee shall be imposed for each connection with the municipal sewer system of the city under the provisions codified herein and shall be assessed based upon the total number of water meters installed for the lot.

(b) At the time that the capacity fee is paid, the property owner, or his or her representative, shall pay a separate cleanout vault installation fee, which is included in the capacity fee as shown above. The property owner, or his or her representative, shall have marked the final grade at the location of cleanout vault. The method of marking shall be a stake driven in the ground with a horizontal line indicating the "finish grade." When notified of the marking of the "finish grade," the Sewer Department will then install the cleanout vault.

(c) All capacity fees shall be payable in full prior to connection to the municipal sewer system, except in cases of extreme financial hardship, where the said cost may be prorated for a period not to exceed two years. Extreme financial hardship exceptions apply to single-family residential dwellings only. Owners making application for the said prorated capacity fee under the hardship provision must submit a request in writing to the city. The city may require any information it deems pertinent to the request. If the request is approved, the capacity fee shall be paid in equal monthly payments, over a period not to exceed two years. At the time an application is received from a homeowner, an application fee of \$150 shall be paid to the Sewer Department to cover the cost of the preparation of the promissory note, the mortgage document, and the mortgage release.

(d) This provision shall be applicable for individual home owners, not contractors, builders or developers. Responsibility for the payments shall run with the land and shall be the responsibility of any subsequent owner.

(3) All ordinances or parts of ordinances in conflict are hereby repealed to the extent of any conflict. [~~These provisions went into effect as to sewer service rendered or billed on or after December 1, 2002, except that those users who previously contracted with the city with respect to connection charges pay those charges in accordance with the contracts.~~]

§ 52.48 DISCHARGES; SPECIAL REQUIREMENTS.

(A) Discharge of unpolluted waters into sewer.

(1) No person(s) shall knowingly discharge or cause to be discharged through any leak, defect or connection any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage or cooling water to any sanitary sewer, building sewer, building drain or building plumbing, excepting the discharge of unpolluted water into the City's combined sewers. The Sewer Director or his or her representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks or defects to building sewers and require disconnection or repair of any pipes carrying the water to the building sewer.

(2) The waters shall not be removed through the dual use of sanitary drain sump or a sump pump to building sanitary sewer.

(3) Discharge of the waters by a manual switch-over from sanitary sewer to storm drainage will not be an acceptable method of separation. In case both storm and sanitary sewage is present, separate drainage or pumping system shall be included.

(4) Stormwater, groundwater and all other unpolluted drainage may be discharged to the sewers as are used as storm sewers (combined sewers), if no separate storm sewer is available, and if approved by the Sewer Director, however no new combined sewers will be permitted. Any new construction which contributes storm inflow to an existing combined sewer must design the new construction to minimize or delay the inflow by means of retention ponds, holding tanks, metered detention ponds or other approved measures. Any new building connected to a combined sewer shall be constructed with separate domestic waste and inflow lines so that the inflow line can be disconnected if a separate storm sewer becomes available.

(5) The owner(s) of any building sewers having the connections, leaks or defects shall bear all costs incidental to removal of the sources.

(B) Substances which interfere. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere 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 any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW.

(1) (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to POTW or to the operation of POTW. At no time, shall a waste stream exhibit a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in Title 40 C.F.R. Part 261.21.

(b) Prohibited materials or discharges include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which have a closed cup flashpoint of 140°F (60°C) or less, and any substance which the city, the state or EPA has notified the user is a fire hazard or a hazard to the sanitary sewer system.

(2) Solid or viscous substances in quantities or of a size which may be capable of causing 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 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residue from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 6.0, or higher than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the city.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to

any pollutant identified pursuant to Section 307(a) of the Act.

(5) Any pollutants(s), which, either alone or by interaction with other substances, produce toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(6) Any substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.

(7) Any substance which will cause the POTW to violate its NPDES/KPDES permit, sludge disposal permit or the receiving water quality standards.

(8) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 40°C (104°F).

(9) Any slug load or pollutants, including oxygen demanding pollutants, released at a flow or concentration that will cause interference with the POTW's operation.

(10) The discharge of petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.

(11) Any trucked or hauled pollutants, except at discharge points designated by the Sewer Director.

(C) *Pollutant discharge limits.*

(1) General conditions. The following described substances, materials, waters or waste shall be limited in discharge to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Sewer Director may set additional limitations or limitations more stringent than those established in the regulations below if, in his or her opinion, the more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability, the Sewer Director shall give consideration to the factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant and other pertinent factors.

(2) Dilution of wastewater discharge. 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 for any other pollutant-specific limitation developed by the city or the commonwealth.

(3) Grease, oil and sand interceptors. Grease, oil and sand interceptors shall be provided when in the opinion of the Sewer Director they are necessary for the proper handling of liquid wastes containing floatable oils and/or greases in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Sewer Director and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal. The city may require reporting of the information for their review. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms. Interceptors shall also comply with applicable regulations of the Franklin County Health Department.

(4) Special industrial pretreatment requirement.

(a) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the U.S. EPA under Title 40 C.F.R. Sub. N and Title 40 C.F.R. Part 403 for new and existing industrial discharges to public sewer systems are hereby made a part of this subchapter. Any industrial waste discharge which violates these EPA pretreatment standards shall be in violation of this subchapter.

(b) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his or her expense.

(c) Any person who transports septic tank contents, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge the waste to the public sewer system shall first obtain permission for the discharge from the Sewer Director. All persons receiving the permission shall abide by all applicable provisions of this subchapter and any other special provisions that may be established by the Sewer Director as necessary for the proper operation and maintenance of the sewerage system. Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for the discharge in accordance with a fee schedule established by the Sewer Director and approved by the city. It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer system, except at points of discharge designated by the Sewer Director for such purposes.

(d) Any liquid waste hauler illegally discharging to the public sewer system shall be subject to immediate revocation of discharge privileges, if granted, and further subject to the penalties and enforcement actions prescribed in § 52.53. Nothing in this subchapter shall relieve waste haulers of the responsibility for compliance with County Health Department, state or federal regulations.

(5) Protection from accidental and/or slug discharges.

(a) Each significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or

other substances regulated by this subchapter. Facilities to prevent accidental and slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two years, the Sewer Director will determine whether each significant industrial user needs to develop a plan to control slug discharges. If the Sewer Director decides that a slug control plan is needed, the plan shall contain the following:

1. Description of discharge practices;
2. Description of stored chemicals;
3. Procedures for notifying the POTW; and
4. Prevention procedures for spills.

(b) In the case of all possible or actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include the location of discharge, type of waste, concentration and volume and corrective actions taken.

(c) Within five days following an accidental and/or slug discharge, the user shall submit to the Sewer Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall the notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article, the enforcement response plan or other applicable law or regulation.

(d) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer the dangerous discharges to occur are advised of the emergency notification procedures.

(6) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this subchapter for sources in the subcategory, shall immediately supersede the limitations imposed under this subchapter. The city shall notify all affected users of the applicable reporting requirements under Title 40 C.F.R. Part 403.12.

(7) Restricted discharges. The following discharges in or to the city sewer system are prohibited.

- (a) Wastewater containing more than 100 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin;
- (b) Wastewater from industrial plants, commercial business or other nondomestic connections containing floatable oils, fat or grease, whether emulsified or not, in amounts that would not interfere or inhibit the biological treatment processes;
- (c) Any garbage that has not been properly shredded (garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers);
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interactions with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a federal pretreatment standard (a toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act);
- (e) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the Sewer Director in compliance with applicable state and/or federal regulations;
- (f) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes;
- (g) Any wastewater with objectionable color not removable in the POTW, but in no case, wastewater with a color at the introduction into the POTW that exceeds 300 ADMI units;
- (h) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to the degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving stream of the POTW;
- (i) Any water or waste which has characteristics based on a 24-hour composite sample, grab or a shorter period composite sample if more representative, which exceed the following normal maximum domestic wastewater parameter concentrations (discharges greater than these concentrations may be subject to penalties contained in the enforcement response plan for the city, in addition to surcharge);

<i>Parameter</i>	<i>Daily Maximum Allowable Concentration Without Surcharge (mg/l)</i>
BOD	200
TSS	200

(j) The city has received authority through U.S. EPA and state statutes to enforce the requirements of Title 40 C.F.R. Sub. N and Title 40 C.F.R. Part 403. All users shall comply with the requirements of those regulations as well as with all articles of this subchapter.

(k) Any waste or wastewater classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without, at least, a 60-day prior notification of the discharge to the Sewer Director of the POTW. This notification must include the names of the waste, EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence. The Sewer Director may deny or condition this discharge at any time.

(l) The following limitations are established for characteristics of any wastewater to be discharged into the municipal sewer system.

<i>Max. Daily Concentration (mg/l)</i>	<i>Parameter</i>
0.70	Arsenic
0.11	Cadmium

<i>Max. Daily Concentration (mg/l)</i>	<i>Parameter</i>
2.50	Total Chromium
0.22	Copper
1.00	Lead
0.005	Mercury
0.68	Nickel
0.77	Silver
1.00	Zinc
0.89	Cyanide
0.003	PCB s
100.00	Oil and grease
less than 6.0 or greater than 9.0	pH

(8) 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 subchapter.

(9) City~~s~~ right of revision. The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this chapter.

(10) Written notice. Within five days following an accidental discharge, the user shall submit to the city a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

(11) Notice to employees. A notice shall be permanently posted on the user~~s~~ bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer a dangerous discharge to occur are advised of the emergency notification procedure.

§ 52.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm or corporation violating any of the provisions of §§ 52.01 through 52.33 or failing or refusing to comply with an administrative order issued due to the failure to comply with same, whether or not he, she or it shall be the owner or the occupant of the property involved, shall be fined not less than \$100 nor more than \$10,000 for each offense. Each day on which a violation shall occur or continue shall occur or constitute a separate offense.

(C) Any person, firm or corporation violating federal or state law or any of the provisions of §§ 52.45 through 52.53 or failing or refusing to comply with an administrative order issued due to the failure to comply with same, whether or not he, she or it shall be the owner or the occupant of the property involved, shall be fined not less than \$1,000 nor more than \$50,000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

(D) In addition to the penalty set forth in this subchapter, any person, firm or corporation violating any of the provisions of § 52.01 through 52.62 can be required by the Sewer Director to take action to correct the condition causing the violation and to cease discharging into the city~~s~~ sewer system if the condition causing the violation is not corrected or remedied.

(E) The city or its designee may take legal action to enforce the provisions of this subchapter, including an action for injunctive relief. In addition to the penalties provided in this subchapter, the city may recover reasonable attorney~~s~~ fees, court costs, court reporter~~s~~ fees, and other expenses of litigation incurred as a result of legal action taken against the person found to have violated this subchapter or the orders, rules regulations and permits issued hereunder.

(F) Any person, firm, or corporation found knowingly discharging unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water into the municipal separate sewer system shall be fined \$75 per month for each connection found until the illegal connections are removed.

First Reading on the 26 day of September, 2016.

Final Adoption on the 24 day of October, 2016.

S/William I. May, Jr.
T/Mayor

Attest:

S/Chermie Maxwell
T/City Clerk

Summary: This ordinance amends Sections 52.02, 52.48, and 52.99 of the City of Frankfort Code of Ordinances to establish a tap fee for single family residential dwellings, to prohibit knowingly discharges of unpolluted waters into the City's separate sanitary sewer system, and to establish a fine of \$75.00 per month for individuals or entities knowingly discharging unpolluted waters into the City's separate sanitary sewer system, and in order to facilitate the efficient operation of the Sewer Department.

S/ Robert C. Moore
T/City Solicitor

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