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TITLE VII. UTILITIES

CHAPTER 701: SEWER SYSTEMS POLICY

ARTICLE I. IN GENERAL

SECTION 7.1 PURPOSE AND INTERPRETATION

A. A purpose of this Title is to provide for the maximum possible beneficial public use of the City's facilities through adequate regulation of sewer construction, sewer use and commercial and industrial wastes and to provide procedures for complying with requirements placed upon the City by other regulatory bodies.

B. The Lone Jack sewerage system was established and is controlled by the Board of Aldermen through the Director of Public Works, referred to in this Title as the Director.

C. Any reference to the Sewer department or just department shall mean the Department of Public Works.

D. For the purpose of exercising the powers conferred upon the Director by the Board of Aldermen relative to the work of the department, the policies in this Title have been formulated.

E. This Title is published for the information and benefit of developers, subdividers, community leaders and the general public as a guide to the practices of the department.

F. The City reserves the right to amend or modify the statement of policy contained in this Title and to interpret the meaning of all statements made in this Chapter.

SECTION 7.2 POWERS OF DEPARTMENT AND DIRECTOR – GENERALLY

Powers conferred by the Board of Aldermen to the Director include the power to:

A. Construct, reconstruct, improve, extend, operate and maintain any sewerage system within or partly within and partly outside of the City;

B. Issue rules, regulations and standards for the design, construction and/or installation of any facilities to be taken over, operated and maintained by the department;

C. Require owners, tenants or occupants of abutting property to connect with and use available sanitary sewers of the department for the disposal of sewage, sewage wastes or other polluting matter.

D. To charge and collect rates, fees and charges for use of its facilities or for the services furnished by any system operated by the department with the concurrence of the Board of Aldermen.

E. Residential customers may receive a 3% full payment discount if such payment is received by the due date for the April billing satisfying charges due for the next twelve months, provided that no refunds will be given if the account is terminated (e.g., account holder moves out of the City) prior to the end of the
12 months. The City Clerk is authorized to establish and promulgate rules that are consistent with the directions of this section and are necessary to carry out the full payment discount program.

SECTION 7.3 GENERAL SEWAGE DISPOSAL POLICY

A. The goal of the department for sewage disposal is to conform to the requirements of the State Department of Natural Resources.

B. Owners, tenants or occupants of property shall be required to connect to and use available sanitary sewers of the department for disposal of sewage, sewage wastes or other polluting matter in accordance with the rules and regulations of the department.

C. The department will receive only sanitary sewage through its system of sewers and sewage treatment facilities. Sanitary sewage, as distinguished from industrial wastes, shall be those wastes which submit to normal sewage treatment processes, are not toxic to the biological processes of treatment, and are not excessive in biochemical oxygen demand, suspended solids, acidity, alkalinity, free oil, etc.

D. Private treatment systems may be allowed in areas not served by the sewer system if approved by the State Department of Natural Resources and the Jackson County Health Department and the City.

SECTION 7.4 EXTENSION OF SERVICE

A. Property not currently served by public sewage facilities may have service extended to it in accordance with the City's capital improvements program. Facilities will be constructed by the City only if the reserves of the City are adequate to finance the construction or after the issue and sale of revenue bonds to finance the construction.

B. Landowners desiring extension of public sewerage service facilities not included in the City's capital improvements program or in advance of the schedule in the City's capital improvements program shall make application to the department for extension of service before starting construction of any sewerage facilities. The application shall be reviewed by the department to determine whether extension of services is consistent with the City's Comprehensive Plan, the City's water and/or sewer master plan, and the standards of the design and construction standards. If the department approves the application, the landowner shall obtain a public works permit agreeing to perform all construction of approved facilities in accordance with the design and construction standards.

1. Landowners will be required to furnish, install and construct at their expense all sewerage facilities necessary to serve their development, in accordance with the design and construction standards, and shall agree to transfer to the City all property and facilities thereof, free of debt, liens and other legal encumbrances, for ownership, operation and maintenance. Facilities not complying with these standards will not be accepted by the City and will not be allowed to connect to the sewerage system until the deficiencies are corrected. Acceptance of the improvements by the City shall be in compliance with the design and construction standards.

2. Landowners will be required to provide enlarged sewers to serve adjacent areas and/or upstream areas according to the general plans of the department promulgated from time to time. A development agreement may provide that the extra cost to the landowner for enlarged sewers will be reimbursed by the City.
3. All sewerage facilities constructed by the landowner to be transferred to the City shall be constructed on public right-of-way or upon private land with perpetual easements, conveyed free of cost to the City, providing free, unobstructed and uninterrupted right-of-way for inspection, operation, maintenance, enlargement, replacement, alteration and extension of the facilities. Lift stations, booster stations, elevated tanks, open basins, flumes and channels, and sewage treatment facilities shall be located on property with front, side and rear yards at least fifty (50) feet wide measured from the nearest building or structure wall to the nearest property line and perpendicular thereto.

4. Projects included in the City's capital improvement program and constructed by the landowner in advance of the schedule in the City's capital improvement program shall be deleted from the capital improvement program upon completion.

SECTION 7.5 RESERVED.

SECTION 7.6 RESERVED.

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ARTICLE II. OFFENSES CONCERNING UTILITIES

SECTION 7.12 TRESPASS UPON SEWER PROPERTY PROHIBITED

No person or persons, not authorized by the City of Lone Jack, Missouri, shall trespass upon the sewer property of the City of Lone Jack, including but not limited to the sewer treatment plant and pumping stations.

SECTION 7.13 THEFT OF UTILITY SERVICE--TAMPERING WITH UTILITY EQUIPMENT AND SERVICE

A. Definitions. The following words and phrases when used in this Section shall, for the purpose of this Section, have the meanings respectively ascribed to them in this Section except when the context otherwise requires:

CUSTOMER: The person in whose name a utility service is provided.

DIVERT: To change the intended course or path of electricity, water, gas, telephone, cable television or other utility service without the authorization or consent of the utility.

PERSON: Any individual, partnership, firm, association or corporation.
**RECONNECTION**: The commencement of utility service, other than by the utility company, to a customer or other person after service has been discontinued by the utility.

**TAMPER**: To rearrange, damage, injure, destroy, alter, interfere with or otherwise prevent from performing normal or customary function.

**UTILITY SERVICE**: The provision of electricity, water, sanitary sewer, gas, telephone, cable television or other utility service.

**B. Unlawful Acts**. It shall be unlawful for any person to commit, authorize, solicit, aid, abet or attempt any of the following acts:

1. Divert, or cause to be diverted, utility service by any means whatsoever.
2. Make, or cause to be made, any connection or reconnection with property owned or used by the utility to provide utility service without the authorization or consent of the utility.
3. Prevent any utility meter, or other device used in determining the charge for utility service, from accurately performing its measuring function by tampering or by any other means.
4. Tamper with any property owned or used by the utility company to provide utility service.
5. Use of, receive the direct benefit of all, or a portion, of the utility service with knowledge of, or reason to believe that, the diversion, tampering or unauthorized connection existed at the time of the use, or that the use or receipt was without the authorization or consent of the utility.
6. Advertise, manufacture, distribute, sell, use, rent or offer for sale, rental or use any device of any description, or any plan or kit designed to obtain utility service in violation of this Section.
7. Obtain utility service by means of false representations or fraudulent or deceptive actions designed to avoid the payment of any outstanding lawful charges for any utility service.
8. Avoid the lawful charges, in whole or in part, for any utility service by the use of any fraudulent or deceptive scheme, device, means or method.

**C. Presumption Of Violation**. There is a rebuttable presumption that there is a violation of this Section if, on the premises controlled by the customer or by the person using or receiving the direct benefit of utility service, there is either, or both of the following:

1. Any instrument, apparatus or device primarily designed to be used to obtain utility service without paying the full lawful charge therefore.
2. Any utility equipment that has been altered, tampered with or by-passed so as to cause no measurement or inaccurate measurement of utility service.
ARTICLE III. REGULATIONS AND RATES FOR SANITARY SEWERAGE SERVICE

SECTION 7.20 RULES AND REGULATIONS

A. Definitions. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

APPLICANT: The owner or the owner's duly authorized representative, such as builder, developer, or plumber, who applies for a permit to connect to the City's sewerage system.

BUILDING CONNECTION: 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 inner face of the building wall.

BUILDING SEWER: The extension from the building connection to the public sewer or other place of disposal.

CUSTOMER: The party who has applied for continuing sewerage service and will be responsible for paying periodic bills. Each service connection shall be considered a separate customer.

CUSTOMER WITH PRIVATE WATER SUPPLY: The customer who obtains water from sources other than the City's water system but discharges sewage into the City's sewerage system.

DEPARTMENT: The Public Works Department of the City.

INDUSTRIAL WASTE BUILDING SEWER: A sewer carrying wastes other than human and other domestic wastes or in combination with these wastes.

OWNER-CUSTOMER: The customer who owns the premises to which sewerage service will be provided.

PREMISES:

1. Each residential dwelling structure;

2. Each duplex, triplex, apartment building or any other building used for residential purposes;

3. Each building or section of building serving a separate owner;
4. Each structure separated from other structures ten (10) feet or more owned, rented, or leased by one (1) person and occupied by that person.

PUBLIC SEWER: A sewer in which all owners of abutting properties have equal rights, and which the department controls.

RESIDENTIAL OR COMMERCIAL BUILDING SEWER: A sewer carrying the sanitary wastes of a residence or commercial establishment equipped only with sanitary facilities for the disposal of human wastes and other domestic wastes and discharged through a building sewer.

SERVICE CONNECTION: The connection of building sewer to public sewer.

TENANT-CUSTOMER: The customer who rents the premises to which sewerage service shall be provided.

B. Applicability. The rules and regulations as set out in this Article or as may hereafter be altered or amended shall govern the rendering of sewerage service, including the extension of sewers and making of connections thereto, and every customer, upon signing an application for any service rendered by the department or upon the taking of sewerage service shall be bound thereby.

C. Free Service Prohibited Service To Governmental Agencies. There shall be no free service rendered by the department and, if any local, State or Federal Government, or any department, agency or instrumentality thereof, or any other public body shall desire service to be rendered by the department, it shall apply for and receive such service pursuant to the rules and regulations contained in this Article and shall pay for the service at the established rates, fees and other charges.

D. Special Contracts. The City may enter into contracts with any person, including municipalities, sanitary departments and other political subdivisions and public bodies, for the rendering of any unusual or extraordinary sewerage service; provided however, that the rates or charges to be paid there under shall not be less than an amount which is fair and equitable, taking into account the cost to the City of providing such services and, further provided, no agreement shall allow any variance from the Federal Categorical Pretreatment Standards.

E. Extensions Of Mains. When and to the extent that funds may be available therefore, the department will extend its sewerage system to supply new customers who have applied for service as described in Article I of this Chapter.

F. Connection To Sewer Intended To Serve Other Property. In some instances sewers will be constructed by the department to serve other areas than those adjacent to a sewer. Property owners along the route of such sewers may be required to connect thereto and pay the applicable charge(s).

G. Connection Required.

1. Any person living or doing business in an area under the jurisdiction of the City shall be required to make use of a public sewer if the property to be served lies within one hundred fifty (150) feet of such a public sewer.

2. Failure to comply with this regulation within ninety (90) days after written notification will be considered an ordinance violation.
H. **Meters For Private Water Supplies Where Public Sewer Used.**

1. The department will install, at the applicant’s expense, a water meter on the private water supply of all water for facilities discharging into the City’s sanitary sewerage system.

2. This meter shall be installed in a place readily accessible to the department for reading and servicing.

3. This meter shall remain the property of the department.

I. **Connection Of Separate Water Service To Facilities Not Connected To Sewers.**

1. Separate water service, including the meter, may be connected to facilities, such as lawn sprinkling systems, which do not discharge into the sanitary sewerage system, with the approval and subject to the inspection of the department.

2. There shall be no connection between any system that discharges into a sanitary sewer system and any system that does not discharge into a sanitary sewer system. Violation of this rule may result in six (6) month back-charge for sewer service on any facility illegally discharged into the public sewerage system.

J. **Building Sewer Connections.**

1. No unauthorized person shall uncover, make any connections with or openings into, use, alter or disturb any public sewer or appurtenance thereof.

2. The owner or the owner’s agent shall make application for connection to a sewer on a special form furnished by the department. A separate service connection shall be required for each premises unless otherwise determined by the department.

3. The applicant or the applicant's authorized representative shall secure all necessary permits for pavement cuts and excavations and shall make all excavations and pavement cuts and complete the installation of the service connection. Pavement cuts, excavation and backfill shall be in accordance with the department's standards. The applicant shall provide twenty-four (24) hours' notice to the department for connection. None of the building sewer or plumbing or sanitary drainage system shall be covered or enclosed until inspected, hydraulically tested and approved by the department. Charges listed in the rate schedule assume only one (1) call to make an inspection. Additional calls for inspection shall be made at the expense of the applicant in the amount listed in the schedule of rates.

4. The location, size, kind and quality of all materials entering into the service connection shall be submitted to the department for approval.

5. The service connection shall remain the property of the applicant and be under the department's sole control and jurisdiction and will be maintained by the department. Maintenance due to faulty materials or workmanship on the service connection other than by the department will be billed to the customer. The department will not assume responsibility for uncovering the building service or connection.

6. Special connections for service of a temporary nature shall be installed, maintained, replaced and removed by the department at the expense of the applicant, subject to supervision and written approval by the department.
K. Specifications For Building Sewers. Building sewers shall be constructed according to the specifications provided by the City. The plumbing and all premises connected to the department's sewer system shall conform to all applicable Codes of the City.

L. Accessibility Of Facilities For Inspection. The service pipes, building sewers and fixtures on the customer's premises shall be accessible to the department for observation or inspection at reasonable hours.

M. Customer's Liability For Charges. A customer who has made application for or received sewerage service at a premises shall be held liable for all sewerage service furnished to such premises until such time as the customer has properly notified the department to discontinue the service for the customer's account.

SECTION 7.21 SEWER BILLING – GENERALLY.

A. Sewer User Charges are based on water use data available from Public Water Supply District No. 15 of Jackson County and are the best estimate of the extent to which a property owner has used the sewer treatment and collection system. It is understood that in any particular year there may be reasons why water use is particularly high or low, but over the long term it represents the best way to measure the use of the City's sewer system. Thus, the quantity of sewage discharge into the public sewer system shall be assumed as equal to the quantity of water consumed and shall be measured by the water meter measuring the entire flow to the premises, except for separately metered water systems serving appliances or facilities that are not in any manner connected to the public sewer system.

B. The City uses winter water use averages (from December, January, February and March) for sanitary sewer billing because all discharges to the sewer system have a water source. Because winter usage generally excludes outside water use, it is the best estimate of sewer use.

C. Customers are responsible for furnishing the department with their correct addresses. Failure to receive bills will not be considered an excuse for non-payment nor permit an extension of the date when the account will be considered delinquent.

D. If bills are to be sent to an address other than the premises served, the department shall be notified in writing by the customer of any change of address.

E. Payments shall be made at City Hall or at such other places as may be designated by the department.

F. The department reserves the right to correct any bills rendered in error.

G. Each customer shall be billed separately for service.

H. Bills for sewerage service will be rendered monthly.
SECTION 7.22  SEWER PAYMENTS — WHEN DUE

A. The department shall provide each customer a monthly invoice detailing sewer charges and consumption for the given billing period. Sewer bills shall be provided to customers during the first week of the month.

B. Terms of payment. All sewer bills are due and payable upon receipt, but in any event not later than the twenty-eighth (28th) day of the same month in which the sewer bill is provided, unless the twenty-eighth (28th) day is a legal holiday, Saturday or Sunday. In the event the twenty-eighth (28th) calendar day is a legal holiday, Saturday, or Sunday, the final payment date for current bills shall be the next regular business day immediately following the holiday or weekend day.

C. A penalty charge of ten percent (10%) per annum shall be applied to all accounts that are paid after the twenty-eighth (28th) day of the month.

D. The due date on a sewer bill applies to current charges only and does not extend or otherwise alter any previous due date, notice, or agreement regarding past due charges for delinquent sewer service.

SECTION 7.23  DELINQUENT ACCOUNTS.

A. All sewer bills and current sewer service charges not paid in full by the twenty-eighth (28th) calendar day of the month are deemed delinquent (in the event the twenty-eighth (28th) calendar day is a legal holiday, Saturday, or Sunday, the final payment date for current bills shall be the next regular business day immediately following the holiday or weekend day) and shall be subject to collection, as provided below.

B. Deposits required by the department in accordance with this Chapter, if any, may be applied against a delinquent bill and any other arrears due by the customer at the discretion of the City.

SECTION 7.24  COLLECTION OF DELINQUENT ACCOUNTS.

A. The City may request that Public Water Supply District No. 15 terminate water service to the premises for non-payment of the City’s sewer bill if the sewer bill is delinquent thirty (30) days and after the City has provided the account holder notice and an opportunity to be heard regarding a disputed amount due. The City shall notify Public Water Supply District No. 15 when the sewer charges and all related costs of notification, termination and reestablishment are paid.

B. The Director may engage a debt collection company to collect delinquent sewer bill amounts.

C. The Mayor is hereby authorized to file a Notice of Delinquency with the Jackson County Department of Records pertaining to sewer accounts that are delinquent. Provided that the delinquent amounts, plus interest and any recording fees or attorney’s fees have been paid in full, the Mayor shall file a notice of that fact with the Jackson County Department of Records. This subsection is not a limitation on other remedies that the City may pursue for delinquent bills.
D. **In addition to the foregoing, sewer service may be discontinued by the department for any of the following reasons:**

1. Non-payment of any sewer bill due and owing (i.e., delinquent bill);

2. Failure to protect and maintain the service pipe or fixtures or plumbing fixtures and drainage system on the customer's property in a condition satisfactory to the department;

3. Molesting or tampering, by the customer or by others with the knowledge of the customer, with any meter, connection, service pipe, curb cock, seal or any other appliances controlling or regulating the customer's water supply;

4. Molesting or tampering, by the customer or by others with the knowledge of the customer, with any meter, meter seal, drainage system, piping or any other device controlling or regulating the customer's sewage flow;

5. Failure to provide the department’s employees free and reasonable access to the premises served, or for obstructing the way of ingress to the meter or other appliances controlling or regulating the customer's water supply or sewage flow;

6. Violation of any rule or regulation of the department.

E. **Sewer service may be discontinued by one (1) of the following methods:**

1. Where the City has lawful access to a water valve, the department may shut off the water supply and secure the water valve.

2. Where the City does not have lawful access to a water valve, the department, in its discretion, reserves the right to:
   
   (a) Seal the building’s sewer connection; or
   
   (b) Remove the connection to the public sewer; or
   
   (c) Take such other action deemed necessary and reasonable by the Director.

F. **In the event that sewer service must be discontinued, a shut off/service disconnection fee shall be imposed to cover the administrative costs of the City for this action.** The shut off/service disconnection fee only accounts for the initial service disconnection costs associated with the sewer shut-off and service reconnection during regular business hours. Should it be necessary for the City to take action to discontinue sewer service at a premises outside of regular business hours, the City may impose additional fees to cover the increased administrative costs of this action.

G. **With regard to landlord/tenant situations, sewerage services shall be deemed to be furnished to both the occupant and owner of the premises receiving such service and, except as otherwise provided below, the City shall have power to sue the occupant or owner, or both, of such real estate in a civil action to recover any sums due for such services less any deposit that is held by the City for such services, plus a reasonable attorney's fee to be fixed by the court. When the occupant is delinquent in payment for thirty days, the City shall make a good faith effort to notify the owner of the premises**
receiving such service of the delinquency and the amount thereof. Notwithstanding any other provision of these regulations to the contrary, when an occupant is delinquent more than ninety days, the owner shall not be liable for sums due for more than ninety days of service. Any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service. These provisions shall apply only to residences that have their own private water and sewer lines. In instances where several residences share a common water or sewer line, the owner of the real property upon which the residences sit shall be liable for water and sewer expenses. (Ordinance No. 352, § 1; 2-19-09).

SECTION 7.25 RESTORATION OF SEWER SERVICE AFTER DISCONNECT.

A. When the sewer service to a customer has been discontinued for any of the reasons enumerated above, it will be renewed only after the conditions, circumstances or practices, which caused the sewer service to be discontinued, are corrected to the satisfaction of the department and upon payment of all charges due and payable by the customer in accordance with this Chapter and the effective schedule of rates. Nothing in this Subsection shall be construed to apply to circumstances in which the discontinuance of service was initiated due to the temporary vacancy of the premises.

B. If sewer service was discontinued by sealing the building’s sewer connection, or by removal of the connection to the public sewer, the customer shall pay an additional fee equal to the actual cost of restoring the service, including all labor, materials and overhead. This fee shall be estimated by the department upon application for restoration of service and the customer shall pay the amount of the estimate prior to restoration of sewer service. Any adjustments in the amount of the estimated fee charged in comparison to the actual costs incurred will be made upon completion of the restoration of service.

C. All amounts that are delinquent as well as all on/off and reconnection surcharge fees must be paid in full by cash, money order, or certified check only, before sewer service will be reconnected.

D. The City may require an increased deposit amount of two hundred dollars ($200.00) from individuals who exhibit a history of chronic delinquency with the City. Chronic delinquency is defined as having service terminated more than two (2) times in a calendar year; and/or placement of account on delinquency status for three (3) or more consecutive months; and/or having written two (2) or more checks returned for insufficient funds for delinquent sewer services in the past twelve (12) months.

E. Discontinuing sewer service to a premises for any reason shall not prevent the department from pursuing any lawful remedy by action at law or otherwise for the collection of monies due from the customer.

F. Every building or structure constructed before the effective date of this Code that is served by the City's sanitary sewer system shall have installed an in-line water valve on the owner's side of the water meter pit serving such building or structure if 1) sanitary sewer service is ever disconnected or if a notice of delinquency is ever filed. Sanitary sewer service shall not be reconnected, nor shall a notice of satisfaction of the delinquency be filed, unless:
1. The building or structure is served by an in-line water valve on the owner's side of the water meter pit serving such building or structure; and

2. The owner agrees to execute a new Sewer Service Application Form.

SECTION 7.26 SEWER BILLS - ADJUSTMENT OF CHARGES.

A. Although there is no obligation for the City to adjust accounts when the water has been metered properly, it is the City’s desire to encourage customers to make prompt and permanent repairs and to show consideration for the unusual circumstances by sharing the cost of excessive billing charges.

B. If water from a leak goes into the sanitary sewer system, no credit will be given on the sewer bill. These leaks are considered as water loss arising from carelessness, negligence or lack of due diligence on the part of the customer, as it is the customer’s responsibility to promptly discover and stop the loss of water. Examples of leaks that go into the sewer system are commode leaks, bathtub leaks, faucet leaks etc.

C. If water from a leak does not go into the sanitary sewer system, the procedure for adjusting the sewer bill is as follows:

1. Complete a Sewer Bill Adjustment Application form. This form is contained in the Appendix and may also be obtained from City Hall.

2. Provide proof of leak and the repair through receipts from a plumber or for parts. (This requirement may be waived if repairs are verifiable.)

3. The Director may conduct a site visit to confirm the location of the leak and verify that the water would not have gone through the sewer system and that the repairs were made and completed.

4. If an adjustment is deemed appropriate, the sewer portion of the bill will be reduced to the customer's previous 12-month average.

5. Examples of leaks that do not go into the sewer system are leaks underground or in walls, frozen and burst pipes, faulty water heaters, vandalism to plumbing that is documented in a police report and on a case by case basis, unexplained water loss.

D. Sewer adjustments are not given when water is used for irrigation purposes (i.e. watering lawns, gardens, & such) or pressure washing. To avoid a sewer charge in these circumstances and for agricultural activities, a separate irrigation meter must be installed. The cost of the irrigation meter will be borne by the customer.

E. Sewer adjustments for filling a pool will be given only if the customer has completely emptied the pool. If there is a leak in a pool that is repaired, an additional sewer adjustment will be available for a re-fill due to a leak. The adjustment process for either a complete refill or a leak repair will be handled as follows:

1. The customer must contact the City and make arrangements to have the meter read before and after filling the pool. The sewer portion of the bill shall be adjusted by 90% of the water it took to fill the pool.

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2. In the event that the Customer does not call the City before filling the pool, the City will consider the adjustment in the following manner: The customer must supply the City in writing, with the volume of the pool in gallons, and the date it was filled. The City will then compare that volume to the total consumption for the billing period in question. Assuming the customer’s total consumption increased above their average by the approximate volume of the pool, the sewer portion of the bill shall be adjusted by 75% of the water it took to fill the pool. No adjustment will be given if the total volume of the pool exceeds the total consumption for the month.

F. Refunds normally will be applied against a customer’s account. However, by mutual agreement between the City and Customer, and if the amount to be refunded is greater than one billing period, a check may be issued for the refundable amount.

G. All adjustments must be finally approved by the Board of Aldermen. In order to receive an adjustment, the customer must apply within sixty (60) days from the billing date of the bill to be adjusted.

SECTION 7.27 HARMFUL AND DELETERIOUS WASTES

A. Definitions. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

ACT: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 United States Code (USC) 1251.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER:

1. A principal executive officer of at least the level of Vice President if the industrial user is a corporation;
2. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
3. A duly authorized representative if the industrial user is a governmental entity;
4. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the industrial waste originates.

B.O.D. (DENOTING BIOCHEMICAL OXYGEN DEMAND): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at twenty degrees Celsius (20°C), expressed in parts per million by weight.


CITY: The City of Lone Jack, Missouri.

COMMERCIAL AND INDUSTRIAL WASTES: Water-carried wastes from commercial and industrial establishments as distinct from sanitary sewage.

DEPARTMENT: The Sewer Department of the City or its authorized representative.

DILUTE OR DILUTION: The increase in the use of process water or in any other way attempting to dilute a discharge as a partial or complete substitution for adequate treatment.

EPA: The Environmental Protection Agency.
**GARBAGE:** Solid food wastes from the preparation, cooking and disposing of food and from the handling, storage and sale of produce.

**INDUSTRIAL USER:** An industrial manufacturing process, trade, business or governmental entity, including agencies of the United States Government and their agents, which generates wastes and is a source for the introduction of non-domestic pollutants into the sewerage system.

**INTERFERENCE:**

1. A discharge which alone or in conjunction with a discharge or discharges from other sources causes the inhibition of treatment processes or other disruption of the sewerage system including prevention of wastewater sludge use or disposal in accordance with applicable State and Federal criteria.

2. The discharge of pollutants that adversely affect the waters of the State or cause a violation of any requirements of the sewage treatment plant's NPDES permit (including an increase in the magnitude or duration of a violation).

**LOCAL LIMITS:** The numerical discharge limitations, determined through analytical techniques placed on pollutants, by the department.

**NATIONAL CATEGORICAL PRETREATMENT STANDARDS OR CATEGORICAL STANDARDS:** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act or found in 40 CFR Subchapter N, Parts 401—471 which applies to a specific category of industrial users.

**NATURAL WATERCOURSE:** A channel or location in which a flow of water occurs, either continuously or intermittently.

**NORMAL SEWAGE:** Sewage which contains not over four hundred (400) parts per million of suspended solids and not over three hundred (300) parts per million of B.O.D. by weight, and which does not contain any of the materials or substances listed in Subsection (C) of this Section.

**PARTS PER MILLION:** A weight-to-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

**PASS THROUGH:** A discharge of pollutants as defined in 40 CFR, 403.5(a) which exits the sewerage system into waters of the State or of the United States in quantities which may serve to cause a violation of the sewage treatment plant's NPDES permit.

**PERSON:** Any individual, partnership, firm, company, corporation, association, governmental entity or any other generally recognized entity.

**pH:** The logarithm to the base ten (10) of the reciprocal of the number of gram ionic hydrogen equivalents per liter of solution.

**PLANT UPSET:** A temporary reduction in performance of a sewage treatment plant that may have been caused by wastewater discharged by industrial users.

**POLLUTANT:** Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, cheat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.
**PRETREATMENT:** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharge of such pollutants into the sewerage system.

**PRETREATMENT REQUIREMENT:** Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

**PRETREATMENT STANDARD:** Any regulation containing pollutant discharge limits promulgated by the EPA or State that applies to industrial users.

**PROHIBITED DISCHARGE STANDARD:** Any pretreatment standard developed pursuant to 40 CFR, Section 403.5.

**PROPERLY GROUND GARBAGE:** Garbage that has been ground to such degree that it will be carried freely under the flow conditions normally prevailing in the City sewers with no particles greater than one-half (½) inch in any dimension.

**RECEIVING STREAM:** Any natural watercourse into which sewage is discharged.

**SANITARY SEWAGE:** Those wastes which are comparable to wastes which originate in residential units and contain only human excrement and wastes from kitchen, laundry, bathing, and other household facilities.

**SEWAGE:** A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

**SEWAGE TREATMENT PLANT:** Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS:** All facilities for collecting, transporting, pumping, treating and disposing of sewage.

**SEWER:** A pipe or conduit for carrying sewage.

**SEWER SYSTEM:** The interceptor, trunk and connecting sewers including manholes, access, junctions, metering, sampling and related structures; pump stations, treatment plants and support facilities; land, easements and rights-of-way; all as may be acquired from others, whether interim or permanent facilities and whether acquired or constructed as initially planned facilities or extensions thereof.

**SHALL:** Is mandatory; **MAY:** Is permissive; subject to approval by the department.

**SIGNIFICANT INDUSTRIAL USER:** Industrial user who:

1. Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or is a standard industrial classifications industry; or

2. Has a process discharge flow of twenty-five thousand (25,000) gallons or more per average workday or contributes five percent (5%) or more of the process waste stream of the average dry weather hydraulic or organic capacity of sewerage system; or

3. Is designated by the department, MDNR or the EPA on the basis that the industrial user, either singly or in combination with other contributing industries, has a reasonable potential for adversely affecting the sewerage system’s operation or for violating any pretreatment standard or requirement; or
4. Upon finding that an industrial user meets any part of the criteria above but has no reasonable potential for adversely affecting the sewerage system's operation or for violating any pretreatment standard or requirement, the department may in accordance with 40 CFR 403.8(P)(6) determine that such industrial user is not a significant industrial user.

**STATE:** The State of Missouri.

**SUSPENDED SOLIDS:** Solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by standard laboratory methods.

**USER:** Any person discharging sewage to the sewage works.

**WASTEWATER:** The liquid and water-carried domestic or non-domestic wastes from residences, commercial buildings, industrial facilities and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the department's system.

**WATERS OF THE STATE:** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private which are contained within, flow through or border upon the State or any portion thereof.

**B. Acceptability Of Wastewater.**

The following materials, substances and wastes shall not be discharged into the sewers:

1. Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) (sixty degrees Centigrade (60°C) using the test methods specified in 40 CFR 261.21. A lower limit may be prescribed to prevent odor nuisance.

2. Wastes having a pH less than six (6.0) or greater than nine (9.0) or otherwise having chemical properties which are hazardous or are capable of causing damage to the sewerage works or personnel.

3. Garbage that has not been properly shredded or ground.

4. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through. Insoluble oils, fats, greases. So called soluble oils may be admitted to the extent of one hundred (100) mg/l.

5. Any solid or viscous material that could cause an obstruction to flow in the sewers or in any way interferes with the treatment process. Examples of such materials include, but are not limited to, greases, ashes, wax, paraffin, cinders, sand, mud, straw, shavings, metal, glass, rags, lint, feathers, tars, plastics, wood and sawdust, paunch manure, hair and fleshings, entrails, lime slurries, beer and distillery slops, grain processing wastes, grinding compounds, acetylene generation sludge, chemical residues, acid residues, and food processing bulk solids.

6. Wastes containing phenolic compounds over ten (10) parts per million expressed as phenol.

7. Wastes containing cyanides or compounds capable of liberating hydrocyanic acid gas over two (2) parts per million expressed as hydrogen cyanide.

8. Wastes containing sulfides over ten (10) parts per million expressed as hydrogen sulfide.

10. Septic tank sludge, except at locations designated for this purpose by the department.

11. Any corrosive, noxious or malodorous material or substance which, either singly or by reaction with other wastes, is capable of causing damage to the sewerage works or creating a public nuisance or hazard or prevent entry into the sewers for maintenance and repair.

12. Concentrated dye wastes or other wastes which are either highly colored or could become colored by reacting with other wastes.

13. Pollutants which result in the presence of toxic gases, vapors or fumes within the sewage works in a quantity that may cause acute worker health and safety problems.

14. Any trucked or hauled pollutants, except at discharge points designated by the department.

15. Any material or substance not specifically mentioned in this Section which is in itself corrosive, irritating to human beings and animals, toxic or noxious, or which by interaction with other wastes could produce undesirable effects, including deleterious action on the sewerage works, adversely affect any treatment process, constitute a hazard to humans or animals, or have an adverse effect upon the receiving stream.

16. Any discharge by an industrial user that causes pass through or interference or causes an NPDES permit violation is prohibited.

17. Additionally, any discharge which violates the general and specific prohibited discharge standards set forth in 40 CFR 403.5(a) and (b) hereby incorporated, pretreatment standards, is prohibited. Compliance with all general and specific prohibitions shall be mandatory and shall not be waived.

C. Unusual Wastes.

1. The introduction of radioactive wastes into the City sewers shall be permitted only if a special permit is obtained prior to introducing such wastes. While each case will be decided on its own merits, in general, decisions will be in accordance with the principles laid down in the Atomic Energy Act of 1954 (68 Stat. 919), Part 20, Sub-Part D─Waste Disposal, Section 20.303, or successor principles as established by the Atomic Energy Commission.

2. Any waters or wastes having (1) a 5-day BOD greater than 300 parts per million by weight or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 240 parts per million by weight, or (2) reduce the suspended solids to 240 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

3. Wastes which, in the judgment of the department, are unusual or highly variable in volume shall be subject to flow equalization or other forms of regulation as deemed necessary by the department.

4. No industrial user whose discharged sewage is treated by the department shall discharge sewage containing any pollutant in excess of the local limits.
5. The department may apply these or other limits to sewage treated by the department as the department determines to be necessary applying generally accepted standards in making such determination. In the event of conflict between local, State or Federal regulations, the most stringent regulation shall apply as determined by the department.

6. No industrial user shall 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 any pretreatment standard.


1. Permits for discharges to the City's sewer system shall be processed and issued by the department. All new industrial users planning to discharge to the sewage system shall return a completed industrial user (IU) survey questionnaire to the appropriate agency before discharging to the system. The department may require any industrial user, whether or not classified as significant, to obtain an industrial user discharge permit. The department shall be responsible for directing industrial users to the appropriate agency.

2. All new industrial users classified as significant shall obtain an industrial user discharge permit before discharging to the sewage works. The permits of all existing industrial users shall be subject to review by the department and imposition of regulations consistent with this Subsection within one hundred eighty (180) days after adoption of this Subsection.

3. Information and data on a user obtained from reports, questionnaires, applications, permits, monitoring programs and inspections shall be available to the public or any government agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the department that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets. When requested by the person furnishing a report, and until such time as the information is determined not to be confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written requests from governmental agencies for purposes related to this Article and/or pretreatment programs; provided that, such portions of a report shall be available for use by the City or any governmental agency in judicial review or enforcement proceedings involving the user furnishing the report. Sewage constituents and characteristics shall not be recognized as confidential information. Information accepted by the department as confidential shall not be transmitted to any governmental agency or any person seeking such information by means of judicial process until and unless a ten (10) day notification, or such lesser time as may be ordered by any court having jurisdiction, is given to the user furnishing the information for the purpose of giving such person the opportunity to contest said transmittal.

4. Industrial user discharge permits application. Industrial users required to obtain an industrial user discharge permit shall complete and file with the department an application in the form prescribed by the department. The department will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the department may issue an industrial user discharge permit.

5. General.

(a) In addition to the provisions otherwise contained in this Subsection, all industrial users discharging directly or indirectly into the sewerage system are subject to and shall comply with all applicable provisions and requirements set forth in the Act, national categorical pretreatment standards, pretreatment requirements and prohibited discharge standards. Industrial users shall also comply with any specific local limits developed and implemented by the City.
The department may deny or condition new or increased contributions of pollutants or changes in the nature of pollutants to the City's system by industrial users where such contributions do not meet applicable pretreatment standards or requirements or where such contributions would cause the City to violate its NPDES permit.

In addition to permitting requirements otherwise contained in this Article, the department may issue industrial user discharge permits in accordance with its regulations for use and industrial pretreatment program.

**E. Regulatory Control—Condition, Modification And Transferring Of Permit.**

1. Industrial users shall be subject to regulatory control of the department.

2. Industrial user discharge permits for discharges to the sewerage system shall be expressly subject to all provisions of this Article and other conditions as deemed appropriate by the department using generally accepted standards to ensure compliance herewith. In addition to any user discharge quality criteria otherwise contained in this Subsection, industrial users shall comply with and are subject to the wastewater quality criteria and standards set forth in the department's regulations for use and industrial pretreatment program, or any permit issued which causes pass-through or interference. Industrial users shall also comply with specific discharge prohibitions contained or incorporated by reference therein. Notwithstanding any provision of this Subsection, compliance with all general and specific prohibitions shall be mandatory and shall not be waived.

3. Permits may contain the following:
   
   (a) The average and maximum sewage constituents and characteristics;

   (b) Limits on rate and time of discharge or requirements for flow regulations and equalization;

   (c) Requirements for installation of inspection and sampling facilities;

   (d) Pretreatment requirements;

   (e) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number and types of tests and reporting schedules;

   (f) Requirements for submission of technical reports or discharge reports;

   (g) Requirements for maintaining plant records relating to sewage discharge as specified in this Subsection and affording the department access thereto;

   (h) Mean and maximum mass discharge rates, or other appropriate limits, when incompatible pollutants are proposed or present in the user's sewage discharge;

   (i) Other conditions as deemed appropriate by the department to ensure compliance with this Subsection;

   (j) Requirements for amending the permit if discharge is significantly changed.

4. The terms and conditions of the permit may be subject to modifications by the department during the term of the permit as limitations or requirements as identified in this Subsection are modified or other potentially dangerous
conditions exist. The user shall be informed of any proposed changes in a permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

5. Industrial user discharge permits are issued to a specified industrial user for a specific operation. Industrial user discharge permits shall not be reassigned or transferred to a different person, new industrial user, different premises, or a new or changed operation without the approval of the department. Any succeeding person or industrial user shall be required to apply for a new permit.

6. Industrial user discharge permits issued by the department shall be expressly subject to all provisions of the department's regulations for use and industrial pretreatment program and other conditions as deemed appropriate by the department to ensure compliance with said regulations. The department administrator may impose mass limitations on industrial users that are using dilution to meet applicable pretreatment standards or in other cases where the imposition of mass limitations are appropriate. Permits shall be issued for three (3) years.

F. Inspection And Sampling.

1. Any duly authorized representative of the department possessing proper credentials and identification shall be permitted to enter all properties at reasonable times for the purpose of inspection, observation, measurement, sampling and testing and may make photocopies of such records during the inspection in accordance with the provisions of this Subsection.

2. The department may randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuous non-compliance with pretreatment standards.

3. Monitoring facilities and activities. Significant industrial users shall provide and maintain at their own expense monitoring facilities to allow inspection, sampling and flow measurement and self-monitoring as required by the department's regulations for use and industrial pretreatment program or any permit issued thereunder. The department will determine the frequency of department monitoring of industrial users. The monitoring facility shall normally be situated on the user's premises and not be obstructed by landscaping or parked vehicles, but the department may, when such location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

G. Reports, Tests Of Commercial And Industrial Wastes.

1. Any person discharging commercial and industrial wastes to the City sewers shall submit to the department at such intervals as it may prescribe a report accurately describing the character and quantity of all such wastes other than sanitary sewage discharge to the City sewers during the period covered by such report. In order to ensure compliance with this Article, the department may at any time take such measurements, collect such samples, and run such laboratory analyses on representative samples of any wastes as may be deemed necessary. Cost of such analyses shall be assessed against the discharging person.

2. All measurements, tests and analyses performed by such person or by the department shall be in accordance with techniques prescribed in the latest revision of Title 40, Code of Federal Regulations, Part 136, or successor documents as designated by the department.

3. All users subject to this Subsection shall retain and preserve for not less than three (3) years any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof relating to monitoring,
sampling and chemical analyses made by or in behalf of a user in connection with its discharge. All records which pertain to matters which are the subject of administrative action or any other enforcement or litigation activities brought by the department shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

H. **Reporting Requirements For Permittee.**

1. Within ninety (90) days following the date for final compliance with applicable pretreatment standards, the permittee may be required to submit a report indicating average and maximum daily flows and concentrations or mass of all pollutants from the regulated processes. The report shall also set forth whether or not the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. Such report shall be signed by an authorized representative of the industrial user and certified by a registered engineer or other appropriate qualified professional.

2. Any industrial user holding an industrial user discharge permit requiring a compliance schedule, after the compliance date specified in such permit, shall submit semiannually to the department, unless required more frequently in the permit, a report indicating the concentrations or mass of pollutants in the effluent which are limited by such permit. In addition, the report shall include a record of all daily flows that during the reporting period exceeded the average daily flow reported on the permit application.

3. The reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the department, of pollutants contained therein which are specified by the industrial user discharge permit. Upon consent of the department, flows may be estimated on the basis of water consumption. The frequency of monitoring shall be prescribed in the permit.

4. In addition to the reporting requirements otherwise contained in this Subsection, all industrial users shall submit to the department any and all information and reports required by the department, its regulations for use and industrial pretreatment program, or by the Act or by 40 CFR 403.12, including, without limitation, all applicable required: Baseline monitoring reports, compliance schedule progress reports, sampling analysis reports, periodic progress reports, notice of potential problem reports, notice of changed discharge, and non-categorical industrial user reports.

5. **Substantial change in discharge.** All industrial users shall notify the department of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents prior to the introduction of such constituents into the department's system.

6. **Hazardous waste.** Industrial users shall immediately notify the department and the EPA Regional Waste Management Division Director of the Missouri Waste Program in writing of any discharge into the department's system of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification shall be given in the manner and include the items set forth in 40 CFR 403.12.

7. **Signatory and certification requirement.** Any industrial user report submitted pursuant to 40 CFR 403.12(b), (d) or (e) shall be signed and certified by an authorized representative of industrial user.

I. **Grease, Oil And Grit Interceptors.**

1. Suitable interceptors shall be installed when, in the judgment of the department, they are necessary for the removal of excessive amounts of grease, oils and grit from a waste before such a waste is discharged into the City
sewer. All interceptors shall be of a type, construction and capacity approved by the department and shall be located so as to be readily and easily accessible for cleaning and inspection.

2. When required, such interceptors shall be installed and maintained continuously in efficient operation by the user at the user's expense.

3. Intercepted material shall be returned to the industrial process, be sent to the public refuse dump, or disposed of in the approved manner.

J. Pretreatment Facility. Any facilities required to pretreat sewage to a level acceptable to the department shall be provided and maintained at the user's expense. Plans, compliance schedules and operating procedures shall be submitted to the department for review and shall be acceptable to the department before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the department under the provisions of this Article.

K. Accidental Discharge.

1. Each industrial user shall provide protection from accidental discharge of substances regulated by this Article or other toxic pollutants. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. The department may require that detailed plans showing facilities and operating procedures to provide this protection be submitted to the department for review, and be approved by the department before construction of the facility. Review and approval of such plans shall not relieve the industrial user from the responsibility to modify the facility as necessary to meet the requirements of these rules.

2. In the case of the accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the department of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrosive actions. The industrial user shall notify the department of potentially dangerous spills within the department's collection system discharging to the system.

3. Within five (5) days following an accidental discharge, the industrial user shall submit to the department a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the user of any liability that may be imposed by this rule or other applicable law resulting from such discharge.

4. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees of the emergency notification numbers to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause, suffer or become aware of such an accidental discharge are advised of the emergency notification procedure.

L. Enforcement. In addition to the remedies otherwise set forth herein, industrial users violating the department's regulations for use and industrial pretreatment program or any permit or order issued thereunder shall be subject to enforcement measures by the department as authorized by State law, including but not limited to:

1. Notification of violation. Whenever the department finds that any industrial user has violated or is violating the department's regulations for use and industrial pretreatment program, or a permit or order issued thereunder, the department or its agent may serve upon said user written notice of the violation. Within ten (10) days of the
receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the department. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Said person shall permanently cease all violations within the period of time stated in the notice and shall certify to the department that the correction has been accomplished.

2. Either as an alternative to any procedure established in this Subsection or as an enforcement action thereunder, the department may seek injunctive relief for non-compliance with any provision of this Subsection.

3. It shall be unlawful for any person to knowingly make a false statement or representation in any record, report, plan or other document filed with the department or to falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this Subsection. Conviction of any violation hereunder shall be punished in accordance with Subparagraph (6)(k) herein below.

4. Notwithstanding the procedures established in this Subsection, in the event of an actual or threatened discharge to the sewage works which, in the judgment of the department, presents or may present an imminent and substantial danger to life, safety or sewerage system operation or integrity, the department may temporarily terminate such service as is necessary to avoid or abate such condition. Service shall be restored as soon as the emergency situation has been corrected. The department’s decision to terminate service may be appealed by written petition to the Mayor pursuant to the provisions for hearing set forth in Subparagraph (6)(b) herein below. However, appeal of the decision shall not stay termination of the service.

5. In cases of repeated violations, the department may revoke the permit for the discharge of wastes into the sewage works and discontinue water or sewage service, or both, following written notice to the permittee of not less than ten (10) days providing an opportunity for said permittee to address a written petition to the Mayor requesting a hearing before the Board of Aldermen with respect to said revocation. The hearing shall be set within a reasonable time after receipt of the hearing request from the permittee. Following the hearing, the Board of Aldermen shall promptly announce its decision and provide a copy to the permittee.

6. Industrial users discharging to the department shall be subject to the department’s rules and regulations and industrial pretreatment program and shall be subject to enforcement measures by the department as authorized by State law including, but not limited to, the following:

(a) **Consent orders.** The department may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the non-compliance. Such orders will include specific action to be taken by the industrial user to correct the non-compliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders.

(b) **Show cause hearing.** The department may order any industrial user, which causes or contributes to violation of the department’s regulations for use and industrial pretreatment program or industrial user discharge permit order issued thereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer of the user. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.
(c) **Compliance order.** When the department finds that an industrial user has violated or continues to violate the department's regulations for use and industrial pretreatment program or a permit or order issued thereunder, the department may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the non-compliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(d) **Cease and desist orders.** When the department finds that an industrial user has violated or continues to violate the department's regulations for use and industrial pretreatment program or any permit or order issued thereunder, the department may issue an order to cease and desist all such violations and direct those persons in non-compliance to:

1. **Comply forthwith;**

2. **Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.**

(e) **Emergency suspensions.**

1. **The department may suspend the wastewater treatment service and/or the industrial user discharge permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the department's system or the environment.**

2. **Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of the user's failure to immediately comply voluntarily with the suspension order, the department shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the department's system, its receiving stream, or endangerment to any individuals. The department shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in Subparagraph (g) herein below are initiated against the user.**

3. **An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any further occurrence to the department prior to the date of the hearing described in Subparagraph (b) herein above.**

(f) **Termination of permit.** Any user who violates the following conditions of the department's regulations for use and industrial pretreatment program, or an industrial user discharge permit or order, or any applicable State or Federal law is subject to permit termination:

1. **Violation of permit conditions;**
(2) **Failure to accurately report the wastewater constituents and characteristics of its discharge;**

(3) **Failure to report significant charges in operations or wastewater constituents and characteristics;**

(4) **Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.**

Non-compliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under Subparagraph (6)(b) herein above why the proposed action should not be taken.

(g) **Judicial remedies.** If any person discharges sewage, industrial wastes or other wastes into the wastewater disposal system contrary to the provisions of the department's regulations for use and industrial pretreatment program or any order or permit issued thereunder, the department, through counsel, may commence an action for appropriate legal and/or equitable relief in the Circuit Court for Jackson County.

(h) **Injunctive relief.** Whenever an industrial user has violated or continues to violate the provisions of the department's regulations for use and industrial pretreatment program or permit or order issued thereunder, the department, through counsel, may petition the court for the issuance of a restraining order, preliminary or permanent injunction or all (as may be appropriate) which restrains or compels the activities on the part of the industrial user. The department shall have such remedies to collect these fees as it has to collect other sewer service charges.

(i) **Civil penalties.**

(1) **Any industrial user who has violated or continues to violate the department's regulations for use and industrial pretreatment program or any order or permit issued thereunder shall be liable to the department for a civil penalty of not more than one thousand dollars ($1,000.00) plus actual damages incurred by the department per violation per day for as long as the violation continues. In addition to the above-described penalty and damages, the department may recover reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses.**

(2) **The department shall petition the court to impose, assess and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.**

(j) **Criminal prosecution.** Any industrial user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to the department's regulations for use and industrial pretreatment program, or industrial user discharge permit, or renders inaccurate any monitoring device or method required under the department's regulations for use and pretreatment rules...
shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500.00) per violation per day or imprisonment for not more than ninety (90) days, or both.

SECTION 7.28 RESERVED.

SECTION 7.29 RESERVED.

SECTION 7.30 RESERVED.

SECTION 7.31 RESERVED.

SECTION 7.32 RESERVED.

CHAPTER 702: SANITARY SEWER FINANCING MECHANISMS

SECTION 7.33 USER CHARGES

A. How computed.

1. For residential contributors, monthly sewer user charges shall be based on average monthly water usage as determined by water meter readings during the months of December, January, February, and March, with the highest month excluded (“Test Period Average”). Such average water usage thus determined shall remain the basis for determining the contributor’s monthly sewer charge until a new average consumption is determined following the next Test Period. If a residential contributor has not established a Test Period Average, such contributor’s user charge shall be the mean charge of all other residential contributors.

2. For industrial and commercial contributors, User Charges for the collection and treatment of sewerage shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive user of water, or in some other manner uses water which is not returned to the wastewater collection system, the User Charge for that contributor may be based on a wastewater meter or separate water meters installed and maintained at the contributor’s expense and in a manner acceptable to the City. "Commercial and industrial contributors" are defined as all persons and corporations other than the occupants of residential dwellings.

B. Rates. The minimum charges per month for the collection and treatment of sewerage shall be as provided for in the City’s Fee Schedule.

C. That portion of the total User Charge collected which is to be for Operation and Maintenance and, after meeting the requirements of the Bond Ordinances, for Replacement shall be deposited in two separate non-lapsing funds and accounts as follows:

1. An account designated for the specific purpose of defraying Operation and Maintenance costs (excluding replacement) of the System (Operation and Maintenance Account).

2. After making the deposits required by the Bond Ordinances, in an account designated for the specific purpose of ensuring replacement needs over the useful life of the System (Replacement Account) Deposits in the Replacement Account shall be made monthly in the amount of $635.00 each month.
D. Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in the subsequent fiscal year and shall be used for no other purpose than those designated for these accounts.

SECTION 7.34 TAP FEE

A. No application for a sewer service connection shall be approved unless the applicant has paid the tap as provided in the City’s Fee Schedule. Any application for a sewer service connection approved by the City without payment by the applicant and collection by the department of connection charge as required by this Section shall be null and void.

B. The tap fee shall be paid to the department prior to the issuance of a building permit, unless the Director finds good cause and the Board of Aldermen approves any time extension.

SECTION 7.35 IMPACT FEES

A. Findings. The Board of Aldermen of the City of Lone Jack, Missouri (hereinafter “Board of Aldermen”) hereby finds and declares that:

1. The City of Lone Jack, Missouri (hereinafter “City”) has experienced increased population growth since the sewer system was installed and a corresponding increase in the demand for sewer service.

2. The City expects that the growth pattern will continue into the foreseeable future.

3. New growth results in new connections to the City's sewer system, placing an increased demand upon wastewater treatment facilities and collection systems.

4. The City must expand its sewer system if new connections are to be accommodated without decreasing the level of service to existing connections.

5. The City assumes responsibility for and is committed to providing wastewater facilities necessary to serve existing connections.

6. To the extent that new connections will place additional demand upon sewer system facilities, that demand should be met by shifting the responsibility for financing such facilities from the general public to the connections creating the demand.

7. The imposition of an impact fee will help ensure that new connections to the sewer system bear a proportionate share of the cost of the facilities necessary to accommodate new connections.

8. The facilities necessary to accommodate new connections have a "rational nexus" to and provide benefit to new connections when they tap into the sewer system because the facilities increase the capacity of the system, making service to new connections possible.

9. The Board of Aldermen has considered the matter of financing sewer facilities, the need for which is necessitated by new connections. The Board of Aldermen hereby finds and declares that an impact fee imposed upon new connections to finance sewer service facilities, the need for which is reasonable related to new connections, furthers the public health, safety and welfare of Lone Jack. Therefore, the Board of Aldermen deems it advisable to adopt the Section as hereinafter set forth.
B. Intent.

1. It is the intent of this Section to impose an impact fee, payable prior to the approval of a new sewer service connection, in an amount based upon the demand for sewer service attributable to the new connection and the cost of constructing sewer service facilities needed to serve the new connection.

2. It is the intent of this Section that, by establishment of this system of calculating and imposing impact fees, a new sewer service connection to the City's sewer system will pay its pro rata share of reasonably anticipated costs of sewer service facilities required to serve such new connection and that the fees paid with respect to each new connection are roughly proportionate, both in nature and extent, to the demand that such new connection will place on sewer service facilities.

3. It is the intent of this Section to establish an appeal procedure to allow for an individualized determination that the charge imposed on each new connection is roughly proportionate to the demand that the new connection will place on sewer service facilities.

4. It is the intent of this Section that the sewer service facilities financed through the impact fees established hereby be based, when applicable, upon the City's Comprehensive Plan and capital improvement program and are consistent therewith.

5. This Section shall not be construed to authorize imposition of an impact fee for sewer service improvements attributable to existing connections.

6. It is the intent of this Section to establish a sewer system user's fee, imposed upon new connections to the City's sewer system, and not to levy a “tax” or “fee” as such term is used in Section X, Section 22 of the Missouri Constitution.

7. It is the intent of this Section to establish a system of user's fees, as "user's fees" are interpreted in recent Missouri case law, that will be used to pay for the cost of providing sewer service facilities, the demand for which is generated by new connections. The amount of the user's fee to be paid by each new connection is calculated to be directly proportionate to the demand for sewer service facilities created by each such new connection. This Section is specifically designed so as not to establish a "tax" or "fee" as such terms are used in Section X, Section 22 of the Missouri Constitution, but rather as a mechanism to equitably shift the burden of the cost of such facilities from the existing general public (which has already paid its fair share of the cost of the existing sewer system and which will continue to pay for the cost of improvements to serve existing connections, maintenance and repair through funds other than those derived from the system of user's fees) to new connections that will generate the need for sewer service facilities that will be constructed with monies derived from this system of user's fees. The monies collected from imposition of this system of user's fees are to be used to offset the cost of providing sewer service to new connection in the form of sewer service facilities and the system is designed to ensure that such monies collected may only be expended to provide such services. The monies may not be paid into the City's General Fund to defray customary governmental expenditures. In addition, the system is designed so that the user's fee:

(a) Is paid upon the approval of designated development applications, not periodically;

(b) Is required to be expended for the provision of sewer facilities that directly benefit the connection who has generated the need for such facilities within a reasonable period of time from the date such fee is paid;

(c) Is directly proportional in amount to the sewer facilities provided; and
(d) Is for a service that has not been historically provided exclusively by monies derived from taxes.

C. Authority. In the creation of the sewer impact fee, the City is exercising its local authority including, but not limited to, its Police powers pursuant to Chapters 79, 88 and 91, RSMo., as amended. The aforementioned provisions authorize the City to provide and finance sewer service facilities and to provide for the health, safety and general welfare of the City.

D. Imposition Of Sewer Impact fee.

1. No application for a sewer service connection shall be approved unless the applicant therefor, if so required, has paid the applicable sewer impact fee imposed by this Section. Any application for a sewer service connection approved by the City without payment by the applicant and collection by the department of the applicable sewer impact fee as required by this Section shall be null and void.

2. Sewer service connections shall otherwise comply with all applicable ordinances of the City.

3. Approval of an application for a sewer service connection shall expire by limitation and become null and void if the connection has not been completed within ninety (90) days of the date of such approval. Upon expiration, the applicant may apply for a refund of the sewer impact fee in accordance with Subsection (H)(5) of this Section.

E. Applicability.

1. This Section shall not be applicable to applications for sewer service connections otherwise necessary for:

   (a) Room additions, remodeling, rehabilitation or other improvements to an existing structure, provided there is no increase in demand for water facilities;

   (b) Rebuilding of a damaged or destroyed structure, whether voluntary or involuntary, provided there is no increase in demand for water facilities;

   (c) A change in occupancy without any increase in the demand for water facilities; or

2. This Section shall be applicable to applications for sewer service connection due to an increase in demand for sewer facilities. An increase in demand for sewer facilities shall mean a connection of new sewer service to a residence, industrial facility or commercial facility either directly or indirectly to the City's sewer system resulting in additional discharge to the City's sewer system facilities.

F. Sewer Impact Fee Amounts. Sewer impact fee amounts shall be as provided in the City’s Fee Schedule.

1. Any use not listed in the City’s Fee Schedule will be placed in the most appropriate category, and the Director is authorized to make reasonable and equitable interpretations and adjustments. The Director shall make such interpretation and/or adjustment in writing, and furnish a copy to the Applicant. An applicant not satisfied with the Director’s interpretation or adjustment may file a written appeal with the City Clerk in accordance with Section J.

G. Administration Of Sewer Impact fees.
1. **Collection of sewer impact fees.** The City prior to approving any application for service shall collect sewer impact fees calculated and imposed pursuant to this Section.

2. **Transfer of funds to the Finance Department.** Sewer impact fees shall be transferred from the collecting agency to the Finance Department for placement in the sewer impact fee fund account, which has been established pursuant to Subsection (G)(3) below.

3. **Sewer impact fee fund account established.**
   
   (a) There is hereby established a separate sewer impact fee fund account for the City.
   
   (b) Funds withdrawn from the fund account must be used solely in accordance with the provisions of Subsection (G)(4) of this Section.
   
   (c) Any funds not immediately necessary for expenditure shall be invested in interest-bearing accounts. All interest earned shall be retained in the fund account.

4. **Use of funds collected.** The funds collected by reason of this Section shall be used exclusively for the purpose of undertaking sewer facilities projects or for financing directly, or as a pledge against bonds, revenue certificates and other obligations of indebtedness, the costs of sewer facilities projects.

H. **Refunds.**

1. Upon application of the current property owner, the City shall refund the portion of any sewer impact fee that has been on deposit for more than ten (10) years and that remains unexpended.

   (a) The current owner of the property must petition the City for the refund within six (6) months following the ten (10) year period. The time for filing a refund petition shall run from the date on which the sewer impact fee was paid.

   (b) The petition must contain the following information:

   (1) A notarized sworn statement that the petitioner is the current owner of the property; and
   
   (2) A copy of the dated receipt issued for payment of the sewer impact fee.

2. An impact fee collected pursuant to this Section shall be considered expended if, within ten (10) years from the date of payment, the total expenditures for sewer facilities necessary to serve new connections exceed the total fees collected for such facilities during such period.

3. If a refund is due pursuant to Subsections (H)(1) and (H)(2) of this Section, the City shall determine the amount of the refund per equivalent impact unit by dividing the difference between the amount of the fees collected and the amount of expenditures by the total number of equivalent impact units provided. The total refund due shall be calculated by multiplying the refund per equivalent impact unit by the capacity multiplier for the size and type meter for which the sewer impact fee was originally paid.

4. Within one (1) month from the date of receipt of a petition for the refund, the City shall advise the petitioner of the status of the refund request. If the petition for refund meets all of the requirements of Subsections (H)(1), (H)(2) and (H)(3) of this Section, the City shall issue the refund within two (2) months from the date of receipt of the petition for refund.
5. Refunds requested pursuant to the expiration of a sewer connection approval must be submitted within six (6) months of the date of expiration. Refund requests under this Subsection are not required to submit petitions pursuant to Subsection (H)(1) of this Section; however, adequate proof of entitlement to the refund must be provided to the City.

I. Annual Review.

1. The Director shall prepare a report on the subject of sewer impact fees to the Board of Aldermen and deliver it by May 15, 2005, and annually thereafter, which report shall include:
   (a) Recommendations on amendments, if appropriate, to this Section;
   (b) Proposed changes to the sewer impact fee calculation methodology;
   (c) Proposed changes to the sewer impact fee calculation variables;
   (d) Proposed changes to the sewer impact fee rates or schedules.

2. The Director, in preparing the annual report, shall obtain and review the following information:
   (a) A statement summarizing sewer impact fees collected and disbursed during the preceding year for sewer facility projects;
   (b) A statement summarizing sewer facility projects initiated and completed during the preceding year;
   (c) A statement summarizing the applications for service approved during the preceding year;
   (d) A statement that the sewer facility projects undertaken with sewer impact fee funds are consistent with the adopted project list;
   (e) A revision of the project list and sewer impact fee calculation, as appropriate.

3. The report shall be presented to the Board of Aldermen.

4. Based on the annual report and other factors as the Board of Aldermen deems relevant and appropriate, the Board of Aldermen may amend this Section.

5. Nothing herein precludes the Board of Aldermen or limits its discretion to amend this Section at such other times as may be deemed necessary.

J. Appeals.

1. The applicant for a new sewer service connection may appeal the following decisions to the Board of Aldermen:
   (a) The applicability of the sewer impact fee to the connection;
   (b) The amount of the sewer impact fee due;
   (c) The amount of a refund due, if any.
2. The burden of proof shall be on the appellant to demonstrate that:

   (a) The sewer impact fee is not applicable;

   (b) The amount of the fee does not reasonably reflect the applicant's pro rata share of the cost of sewer service facilities required to serve the applicant's sewer service connection; and/or

   (c) The amount of the refund was not calculated in accordance with the provisions of this Section.

3. The applicant shall file a notice of appeal with the City Clerk within thirty (30) days following the determination of the applicability of the sewer impact fee, the amount of the sewer impact fee, or the amount of the refund due. An application for service may continue to be processed while the appeal is pending, provided that the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the original determination of the impact fee due.

4. Within ten (10) days of the notice of appeal, or by such date as shall be agreed upon in writing between the applicant and the City, the applicant shall submit to the Sewer Department studies, calculations and other documentation appropriate to the determination of a impact fee for new connection or the determination of a refund.

SECTION 7.36
RESERVED.

SECTION 7.37
RESERVED.

SECTION 7.38
RESERVED.

SECTION 7.39
RESERVED.

SECTION 7.40
RESERVED.

CHAPTER 703: CONSTRUCTION REGULATIONS

SECTION 7.41 WATER VALVE REQUIRED – NEW CONSTRUCTION.

Every building or structure constructed after the effective date of this Code that is to be served by the City's sanitary sewer system shall have installed an in-line water valve on the owner's side of the water meter pit serving such building or structure, which shall be accessible to the City for maintenance purposes.

SECTION 7.42 GRINDER PUMPS.

A. [installation and maintenance – see appendix]

1. Authority. This Section is enacted pursuant to Section 249.1000, RSMo, which provides:

   A publicly owned treatment works that has ownership of interceptor and local sewers shall be responsible for the entire public sewer system, except that the operation and maintenance of any part of an individual user's pressure sewer system, including grinder or low pressure pumps and service lateral to the public or private pressure sewer system used for the purpose of collecting or conducting wastewater originating at a residence or individual commercial entity, shall be the
responsibility of the owner of such residence or individual commercial entity unless the publicly owned treatment works has assumed such responsibility.

2. **Disclaimer of Maintenance and Repair Responsibility.**

   a. The City of Lone Jack, Missouri hereby disclaims responsibility and affirmatively states that it is not assuming responsibility for the maintenance and repair of an individual user’s pressure sewer system, including grinder or low pressure pumps and service lateral to the public or private pressure sewer system used for the purpose of collecting or conducting wastewater originating at a residence or individual commercial entity.

   b. The maintenance and repair of such individual user’s pressure system shall be the responsibility of the owner of such residence or individual commercial entity.

3. **Applicability.**

   a. The City’s Disclaimer of Maintenance and Repair Responsibility applies to an individual user’s pressure sewer system (e.g., grinder pump) installed to serve a structure constructed on or after April 1, 2016, or for which a building permit has been issued on or after April 1, 2016.

   b. An individual user’s pressure sewer system (e.g., grinder pump) will remain the City’s responsibility for its maintenance and repair if it serves a structure constructed before April 1, 2016, or for which a building permit has been issued before April 1, 2016.

4. **Listing of Accounts.** The City Clerk is hereby directed to prepare and maintain a listing of sewer service accounts for which the City will be responsible for the maintenance and repair of an individual user’s pressure sewer system (e.g., grinder pump), as well as those for which the City is not responsible.

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**CHAPTER 704: SOLID WASTE**

**SECTION 7.43 DEFINITIONS**

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

**BULKY RUBBISH:** Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors with the equipment available therefor.

**CITY:** The City of Lone Jack, Missouri.

**COLLECTION:** Removal of solid waste from its place of storage to the transportation vehicle.

**COMMERCIAL SOLID WASTE:** All solid waste generated from a source other than a dwelling unit.

**CONTRACTOR:** Such person, firm or corporation as may be contracted with to provide solid waste transportation and disposal for the City.
**CURBSIDE:** A location adjacent to and not more than five (5) feet from any street.

**DISPOSABLE SOLID WASTE CONTAINER:** Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-nine (39) gallons or, if specifically designated for storage of solid waste, a maximum of fifty-five (55) gallons.

**DWELLING UNIT:** Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or are intended to be used, for living, sleeping, cooking and eating. Units of multiple-housing facilities may be billed as dwelling units upon request by the owner of said dwelling units.

**GARBAGE:** Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

**HAZARDOUS WASTES:** Any waste or combination of wastes, as determined by the Hazardous Waste Management Commission by rules and regulations, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a present or potential threat to the health of humans or the environment.

**MAJOR APPLIANCES:** Clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, wood stoves, air-conditioners, refrigerators and freezers.

**OCCUPANT:** Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

**PERSON:** Any natural individual, firm, partnership, trust, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof; and as applied to corporations, it includes the officers, agents or employees thereof who are responsible for the act referred to.

**PROCESSING:** Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

**PROHIBITED ITEMS:** Items which are eliminated by State law from being disposed of in a solid waste disposal area including, but not limited to, major appliances, waste oil, lead acid batteries, waste tires and the like as the same may be now or hereafter defined by State law.

**RESIDENTIAL SOLID WASTE:** Solid waste resulting from the maintenance and operation of dwelling units.

**SOLID WASTE:** Garbage, refuse and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in Sections 260.360 to 260.432, RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting. Solid waste does not include "Yard Waste" as defined herein.

**SOLID WASTE CONTAINER:** Receptacle used by any person to store solid waste during the interval between solid waste collections.

**SOLID WASTE DISPOSAL:** The process of discarding or getting rid of unwanted material. In particular the final disposition of solid waste by man.
SOLID WASTE MANAGEMENT: The entire solid waste system of storage, collection, transportation, processing and disposal.

STORAGE: Keeping, maintaining or storing solid waste from time of its production until the time of its collection.

TRANSPORTATION: The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES: Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

SECTION 7.44 SOLID WASTE STORAGE

The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit and/or establishment and to maintain such solid waste containers at all times in good repair.

A. The occupant of every dwelling unit and of every institutional, commercial, business, industrial or agricultural establishment shall place all solid waste to be collected in proper solid waste containers and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Accumulation of waste in suitable containers shall not be stored upon any site in the City for a period longer than ten (10) days.

B. Residential solid waste shall be stored in containers of not more than thirty-nine (39) gallons nor less than twenty (20) gallons in nominal capacity, except that residential solid waste may be stored in trash bags of adequate strength in a size not to exceed fifty-five (55) gallons. All containers, including bags, shall be leakproof and waterproof, fly-tight and properly covered, tied or enclosed, except when depositing waste therein or removing the contents thereof. Containers other than bags shall have handles, bails or other suitable lifting devices or features. Containers other than bags shall be of a type originally manufactured for residential solid waste with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container, including bags and its contents, shall not exceed seventy-five (75) pounds. Galvanized metal containers or rubber, fiberglass or plastic containers which do not become brittle in cold weather may be used in addition to bags. Disposable solid waste containers with suitable frames or containers as approved by the City may also be used for storage of residential solid waste. Galvanized metal containers or rubber, fiberglass or plastic containers with suitable frames or containers as approved by the City may also be used for storage of residential solid waste.

C. Commercial solid waste shall be stored in solid waste containers as approved by the Board. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 230.060.
D. Solid waste containers which are not approved will be collected together with their contents and disposed of.

SECTION 7.45 COLLECTION OF SOLID WASTE

A. The city shall provide for the collection of solid waste in one or more of the following ways as determined by the Board:

1. The city may provide the collection service by contracting with a person, county or other city or a combination thereof, for the entire city or portions thereof, as deemed to be in the best interests of the city.

2. The city may provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof; however, if such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises in a manner approved by the city.

3. The city may permit residents to contract individually for such services subject to approval by the city collecting agency. The collecting agency must secure a business license as provided in section 25-31.

4. The city may contract with a person or provide the service itself for the collection of all residential solid waste in the city that is not collected under a contract pursuant to paragraph 3. of this section.

B. All solid waste from premises to which collection services are provided under contract with the City shall become the property of the collection agency upon being loaded into the transportation equipment.

C. Solid waste containers as required by this Chapter for the storage of residential solid waste shall be placed at curbside for collection but shall not be so placed until after 6:00 P.M. on the day next preceding the regularly scheduled collection day. Containers shall be removed from curbside no later than 8:00 P.M. on the day of collection. No alley service shall be allowed under the terms of this Chapter, except as approved by the Board of Aldermen.

D. Individuals desiring the collection of bulky rubbish shall deal directly with those licensed by the City for the collection of the same.

E. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.

F. It shall be the responsibility of the occupants of each dwelling unit to prepare, package and deliver solid waste to curbside for collection as prescribed in this Chapter and as it may be amended from time to time.

G. It shall be the responsibility of each commercial, industrial, institutional or other non-residential generator of solid waste to prepare, package and store solid waste so generated as prescribed by this Chapter and as it may be amended from time to time.
H. It shall be the responsibility of every solid waste collector to abide by this Chapter and receive and transport solid waste in a manner consistent with the provisions of this Chapter.

I. The following collection frequencies shall apply to collections of solid waste within the City: All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. All commercial solid waste shall be collected once weekly and shall be collected at such lesser intervals as may be fixed by the Board upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

J. Residential solid waste containers shall be stored upon the residential premises. Except as provided in Subsection (C) hereof, all solid waste containers stored out-of-doors shall be stored behind any building located on the tract of land. Commercial solid waste containers shall remain in the location from which they are to be serviced except while being serviced.

K. All solid waste collectors operating under contract with the City or otherwise collecting solid waste within the City limits shall be responsible for the collected solid waste from the point of collection to the point of disposal, provided the solid waste was stored in compliance with the applicable Sections of this Chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

L. It shall be unlawful for any person, firm or corporation collecting and disposing of rubbish, garbage or waste material from premises in the residential districts or premises in any commercial district which abuts or adjoins a residential district in the City to make such collection or dispose of rubbish, garbage or waste materials between the hours of 9:00 P.M. and 7:00 A.M.

SECTION 7.46 TRANSPORTATION OF SOLID WASTE

A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste or, as an alternative, the entire bodies thereof shall be enclosed, with only loading hoppers. Provided however, other vehicles may be used to transport bulky rubbish which because of its size or weight is not susceptible to being loaded or unloaded in vehicles described above, but in no event shall such vehicles be operated without adequate cover or binding to prevent spillage or waste therefrom and in accordance with the rules and regulations made by the Board.

B. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities. However, all such material shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.
C. Transportation and disposal of demolition and construction wastes shall be in accordance with this Section and Section 230.050.

SECTION 7.47 DISPOSAL OF SOLID WASTE

A. Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.255, RSMo. and the rules and regulations adopted thereunder. The City may designate the processing or disposal facility to be utilized by persons holding permits under this Chapter.

B. The Board may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Board which will meet all local, State and Federal regulations.

SECTION 7.48 RULES AND REGULATIONS

A. The Board may make, amend, revoke and enforce reasonable and necessary rules and regulations governing, but not limited to:

1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.

2. Specifications for solid waste containers including the type, composition, equipment, size and shape thereof.

3. Identification of solid waste containers, and of the covers thereof, and of equipment thereto appertaining, if any.

4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.

5. Storage of solid waste in solid waste containers.


7. Schedules of and routes for collection and transportation of solid waste.

8. Collection points of solid waste containers.

9. Collection, transportation, processing and disposal of solid waste.

10. Processing facilities and fees for the use thereof.

11. Disposal facilities and fees for the use thereof.

12. Records of quantity and type of wastes received at processing and/or disposal facilities.

13. Handling of special wastes such as toxic wastes, sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

B. The City Clerk or such other City Official who is responsible for preparing utility or other service charge billings for the City is hereby authorized to make and promulgate reasonable and necessary rules and
regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for, subject to the approval of the Board.

C. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City.

SECTION 7.49 PROHIBITED PRACTICES

It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container other than his/her own without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal.

2. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, those of a solid waste collection agency operating under contract with the City or any duly licensed collector.

3. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Division of Health.

4. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City or operate under an expired permit or operate after a permit has been suspended or revoked.

SECTION 7.50 RESERVED.

SECTION 7.51 RESERVED.

SECTION 7.52 RESERVED.

SECTION 7.53 RESERVED.

SECTION 7.54 RESERVED.
APPENDIX

CITY OF LONE JACK, MISSOURI

SEWER BILL ADJUSTMENT APPLICATION

ACCOUNT HOLDER NAME: ____________________________________________________________
ACCOUNT NUMBER:__________________________________________________________
MAILING ADDRESS: ____________________________________________________________
SERVICE ADDRESS: ____________________________________________________________
HOME PHONE NUMBER: ___________________________
BUSINESS PHONE NUMBER:________________________

EXCESSIVE WATER CONSUMPTION FOR THE FOLLOWING REASONS DOES NOT QUALIFY FOR A SEWER ADJUSTMENT:
1. Broken or leaky water lines where the water enters the sanitary sewer system. (i.e. leaky toilets or inside faucets)
2. Water used for irrigation.
3. Negligent use of water.
4. Undetermined use of water.

_______________________________________________________________________

THIS SECTION MUST BE COMPLETED AND SIGNED BY THE ACCOUNT HOLDER

1. Date excessive water consumption was discovered ______________________________.
2. Location of water problem ____________________________________________________
3. Describe the nature of the excessive water consumption. (Please attach narrative to this form or write on back of this form).
4. Date excessive water consumption problem was corrected __________________________. Please attach a copy of the repair bill, pool contract or provide a statement explaining when and how the repair was made. (This request cannot be processed until verification of the repair is provided.)

Please use the back of this form for additional comments.

_______________________________________________________________________

Signature of Account Holder Date
GRINDER PUMP INSTALLATION AGREEMENT

This Agreement is made on this ___ day of ______________, 20__, by and between the City of Lone Jack, Missouri ("City") and ___________________________________ ("Owner") of ___________________________________ (address).

WHEREAS, the City operates a low pressure sanitary sewer system that requires a grinder pump at each residence to convey wastewater to the low pressure system; and

WHEREAS, the concept of a grinder pump system consists of replacing the septic tank with a holding tank. All solids introduced into the sewage holding tank are ground and then pumped to the low-pressure sewer system. Each time the grinder pump is activated, the contents of the holding tank are removed. Grinder pumps eliminate the septic tank, so that there is no longer any need to pump solids from septic tank, and since they are watertight, they greatly reduce infiltration; and

WHEREAS, the City chose only one type of grinder pump during the construction of the original phases of the construction of the City's sanitary sewer system, and desires to maintain, to the extent practicable, the continued use of that pump to ensure performance reliability and system uniformity, or another pump or pumps that may serve the City's interest in achieving economies of scale.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS OF THE PARTIES HERETO, THE PARTIES AGREE AS FOLLOWS:

1. The City will install a grinder pump for $____________. The City's installation scope of work includes excavating for up to 1) two hundred feet (200') of one and one-fourth inch (1 1/4") main service line; 2) ten feet (10') of four inch (4") service line; and 3) wiring of the control panel.

2. The Owner agrees to bring the four inch (4") service line from the residential structure to within ten feet (10') of the grinder pump's location. The location will be mutually agreed upon by the Owner and City's Sewer Superintendent. The Owner further agrees to provide a 10-3 gauge wire with a ground from the electrical panel to the control panel location and supply a 20 amp 220 volt breaker in the electrical panel.

3. The Owner agrees to bear costs for any rock removal or piping in excess of the amount stated in section 1.

4. The City and Owner agree that the grinder pump may be purchased through the City at its cost, with the Owner paying in advance any fees prior to the pump being installed.

5. The Owner agrees to allow the City and its agents or contractors reasonable access to Owner's property for the above described purposes.

6. The Owner acknowledges that acceptance of this agreement shall not constitute a representation, guarantee, or warranty of any kind by the City or its officers and employees, of the adequacy or safety of any grinder pump installation.

Tank Size_________________________ _______________ _________________________

OWNER
Print Name:_________________________________________
Signature:_________________________________________

Print Name:_________________________________________
Signature:_________________________________________

CITY OF LONE JACK, MISSOURI

_________________________________________
Title: Building Inspector