

Chapter 16 WATER AND SEWERS

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ARTICLE I. WATER WORKS BOARD

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§ 16-1. Franchise granted to water works board.

There is hereby granted to the Water Works Board of the City of Fayette, Alabama, a corporation, the right, privilege, authority and franchise to acquire, own, maintain, construct, enlarge and operate a water works plant and system in the City of Fayette, Alabama, for the purpose of supplying water to said city and the inhabitants thereof, and the consent of said city is hereby given to said grantee to use the streets, avenues, alleys and public ways and public places of said city for the construction, maintenance and operation of such water works plant and system.

(Ord. of 10-6-47, § 1)

§ 16-2. Authority to expand mains granted.

The water works board is hereby granted the right, privilege and authority, at any time and from time to time and without requirement as to permit or fee therefor, to extend its mains over any streets, avenues, alleys, public ways and public places in said city for the purpose of enlarging and extending its said system.

(Ord. of 10-6-47, § 2)

§ 16-3. Agreement by water works board.

The water works board shall, and by accepting this franchise agrees, that it will upon making any excavations of the streets, avenues, alleys, public ways and public places of said city for the purpose of constructing, maintaining or operating said system, restore the surface or paving, at the point of such excavations, in substantially the same condition as before such work was done, all as promptly as may be practicable and within a reasonable length of time thereafter.

(Ord. of Oct. 6, 1947, § 3)

§ 16-4. Terms of franchise.

The rights, privileges, franchise and authority hereby granted may be exercised by the water works board or any of its successors and assigns, all subject nevertheless to the conditions and obligations herein contained.

(Ord. of Oct. 6, 1947, § 4)

§ 16-4.1. Water works board to bill, collect, receipt fees.

The Water Works Board of the City of Fayette, Alabama, a corporation, is authorized and empowered to bill, collect and receipt for fees for sanitary sewer service in the City of Fayette, Alabama, effective October 1, 1982. The City of Fayette hereby agrees to indemnify and hold harmless the water board for any actions or causes of action arising from the undertaking hereof.

(Res. No. 1982-12, 8-30-82)

§ 16-5. Premises not to be connected to water system unless written proof is provided that premises is connected to sanitary sewer system.

No dwelling, building or other premises shall be connected or reconnected to the water system of the water works board of the city unless and until the water works board receives written confirmation from the city that the dwelling, building or other premises is connected to the city's sewer system or has a private disposal system as permitted under this chapter.

(Ord. No. 2000-03, § 1, 9-18-00)

§§ 16-6—16-20. Reserved.

ARTICLE II. SEWERS ⁽¹⁾

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FOOTNOTE(S):

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Editor's note— Ord. Nos. 1990-8 and 1990-9, adopted Oct. 1, 1990, pertaining to sewer use, have been deemed as superseding Article II, pertaining to similar subject matter, as derived from ordinances

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adopted Aug. 21, 1961, July 29, 1963, Oct. 7, 1963, April 10, 1972, Jan. 3, 1972 and Ord. No. 1982-7, adopted Aug. 30, 1982. ([Back](#))

DIVISION 1. GENERALLY.

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§ 16-21. Definitions.

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

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

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the outer face of the building wall.

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

CFR is an abbreviation for Code of Federal Regulations.

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

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

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

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

OSHA is an abbreviation for Occupational Safety and Health Administration.

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

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

Properly shredded garbage shall mean the wastes from the preparation, cooking of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half-inch in any dimension.

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

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

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

Sewage treatment plant shall mean any arrangement of devices and structures used for treating sewage.

Sewage works or *sewage system* shall mean all facilities for collecting, pumping, treating, and disposing sewage.

Sewer shall mean a pipe or conduit for carrying sewage.

Shall is mandatory, *may* is permissive.

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

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

Superintendent shall mean the responsible person of the City of Fayette or his authorized deputy, agent, or representative, and/or the city's engineer. (While superintendent as used herein, can also be the city's engineer, the city's engineer, used hereinafter, does not mean superintendent.)

Suspended solids shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

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

(Ord. No. 1990-9, Art. I, §§ 1—24, 10-1-90)

§ 16-22. Unsanitary deposits on property.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Fayette or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectional waste.

(Ord. No. 1990-9, Art. II, § 1, 10-1-90)

§ 16-23. Discharge of polluted waters without treatment.

It shall be unlawful to discharge to any natural outlet within the City of Fayette, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(Ord. No. 1990-9, Art. II, § 2, 10-1-90)

§ 16-24. Construction of privies, etc., only as authorized.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(Ord. No. 1990-9, Art. II, § 3, 10-1-90)

§ 16-25. Required connection to public sanitary sewer.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this within ninety (90) days after date of written notice to do so, provided that said public sewer is within two hundred (200) feet of the property line.

(Ord. No. 1990-9, Art. II, § 4, 10-1-90)

§ 16-26. Building permit issuance conditioned on compliance with article.

No building permit for construction of new buildings nor modification of existing buildings shall be issued unless the plans for the new building include provisions of the use of public sewers as required in [section 16-21](#) and Division 2.

(Ord. No. 1990-9, Art. II, § 5, 10-1-90)

§ 16-27. Private systems—Compliance with law; when permitted.

The disposal of sewage by means other than the use of available sanitary sewage system shall be in accordance with local county and state law. The disposal of sewage by private disposal system shall be permissible only in those instances where service from the public sanitary sewerage system is not available.

(Ord. No. 1990-9, Art. III, § 1, 10-1-90)

§ 16-28. Same—Denial or approval of permits; observance of safety rules.

- (a) The city shall have authority to approve or reject private sewage disposal facilities in accordance with a standard set of plans and specifications for installation of such facilities. Permits for these facilities should be issued when approved and periodic inspection should be made by the plumbing inspector or the local health department depending on who issues the permits.
- (b) While performing the necessary work on private properties referred to in [section 16-29](#), the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city's employees and the city shall indemnify the company and growing out of the gauging and

sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in [section 16-68](#)

(Ord. No. 1990-9, Art. III, VIII, § 2, 10-1-90)

§ 16-29. Right of entry—Generally.

The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provision of this article. The superintendent, or his representatives, shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond the point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(Ord. No. 1990-9, Art. VIII, § 1, 10-1-90)

§ 16-30. Same—Onto easements.

The superintendent and other duly authorized employees of the city bearing proper credentials and identifications shall be permitted to enter all private properties through which the board holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. No. 1990-9, Art. VIII, § 3, 10-1-90)

§ 16-31. Destruction of property.

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

(Ord. No. 1990-9, Art. VII, § 1, 10-1-90)

§ 16-32. Remedying prohibited conditions.

Any person found to be violating any provision of this article except Division 4 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Nothing in this section shall preclude an initial, informal, verbal notice of the violation.

(Ord. No. 1990-9, Art. IX, § 1, 10-1-90)

§ 16-33. Liability for expense, etc., occasioned by violation.

Any person violating any of the provisions of this article shall become liable to the board for any expense, loss, or damage occasioned the board by reason of such violation.

(Ord. No. 1990-9, Art. IX, § 2, 10-1-90)

§ 16-34. Discontinuance of sewer and water service to violator.

Any person who shall continue any violation beyond the time limit provided for in [section 16-32](#), shall, in the sole option of the superintendent, have his sewer and/or also at the sole option of the superintendent have his water service disconnected.

(Ord. No. 1990-9, Art. IX, § 3, 10-1-90)

§ 16-35. Punitive action and penalties.

The city shall have the right to impose punitive action and penalties due to malicious damage caused to sewage works or treatment works or any such facilities and all appurtenances. Such penalties and action shall be in accordance with such regulations adopted by the Fayette City Council and published, or, to the extent required to replace or repair such damage (to include all labor, materials, fines, expenses and incidentals plus penalty fees, and such action required to prevent malicious damage in the future.)

(Ord. No. 1990-9, Art. IX, § 4, 10-1-90)

§§ 16-36—16-40. Reserved.

DIVISION 2. BUILDING SEWER AND CONNECTIONS

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§ 16-41. Building sewer installation, etc., costs and expenses to be borne by owner.

All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner of the building sewer. The owner shall indemnify the city from any loss or damage they may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. No. 1990-9, Art. IV, § 3, 10-1-90)

§ 16-42. Separate and independent building sewer.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Ord. No. 1990-9, Art. IV, § 4, 10-1-90)

§ 16-43. Use of old building sewer.

Old building sewers may be used in connection with new building only when they are found, on examination and test by the superintendent, to meet all requirements of this article.

(Ord. No. 1990-9, Art. IV, § 5, 10-1-90)

§ 16-44. Building sewer specifications—Installation.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C. F. Manual of Practice No. 9 shall apply.

(Ord. No. 1990-9, Art. IV, § 6, 10-1-90)

§ 16-45. Same—Materials.

Building sewers shall be of P.V.C. (SDR 36 or stiffer), extra strength V.C., cast/Ductile iron, or C.I.S.P., and shall have minimum diameter of four (4) inches. Building sewers with less than two (2) feet of cover shall be iron. Larger diameter pipe may be required by the superintendent if estimated flow so indicate. Minimum building sewer slope shall be one-eighth-inch per foot, with one-fourth-inch per foot the normal slope. Fittings shall be designed for use with the pipe so grout joints are not necessary. "O" rings or gasket joints of P.V.C. or rubber shall be used. Clean outs shall be subject to approval by the superintendent. Building sewers shall not be covered until approved in place, by the superintendent. Building sewers shall be laid on the crushed stone base. Backfill shall be completed, in layers and graded to prevent entrance of surface water to the trench. The superintendent may order concrete protection of shallow building sewers.

(Ord. No. 1990-9, Art. IV, § 13, 10-1-90)

§ 16-46. Building sewer elevation.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Ord. No. 1990-9, Art. IV, § 7, 10-1-90)

§ 16-47. Connection of building sewer to downspouts, etc.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is

connected directly or indirectly to a public sanitary sewer. Any existing such connection found shall be disconnected and the building sewer repaired to the satisfaction of the superintendent.

(Ord. No. 1990-9, Art. IV, § 8, 10-1-90)

§ 16-48. Requirements for connecting building sewer to public sewer.

The connection of building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulation of the city, or the procedures set forth in appropriate specification of the A.S.T.M. and the W.P.C.F. Manual Practice No. 9. All such connection shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(Ord. No. 1990-9, Art. IV, § 9, 10-1-90)

§ 16-49. Connection permit—Required.

No person shall uncover, make any connection with or open into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City of Fayette, in addition to any (and all) permits required by the city.

(Ord. No. 1990-9, Art. IV, § 1, 10-1-90)

§ 16-50. Same—Classes; inspection fees.

There shall be two (2) classes of building sewer permits:

- (1) For residential and commercial service, and
- (2) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application in a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the city. A current published permit and inspection fee shall be charged for residential, commercial building or industrial building and shall be paid to the city at the time the application is filed.

(Ord. No. 1990-9, Art. IV, § 2, 10-1-90)

§ 16-51. Same—Inspection and supervision of work.

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative. The building sewer shall not be covered until approval for backfill has been given by the superintendent.

(Ord. No. 1990-9, Art. IV, § 11, 10-1-90)

§ 16-52. Connections to be made by employees of the city.

Except in cases where the superintendent shall otherwise approve, in writing as a permit condition, all connection to existing sewers shall be made by employees of the city. The connecting building sewers installed by the city shall include, tap (or wye) and sufficient building service line to extend the building sewer to at least three (3) feet beyond the street's traveled way, pavement, curb and/or sidewalk, on the side of those facilities nearest the proposed building to be served. At that point the city will install a plug, pending extension of the building sewer by the permittee. The city shall charge a current published fee for

its costs in making the sewer connection, and building sewer extension, as described above. That fee shall be payable when the permit is obtained.

(Ord. No. 1990-9, Art. IV, § 10, 10-1-90)

§ 16-53. Excavations.

All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Street, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner that is satisfactory to the city.

(Ord. No. 1990-9, Art. IV, § 12, 10-1-90)

§§ 16-54—16-60. Reserved.

DIVISION 3. PROHIBITED AND RESTRICTED DISCHARGES; TREATMENT

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§ 16-61. Prohibited discharges to storm sewers and natural waterways.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer, nor shall a person discharge sanitary or industrial wastewater to any storm sewer or natural waterway.

(Ord. No. 1990-9, Art. V, § 1, 10-1-90)

§ 16-62. Discharge of unpolluted waters.

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

(Ord. No. 1990-9, Art. V, § 2, 10-1-90)

§ 16-63. Untreated discharges prohibited.

No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers: (Pretreatment shall be provided, if necessary to meet these standards.)

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
- (3) Any waters or wastes having pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to piping structures, equipment, and personnel or the sewage works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction of the flowing sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk container, etc., either whole or ground by garbage grinders.

(Ord. No. 1990-9, Art. V, § 3, 10-1-90)

§ 16-64. Discretionary discharges.

No persons shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance.

In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration of such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors.

The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (65 degrees C.)
- (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not in excess of one hundred mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F.
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the reviews and approval of the superintendent.
- (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, cyanide, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceed the limits established by the superintendent and/or the Alabama Department of Environmental Management of such materials.
- (6) Any water or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary,

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after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies or jurisdictions for such discharge to the receiving waters.

- (7) Any radioactive wastes or isotopes of such half-life concentration as may exceed limits established by the superintendent in compliance with applicable state and federal regulations.
- (8) Any waters or wastes having a pH in excess of 9.5.
- (9) Material which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discolorations (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD (above 300 mg/l), chemical oxygen demand, or chlorine requirement in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume or flow or concentration of waste constituting "slugs" and defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (11) Waters or wastes containing suspended solids in excess of 300 mg/l.

(Ord. No. 1990-9, Art. V, § 4, 10-1-90)

§ 16-65. Options of superintendent.

- (a) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substance or possess the characteristics enumerated in [section 16-64](#) of this article, and which in the judgment of the superintendent, and/or the Alabama Department of Environmental Management, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:
 - (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of [section 16-70](#) of this article.
- (b) If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the board's engineer and the Alabama Department of Environmental Management and subject to the requirements of all applicable codes, ordinances, and laws.

(Ord. No. 1990-9, Art. V, § 5, 10-1-90)

§ 16-66. Grease, oil and sand interceptors.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, or other harmful ingredients; except that such interceptors shall not be required for

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private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. No. 1990-9, Art. V, § 6, 10-1-90)

§ 16-67. Maintenance of preliminary treatment or flow-equalizing facilities.

Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. Tests as necessary to confirm the adequacy of retreatment, shall be at the owner's expense.

(Ord. No. 1990-9, Art. V, § 7, 10-1-90)

§ 16-68. Control manholes.

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

(Ord. No. 1990-9, Art. V, § 8, 10-1-90)

§ 16-69. Measurements, tests and analyses.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole as been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, and limb, and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composite of all outfalls whereas pH's are determined from periodic grab samples.)

(Ord. No. 1990-9, Art. V, § 9, 10-1-90)

§ 16-70. Special agreements and arrangements.

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

(Ord. No. 1990-9, Art. V, § 10, 10-1-90)

§§ 16-71—16-80. Reserved.

DIVISION 4. EXTENDING OF PUBLIC SANITARY SEWER

[§ 16-81. Submitting plans and specifications.](#)

[§ 16-82. Inspecting engineer.](#)

[§ 16-83. Liability for cost of service of city's engineer.](#)

[§ 16-84. OSHA requirement compliance.](#)

[§§ 16-85—16-90. Reserved.](#)

§ 16-81. Submitting plans and specifications.

Any person desiring to extend a public sanitary sewer (That is, any sanitary sewer other than a building sewer) shall submit to the city for review by the city's engineer, plans and specifications for the proposed extension in two (2) copies. Those plans and specifications shall have been prepared and sealed by the engineer registered as a professional engineer in the state of Alabama and shall conform to all requirements of the ADEM and the city with regard to materials, slopes, alignment, pipe diameters, manhole diameters, compaction and backfill of trenches, pavement replacement, and other construction details. The city shall not issue a permit for extension of a public sanitary sewer until the city engineer has examined the plans and specifications noting that the documents are released for construction. The city's engineer shall contact the engineer (whose seal appears on the plans and specifications) if any discrepancies and/or revisions or corrections are found necessary to the submitted plans and specifications. Copies of the city's Standard Specifications for Sanitary Sewer may be obtained from the office of the city's engineer, or at the office of the city, at a current published price, or may be inspected at either office, at no charge.

(Ord. No. 1990-9, Art. VI, § 1, 10-1-90)

§ 16-82. Inspecting engineer.

During construction of sewer extensions, the person desiring that construction shall, during construction of the sewer, furnish inspection by a qualified representative of the engineer whose seal appears on the plans and specifications prior to discharge of sewage to the sewer.

(Ord. No. 1990-9, Art. VI, § 2, 10-1-90)

§ 16-83. Liability for cost of service of city's engineer.

The cost to the city of the city's engineer in providing the review of the plans and specification shall be charged to the person desiring to construct that public sewer extension with the amount of the billing to be determined based on the city's engineer's normal billing rate to the city.

(Ord. No. 1990-9, Art. VI, § 3, 10-1-90)

§ 16-84. OSHA requirement compliance.

All pertinent and applicable OSHA requirements shall be met in relation to the construction or operation of the sewer facilities or system.

(Ord. No. 1990-9, Art. VI, § 4, 10-1-90)

§§ 16-85—16-90. Reserved.

DIVISION 5. USER CHARGE SYSTEM

[§ 16-91. Purpose.](#)

[§ 16-92. Definitions.](#)

[§ 16-93. Billing.](#)

[§ 16-94. Requesting review.](#)

[§ 16-95. Operation, maintenance and replacement costs.](#)

[§ 16-96. Notification of rate for operation, maintenance and replacement.](#)

[§ 16-97. Monthly user charge rates.](#)

[§§ 16-98—16-100. Reserved.](#)

§ 16-91. Purpose.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City of Fayette to collect charges from all users who contribute wastewater to the city's treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.

(Ord. No. 1990-8, Art. I, 10-1-90)

§ 16-92. Definitions.

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

BOD (denoting *biochemical oxygen demand*) shall mean the quantity of oxygen utilized in the biochemical oxidation or organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter (mg/l).

Commercial user shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

Governmental user shall include legislative, judicial, administrative, and regulatory activities of federal, state, and local governments.

Industrial user shall include any nongovernmental, nonresidential user of publicly owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions; Division A-Agriculture, Forestry, Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary; and Division I-Services.

Institutional user shall include social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

Large commercial user shall mean a commercial user that uses more than ten thousand (10,000) gallons of water per month.

Normal domestic wastewater shall mean wastewater that has a BOD concentration of not more than three hundred (300) mg/l and a suspended solids concentration of not more than three hundred (300) mg/l.

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Operation and maintenance shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in this section.

Replacement shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

SS (denoting *suspended solids*) shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

Shall is mandatory; *May* is permissive.

Small commercial user shall mean a commercial user that uses less than ten thousand (10,000) gallons of water per month.

Treatment works shall mean any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extensions improvement, remodeling additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

Useful life shall mean the estimated period during which a treatment works will be operated.

User charge shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

Water meter shall mean a water volume measuring and recording device, furnished and/or installed by the water works board of the city.

(Ord. No. 1990-8, Art. II, §§ 1—2, 10-1-90)

§ 16-93. Billing.

- (a) All users shall be billed monthly. Billings for any particular month shall be made within ten (10) days after the end of the month. Payments are due within fifteen (15) days after the end of the month. Any payment not received by that date shall be delinquent.
- (b) A late payment penalty of ten (10) percent of the user charge bill will be added to each delinquent bill.
- (c) When any bill (including interest and penalty) remains unpaid for one year after the date due, such bill shall be recorded in the land records of Fayette County by the city clerk and shall constitute a lien on the property. If such lien (including interest and penalty) remains unpaid for a period of one (1) year after date of recordation, such property shall be subject to public sale by the city clerk.

(Ord. No. 1990-8, Art. V, §§ 1—3; Ord. No. 1990-11, §§ 1, 2, 11-5-90)

§ 16-94. Requesting review.

- (a) Any user who feels his user charge is unjust and inequitable may make written application to the city requesting a review of his user charge. Said written request shall, where necessary, show the actual

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or estimated average low and/or strength of his wastewater in comparison with the values upon which measurements or estimates were made.

- (b) Review of the request shall be made by the city and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period.

(Ord. No. 1990-8, Art. VI, §§ 1, 2, 10-1-90)

§ 16-95. Operation, maintenance and replacement costs.

The city will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the cost of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

(Ord. No. 1990-8, Art. VII, § 1, 10-1-90)

§ 16-96. Notification of rate for operation, maintenance and replacement.

The city will notify each user at least annually of the rate being charged for operation, and maintenance including replacement of the treatment works.

(Ord. No. 1990-8, Art. VII, § 2, 10-1-90)

§ 16-97. Monthly user charge rates.

The following monthly user charge rates shall be paid for operation maintenance, replacement, and debt service:

- (a) Residential and small commercial:
- First 2,000 gallons, minimum\$17.50
 - 2,001—10,000 gallons, per 1,000 gallons1.75
 - Over 10,000 gallons, per 1,000 gallons1.45
- (b) Large commercial and industrial:
- First 10,000 gallons, minimum48.99
 - Over 10,000 gallons, per 1,000 gallons0.903

(Ord. No. 2002-02, § 2, 9-5-02; Ord. No. 2008-07, § 5, 11-17-08; Ord. No. 2009-04, § 3, 6-24-09)

§§ 16-98—16-100. Reserved.

DIVISION 6. HOLDING TANKS

[§ 16-101. Prohibition of the discharge of holding tank waste into the city sewer system.](#)

[§ 16-102. Requirements for discharge of holding tank waste produced from residential or business septic tanks.](#)

[§ 16-103. Requirements for discharge of holding tank waste produced from industrial tanks.](#)

[§ 16-104. Requirement for discharge of holding tank waste produced from chemical toilets, campers, trailers, motor homes, vacuum tank trucks and similar receptacles.](#)

[§ 16-105. Fees due and payable.](#)

[§ 16-106. Penalty.](#)

[§ 16-107. Late fee.](#)

§ 16-101. Prohibition of the discharge of holding tank waste into the city sewer system.

- (a) No person shall discharge holding tank waste into the city sewer system without first complying with the requirements as set forth below.
- (b) Unless the context specifically indicates otherwise, the term "holding tank waste" shall have the following meaning: Any waste from holding tanks, such as chemical toilets, campers, trailers, motor home, septic tanks, vacuum tank trucks and similar receptacles.

(Ord. No. 1996-18, § 1, 11-18-96)

§ 16-102. Requirements for discharge of holding tank waste produced from residential or business septic tanks.

- (a) Any person or entity desiring to discharge holding tank waste produced from residential or business septic tanks into the city sewer system shall first make written application with the city and obtain the approval of the city for said discharge. The person making application for said discharge and the person conducting said discharge shall hold a valid certificate from the health department of the State of Alabama.
- (b) Only tank waste that is allowed by the sewer use ordinance of the city (§ [16-21](#) et seq.), shall be discharged into the sewer system. No waste prohibited by the sewer use ordinance shall be discharged into the sewer system, nor shall industrial sludge be discharged into the sewer system.
- (c) The holding tank waste shall only be discharged at the location designated by the city wastewater superintendent.
- (d) The rate for the discharge of holding tank waste produced from residential or business septic tanks shall be fifteen dollars (\$15.00) per one thousand (1,000) gallons.
- (e) There shall be a minimum charge of fifteen dollars (\$15.00) per discharge of holding tank waste into the city sewer system.

(Ord. No. 1996-18, § 2, 11-18-96; Ord. No. 1998-03, § 1, 3-2-98)

§ 16-103. Requirements for discharge of holding tank waste produced from industrial tanks.

- (a) Any person or entity desiring to discharge holding tank waste produced from industrial tanks into the city sewer system shall first make written application to the city and obtain the approval of the city for said discharge. The person making said application and the person conducting said discharge shall hold a valid certificate from the health department of the State of Alabama. The applicant must acquire a state indirect discharge permit issued by the Alabama Department of Environmental Management prior to disposal of industrial waste into the city sewer system. The applicant must also perform analysis of said industrial waste as determined to be necessary by the city wastewater superintendent prior to disposal in the city's wastewater treatment plant.

- (b) Only holding tank waste that is allowed by the said sewer use ordinance of the city shall be discharged into the sewer system. No waste prohibited by the sewer use ordinance shall be discharged into the sewer system nor shall industrial sludge be discharged into the sewer system.
- (c) The holding tank waste shall only be discharged at the location designated by the city wastewater superintendent.
- (d) The city council of the city shall determine an appropriate fee for accepting industrial holding tank waste on a case by case basis.

(Ord. No. 1996-18, § 3, 11-18-96)

§ 16-104. Requirement for discharge of holding tank waste produced from chemical toilets, campers, trailers, motor homes, vacuum tank trucks and similar receptacles.

- (a) Any person or entity desiring to discharge holding tank waste produced from chemical toilets, campers, trailers, motor homes, vacuum tank trucks and similar receptacles into the city sewer system shall first make written application to the city and obtain the approval of the city for said discharge. The person conducting said discharge shall hold a valid certificate from the health department of the State of Alabama.
- (b) Only holding tank waste that is allowed by the said sewer use ordinance of the city shall be discharged into the sewer system. No waste prohibited by the sewer use ordinance shall be discharged into the sewer system nor shall industrial sludge be discharged into the sewer system.
- (c) The holding tank waste shall only be discharged at the location designated by the city wastewater superintendent.
- (d) The city council of the city shall determine an appropriate fee for accepting industrial holding tank waste produced from chemical toilets, campers, trailers, motor homes, vacuum tank trucks and similar receptacles on a case by case basis.

(Ord. No. 1996-18, § 4, 11-18-96)

§ 16-105. Fees due and payable.

The fee charged under the provisions of this division, except as otherwise provided, shall be due and payable monthly on or before the twentieth day of the month next succeeding the month in which the holding tank waste is discharged. On or before the twentieth day of each month after the ordinance shall have taken effect, every person who is discharging holding tank waste into the city sewer system whom the amounts fees levied by this division are imposed shall render to the city, on a form prescribed by the city, a true and correct statement showing the amount of holding tank waste discharged into the city sewer system for the next preceding month, together with such other information as the city may require, and at the time of making such monthly report such person shall compute the holding tank discharge fee due and shall pay to the city the amounts shown to be due.

(Ord. No. 1997-14, § 1(5), 9-15-97)

§ 16-106. Penalty.

If any person subject to this division fails to render any report required hereby or should violate any other provision hereof, he shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500.00) to which may be added confinement in jail for a period not exceeding six (6) months.

(Ord. No. 1997-14, § 1(6), 9-15-97)

§ 16-107. Late fee.

In addition to all other penalties, fines and punishments imposed in this article, any person, firm or corporation who fails to submit a report as required by the twentieth day of each month shall pay a late fee of twenty-five dollars (\$25.00).

(Ord. No. 1997-14, § 1(7), 9-15-97)