

**THE CITY OF CLEVELAND  
BOLIVAR COUNTY  
STATE OF MISSISSIPPI**

**MINUTES OF SPECIAL MEETING HELD  
ON FRIDAY, APRIL 24, 2020**

This special meeting of the Mayor and Board of Aldermen of The City of Cleveland, Mississippi, was duly and legally begun and held remotely via Zoom at 3:00 o'clock p.m. on Friday, April 24, 2020, pursuant to the following order of the Mayor and Board, which was posted according to law.

**Notice of Special Call Meeting of the  
Mayor and Board of Aldermen of the City of Cleveland  
April 24, 2020**

Pursuant to Mississippi Code Annotated '21-3-21, Mayor Billy Nowell calls a special meeting of the Mayor and Board of Aldermen of the City of Cleveland to discuss the following matters:

1. Discussion of the Shelter in Place Order Expiration and related business requirements.
2. Approval of Sewer Use Revision.

Said meeting shall be held on **Friday, April 24, 2020 at 4:00 p.m.** via Zoom Video Communications per the following link and call-in information:

Join Zoom Meeting:

<https://us02web.zoom.us/j/83285017606?pwd=dEpXZEJlV0tMNVdSdFcrSVhHOFRSdz09>

Meeting ID: 832 8501 7606

Password: 510179

Notice of this special meeting shall be delivered to all aldermen who may be found. Notice of this meeting shall be placed in City Hall pursuant to Mississippi Code Annotated ' 25-41-13 and shall be made a part of the minutes of said special call meeting.

So called this, the 23<sup>rd</sup> day of April, 2020 at 3:30 p.m.

*/s/ Billy Nowell*  
BILLY NOWELL  
Mayor City of Cleveland

Present were: Billy Nowell, Mayor; Kirkham Povall, Robert Sanders, Danny Abraham, Theodore "Ted" Campbell, J. Paul Janoush, Gary Gainspoletti and Maurice Smith, Aldermen; Danny Griffith, City Attorney; Dominique Green, City Clerk; Michelle Arbuckle, Deputy City Clerk; Charles "Buster" Bingham, Chief of Police; Josh McPherson, Eley Barkley Engineer.

The meeting was duly opened, and, upon due proclamation first made, the following proceedings were held, to-wit:

**ORDER TO REQUIRE RETAIL BUSINESSES TO FOLLOW STATED  
GUIDELINES TO RE-OPEN AND MITIGATE THE FURTHER SPREAD OF  
COVID-19 PURSUANT TO GOVERNOR REEVES' EXECUTIVE "SAFER-AT-  
HOME" ORDER NUMBER 1477**

After discussion, upon Motion by Alderman Smith, second by Alderman Campbell, and unanimously adopted, it is ordered to require Retail Businesses to follow stated guidelines to re-open during the COVID-19 pandemic to aid in mitigating the further spread of COVID-19 pursuant to Governor Reeves' Executive "Safer-at-Home" Order Number 1477.

**Municipal Requirements Implementing Executive Order 1477**

**In the City of Cleveland, Mississippi**

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN** of the City of Cleveland pursuant to Mississippi Code Section 45-17-7, that the City hereby adopts the following additional emergency measures that shall take effect immediately and expire at the times provided in Executive Order 1477 unless further action is taken by the governmental authority of the City of Cleveland, to protect the public health, safety, and welfare of the community from the spread of a contagious or infectious disease and to eliminate or limit injuries or deaths that may occur in the absence of such measures:

**SECTION 1**

Pursuant to Executive Order 1477, Parks, Gyms, Spas, Exercise Venues, Bars, Bowling Alleys, & Entertainment Venues will remain closed until further notice. Restaurants shall remain limited to the current requirements of curb-side or drive through only. However, Executive Order 1477 allows other retail businesses to re-open under specific health and safety mandates.

Effective April 27, 2020 at 8:00 a.m., in order to protect the health and safety of customers and employees inside any retail business allowed to re-open under Executive Order 1477, such business must take appropriate actions to promote proper sanitization and minimize close person-to-person contact and enforce appropriate social distancing, to include the following:

- a) Do not allow employees who have any type of sickness or have any symptoms of COVID-19 to work.
- b) Employees must wear a mask to cover nose and mouth at all times. If masks are not available, a cloth or bandana, or other similar material may be used.
- c) Employers must provide hand sanitization materials for customers at entrances and exits.
- d) Employer must sanitize door handles at entrances, exits, and restrooms every 2 hours at a minimum.
- e) Employers must perform sanitization and disinfection of the following every 2 hours at a minimum: counters, work surfaces, credit card machines, keyboards, pens, dressing rooms, restrooms, and all other areas/items that employees and customers touch.
- f) Prohibit re-use of bags/boxes.
- g) Implement 1-way movement/flow through the store/aisles to minimize employees & customers from coming in close contact with each other. Add social distancing "reminder" signs.
- h) Implement signage measuring six-foot intervals and instructing people where to stand in order/pick-up/checkout lines.
- i) Business capacity must not exceed 50% of the Fire Code capacity.

- j) The total number of employees and customers allowed inside at one time must not exceed the 50% Fire Code capacity. Once the business reaches its 50% capacity, customers are to be admitted inside on a "1-out-1-in" basis.

## SECTION II

**ENFORCEMENT** of this Emergency Order shall be via issuance of a citation to the manger (person in charge) on the premises of the business at the time of the occurrence. **CITATIONS** shall be answerable to the City of Cleveland Municipal Court. **VIOLATIONS** of this Emergency Order shall be a misdemeanor. **PENALTIES** for violations shall be punishable by a fine not exceeding Three Hundred Dollars (\$300.00) as provided by Mississippi Code Section 45-17-9.

Alderman Maurice Smith moved for adoption of this Emergency Order, which motion was seconded by Alderman Ted Campbell Sanders, said Emergency Order having been introduced in writing at a specially called meeting of the Mayor Board of Aldermen of the City of Cleveland, Mississippi, held on April 24, 2020, at 4:00 p.m., which was read, considered, debated and ultimately adopted unanimously, paragraph by paragraph, section by section, then as a whole, and the question being put to a vote, the Mayor recorded the votes as follows:

Alderman Gary Gainspoletti voted:	aye
Alderman J. Paul Janoush voted:	aye
Alderman Ted Campbell voted:	aye
Alderman Robert Sanders voted:	aye
Alderman Danny Abraham voted:	aye
Alderman Maurice Smith voted:	aye
Alderman Kirkham Povall voted:	aye

/s/ Billy Nowell

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Billy Nowell  
Mayor of the City of Cleveland, Mississippi

/s/ Dominique Green

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Attest: Dominique Green  
City Clerk, City of Cleveland, Mississippi

ORDERED this April 24, 2020.

## ORDER TO AMEND SEWER USE ORDINANCE

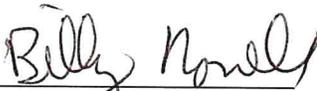
After discussion, upon Motion by Alderman Sanders, second by Alderman Smith, and unanimously adopted, it is ordered to amend the Sewer Use Ordinance as detailed per Exhibit A.

ORDERED this April 24, 2020.

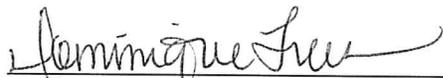
**ORDER TO ADJOURN**

With there being no further business to come before the Board at this session of this special meeting, upon motion duly made by Alderman Povall, second by Alderman Janoush, and unanimously adopted, it is ordered that the special called meeting of April 24, 2020 thereof be adjourned.

ORDERED this April 24, 2020.

  
BILLY NOWELL, Mayor

Attest:

  
DOMINIQUE GREEN, City Clerk

Minutes approved this 9th day of MAY, 2020.

  
BILLY NOWELL, Mayor

Attest:

  
DOMINIQUE GREEN, City Clerk

# EXHIBIT A

## Chapter 70 - UTILITIES

### Footnotes:

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**State Law reference**— Municipally owned utilities generally, MCA 1972, § 21-27-11 et seq.

### ARTICLE I. - IN GENERAL

#### Sec. 70-1. - Definitions.

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

*Garbage service* means the furnishing of any removal of solid waste, garbage and trash to any consumer.

*Mosquito control* means the furnishing of pest control and mosquito and vector control services to any consumer.

*Sewer service* means the furnishing of sanitary sewer or wastewater treatment service to any consumer.

*Water service* means the furnishing of water to any consumer.

Secs. 70-2—70-20. - Reserved.

### ARTICLE II. - RATES, FEES AND CHARGES

#### Sec. 70-21. - Imposed.

This article is adopted in order to provide certain health and sanitation services for the citizens of this city and to provide for the payment of the rates, charges or fees therefor, based upon the studies in the ordinance from which this section is derived, which rates, charges or fees may hereafter be changed, amended or revised upon order of the board of aldermen as may be appropriate upon consideration of any of the factors relative thereunto.

#### Sec. 70-22. - Deposit—Required.

- (a) Before water and sewer services shall be furnished or water shall be turned on by the city for use or consumption by any new applicant, or person now a user or consumer at a point or location other than he now occupies and receives water or sanitary sewer service from the city, the city water rate collector shall require of and collect from such applicant and/or consumer or user a deposit for water, garbage or trash removal, sanitary sewer or wastewater treatment and mosquito control services in the amount established by the city. Additionally, water and sewer services shall not be activated for any facility (commercial or residential) without a valid certificate of occupancy as furnished by the office of community development.
- (b) Deposits may be increased upon delinquencies under the circumstances set forth in section 70-25.
- (c) The deposit schedule is as follows:

New Tap Deposits	Inside City Limits	Outside City Limits
¾" Homeowner	\$50.00	\$100.00

¾" Rental Unit	\$75.00	\$150.00
1" Meter	\$50.00	\$100.00
1½" Meter	\$75.00	\$150.00
2" Meter	\$100.00	\$200.00
Business Deposit	\$75.00	\$150.00

Sec. 70-23. - Same—Refund.

Upon discontinuance of water service to any consumer, his deposit or so much thereof as is necessary to pay his then due health and sanitation services bill, if any, shall be applied to such bill, and any excess thereof shall be remitted to him. A consumer shall be permitted to transfer such deposit or remaining part thereof to any new location or point serviced by the city, but such deposit is not transferable to another person. Prior to the transfer of water service to a different location, the transferable account must be paid in full to date. Any amount owing for health and sanitation services and consumption at the consumer's former point or place of service shall be included in and constitute a part of the consumer's first bill for such services at any new point or place of service or consumption.

Sec. 70-24. - Payment required.

All users, consumers, and recipients of these health and sanitation services shall pay their fees, bill or levies by the tenth of the month next succeeding, or the following Monday if the tenth of month falls on the weekend, that for which the bill is rendered. Written notice of the amount due for such health and sanitation services shall be mailed to each consumer or user as soon as reasonably practicable after each monthly reading of the water meters thereof, and such notice shall show the number of thousand gallons of water consumed during the month for which the bill is rendered, the rate or charge therefor, and the rates or charges for such other services, and shall give notice on its face that all bills are payable by the tenth of the month next succeeding, and other pertinent information relative to such services and payments therefor.

Sec. 70-25. - Enforcement of payment.

- (a) If any consumer of the health and sanitation services furnished by the city fails to pay his fees, rents, tax or levies therefor, including those for water, garbage pickup, sanitary sewer or wastewater treatment and mosquito control, as hereinbefore set forth, by the tenth of the month next succeeding that for which the bill is rendered, the city water rate collector shall add a penalty of \$25.00 as a late charge to the total charges due at that time. If any consumer of the health and sanitation services furnished by the city fails to pay his fees, rent, tax or levies for such services and the late charge by 5:00 p.m. on the 20th of the month next succeeding that for which the bill is rendered, the city shall cut off the water services and such other services from the premises of such delinquent consumer as provided by law, and it shall so remain until the customer pays in full such bill, tax, fee, rent or levy in arrears, including late charges. No separate notice of impending disconnection will be sent to the customer prior to interruption of service. For each service call to the premises of any water consumer, such consumer shall be charged the sum of \$35.00 for service disconnection, providing reconnection only occurs upon payment in full of an account in arrears. Changes or revisions of the

times, dates, or charges herein, or of the manner of collection, may hereafter be made by or upon order of the mayor and board of aldermen within their discretion.

- (b) If the check for the payment of water, sewer and garbage is not honored upon the first presentation to the bank, a returned check/ACH fee in the amount of \$40.00 will be charged to the customer. In the event of a returned check, payment in the form of credit/debit, cash, or money order must be remitted for a period of six months from the date of the returned payment.

Sec. 70-25-1. - Water leak adjustments.

- (a) The City of Cleveland Water Department, in conjunction with Severn Trent, Inc. monitors customer water consumption per the Mi.Net meter reading web portal. In the event Mi.Net provides notification of a leak, the customer will be notified with the placement of a door hanger at the residence. The customer shall repair leaks promptly and may request an adjustment.
- (b) Before a leak adjustment can be considered, the customer's usage shall be at least 100 percent above the customer's normal usage (Determined by meter readings). The customer's normal usage is determined by averaging the consumption of the prior two months.
- (c) The customer must complete the leak adjustment request form to include documentation of the leak, as well as proof of repair (invoice, statement of work) and proof of payment (receipt, check copy, bank statement) for the repairs. If the repair was made by the customer, receipts for any material used in the repair will be considered proof.
- (d) A leak adjustment is usually made on the basis of two months usage, as an undetectable leak will overlap two billing periods. However, the adjustment may be made for only one month.
- (e) The customer's normal usage is determined by averaging the consumption of the prior two months. If the customer has no prior usage history, the normal usage will be determined from average customer usage for the customer classification, (i.e. commercial, residential). The adjustment shall be made for half the leak amount above the normal usage. For example, if normal usage is 10,000 gallons and the total usage including leakage is 50,000 gallons. The leakage amount is 40,000 and the adjustment shall be made for half or 20,000 gallons and the customer shall pay for the adjusted usage of 30,000 gallons (normal usage plus half of the leak). Adjustments will be made to water consumption charges only. However, sewer charges will be adjusted if the leak did not flow into the sewer system. As such, sewer adjustments for leaking toilets will not be allowed.
- (f) The customer must continue to pay their normal usage charges during the processing of the leak adjustment to avoid service interruption. Failure to remit such payment prior to the 21st of the month will result in the disconnection of services.
- (g) Only one leak adjustment shall be made for a customer in a 12 month period.

Sec. 70-25-2. - Additional water service policies.

Water will also be disconnected and customers will be assessed additional charges under the following conditions.

- (a) If a water meter is intentionally defaced, destroyed, or in any manner altered or tampered with, the customer will be charged a minimum of \$100.00 for unreported water consumption plus the cost of repairs, including labor and materials. Materials include the cost of the meter and any devices attached to aid in the reading of the meter.
- (b) Water service may be disconnected if service personnel identify a major leak, technical or mechanical problem that requires immediate attention. Water will be reinstated as soon as the problem has been corrected.
- (c) Special cases: fire, acts of God and other unpredictable situations, will be reviewed on a case-by-case basis.
- (d) It is the responsibility of the customer to notify the utility when there is a change in mailing address and a change in tenant if in an owner-renter situation. The owner of the property is ultimately

responsible for payment on the account in the event of a dispute between the property owner and the tenant.

Sec. 70-26. - Water rates.

- (a) The rates or charges for water service or water furnished to consumers by the city shall be as established by the city.
- (b) The rates charged for water service to consumers living outside the corporate boundaries of this city shall be twice the rate charged and levied herein for the specified quantity of water consumed.

Sec. 70-27. - Garbage, trash removal.

- (a) In addition to the charges made and provided for other health and sanitation services in this article, there is fixed, confirmed and levied a charge in the amount established by the city for each residential water consumer for the removal of garbage and trash from his premises.
- (b) Multiple residential users of water from the same meter shall be charged the amount established by the city for the removal of garbage and trash from said premises.
- (c) Upon commercial, industrial, and institutional consumers, there shall be fixed, confirmed, and levied, to be collected, monthly charges in the amount established by the city.
- (d) In addition, schools, restaurants and retail establishments, or any others, who have extra volume of trash and garbage, with special loading and pickup conditions and with special time considerations, shall be charged at a rate to be fixed by the head of the sanitary department commensurate with said special circumstances up to a charge equivalent to ten weekly pickups, based upon the man- and equipment-hours involved as compared to other regularly scheduled pickups.
- (e) Such charge and levy for garbage and trash removal may be designated as garbage fee or garbage pickup or coded in some recognizable form as may be compatible with the preparation of the statements rendered for water service and other health and sanitation fees and charges, and shall be collected at the same time, in the same manner, and upon the same conditions as to delinquency as are the charges or levies made for water and other services.

Sec. 70-28. - Sanitary sewer service.

- (a) In addition to the charges herein made for water and garbage and other health and sanitation services, there shall be and is hereby fixed and levied a charge in the amount established by the city, which shall be for sanitary sewer or wastewater treatment service from the same premises.
- (b) Such charge and levy for sanitary sewer or wastewater treatment service may be designated as sewer fee or coded in some recognizable form as may be compatible with the preparation of such statements rendered for water service and other health and sanitation fees and charges. Such charge shall be collected at the same time, in the same manner, and upon the same conditions as to delinquency as are the charges or levies made for water and such other services.

Sec. 70-29. - Mosquito control.

- (a) In addition to the charges herein made for water and other health and sanitation services, there shall be and is hereby fixed and levied a charge per month in the amount established by the city upon the user or occupant of each dwelling or residence, or house or apartment, and upon each commercial water user on a municipal water meter, or receiving sanitary sewer service, as aforesaid, all within such corporate boundaries, which shall be and is for the mosquito and vector control program established part of the pest control and health and sanitation services of this city. Such charge and levy for mosquito control may be designated as mosquito control or coded in some recognizable form as may be compatible with the preparation of said statements rendered for water service and other health and sanitation fee and charges, and it shall be collected at the same time, in the same manner and upon the same conditions as to delinquency as are the charges or levies made for water and such other services.
- (b) Vacant property or any other property not served with a water meter or services is found hereby to generate mosquitoes and pests in the same manner as occupied premises and require the same, if not more, treatment for mosquito and pest control as occupied premises, and the cost of treatment and services upon such premises shall be determined upon an equitable cost and benefit basis by the department of public works and shall be charged to the owner or occupant thereof and collected in such manner as may be hereafter determined by order of the mayor and board of aldermen, including assessment as a special benefit upon and to such property.

Secs. 70-30—70-46. - Reserved.

ARTICLE III. - SOLID WASTE<sup>2</sup>

Footnotes:

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**State Law reference**— Solid waste disposal generally, MCA 1972, § 17-17-1 et seq.; city must provide collection and disposal, MCA 1972, § 17-17-5.

Sec. 70-47. - Penalties.

Any person who violates any provision of this article shall be guilty of a misdemeanor and may be fined therefor not in excess of \$100.00, and the commission or continuance of any such violation upon and for more than one calendar day shall constitute a separate offense for each such day.

**State Law reference**— Punishment for violation of ordinances, MCA 1972, § 21-13-1.

Sec. 70-48. - Containers required.

- (a) It shall be unlawful for any owner, lessee or occupant of any building, yard, lot or ground within the city to allow garbage, trash or refuse of any kind to accumulate or remain in such building or upon such yard or lot except where garbage, trash or refuse is placed in approved containers as specified in this article.
- (b) For the purposes of this article, such waste shall be divided into two categories:
  - (1) Garbage, or wet garbage, which shall consist of all food scraps, food and drink containers, slops, liquids, animal or vegetable matter and any and all items that can draw flies or present a health hazard.
  - (2) Dry trash, paper, rubbish and refuse which results from the cleaning of premises or the discarding of items of personal property, newspapers, magazines and boxes which do not constitute garbage, or wet garbage, within the first category hereof.
- (c) For the purpose of this article, any reference to the sanitation department shall mean and refer to any private hauler who may be under contract with the city for the collection of solid waste, including garbage, trash, rubbish, etc.

(Code 1996, § 66-61; Ord. of 3-7-1972(1), § I; Ord. of 9-21-1982, § 1; Ord. of 12-05-2017(3).)

Sec. 70-49. - Residential area.

- (a) All residential garbage shall be placed in plastic garbage bags of the type approved by the mayor and board of aldermen. Garbage so bagged shall be placed at the curb, but not in or upon the paved portion of the street, for pickup by the agency so designated by the city on the days as scheduled by such agency, either private or municipal.

- (b) It shall be unlawful for any owner, lessee or occupant of any building, yard, lot or ground within the city to allow garbage, trash or refuse of any kind to accumulate or remain in such building or upon such yard or lot except where garbage, trash or refuse is placed in approved containers.
- (c) For the purpose of this section, such waste shall be divided into the two following categories:
  - (1) Garbage, or wet garbage, which shall consist of all food scraps, food and drink containers, slops, liquids, animal or vegetable matter and any and all items that can draw flies or present a health hazard.
  - (2) Dry trash, paper, rubbish and refuse which results from the cleaning of premises or the discarding of items of personal property, newspapers, magazines, and boxes which do not constitute garbage or wet garbage.
- (d) The operator of each mobile home park or location with two or more mobile homes or multiple residential complexes, without a through street leading directly to each of such mobile homes or multiple residences, shall provide and set aside an area where the occupant of each trailer or residence shall deposit his garbage in the approved container, or his dry trash. The occupants of such mobile homes shall place all waste within such area for it to be picked up by the sanitation department. This pick-up area shall be located so that the trucks picking up garbage or trash can get to it in any type of weather and it shall be constructed so as to keep dogs out and to prevent the scattering of garbage and trash. Any owner or operator of such premises who fails to provide the facilities required in this subsection shall be guilty of a misdemeanor.
- (e) Such rubbish, wastepaper or dry trash must be put out for pick-up by the owner, occupant or lessee upon his own premises. Said rubbish, wastepaper or dry trash must be the result of the cleaning or repairing of such property by the owner, occupant or lessee himself or under the direct supervision of such owner, occupant or lessee. Any and all rubbish, wastepaper, or dry trash, such as trees, limbs, scrap lumber, roofing or other trash that is the result of a commercial or contractual operation, such as tree trimming, carpenters, roofers or any other individuals that are for hire, shall be removed from the property by the person that contracted to do the work that produced said rubbish, wastepaper or dry trash. Any such contractor or his agent who refuses to or fails to remove such rubbish, wastepaper or dry trash that has resulted from the work he performed as a part of a business operation shall be guilty of a misdemeanor.
- (f) All loose trash consisting of leaves, grass clippings, paper, etc., shall be placed at the curb, but not in the paved portion of the street or road, in a container of some sort, in such a manner that such trash shall not be subject to scattering. This may be bags, boxes, garbage cans or other containers that can be picked up or emptied by one person. Limbs, brush, scrap lumber, etc., shall be cut into lengths of not more than five feet (60 inches) and placed at the curb for collection, but not in the paved portion as aforesaid.

Sec. 70-50. - Commercial area.

- (a) All garbage, trash or solid waste generated by a commercial, industrial or institutional establishment shall be placed in containers to be provided by contract with the private hauler who is under contract with the city. At no time shall reference to a private hauler prohibit an establishment from collecting and hauling its own solid waste, but the accumulation and disposition of such must otherwise conform to all applicable codes and ordinances, including applicable portions herein.
- (b) Commercial businesses with approved incinerators shall have metal containers, not exceeding 25-gallon capacity, with tight-fitting lids, in which to place ashes removed from the incinerator. These cans with ashes shall be placed in an area that may be reached in all types of weather for pickup by the agency, private or municipal.

Sec. 70-51. - Burning.

There shall be no burning of any garbage, trash, paper, leaves or rubbish of any type in the city, except in an approved incinerator. An approved incinerator shall mean one that is approved by a nationally recognized testing agency and by the fire inspector of the city.

Secs. 70-52—70-75. - Reserved.

ARTICLE IV. - SEWER SERVICES

DIVISION 1. - GENERALLY

Sec. 70-76. - 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:

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

*Building drain* means 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 feet (1.5 meters) outside the inner face of the building wall.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal.

*Combined sewer* means a sewer receiving both surface runoff and sewage.

*Easement* means an acquired legal right for the specific use of land owned by others.

*Floatable oil* means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

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

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

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

*pH* means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

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

*Sanitary sewer* means a sewer that carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

*Sewage* means a combination of the water-carried wastes from residents, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

*Sewage works* means all facilities for collecting, pumping, treating and disposing of sewage.

*Sewer* means a pipe or conduit for carrying sewage.

*Slug* means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the superintendent. A permit fee shall be paid to the city at the time the permit is issued.

Sec. 70-126. - Final inspection and approval.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. The superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the superintendent.

Sec. 70-127. - Construction specifications.

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the state department of health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than what is required by said department of health. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 70-128. - When public sewer becomes available.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 70-113, a direct connection shall be made to the public sewer within 60 days in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Sec. 70-129. - Operation at owner's expense.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. Sludge removal from private disposal systems shall be performed by certified pumpers and disposed of in accordance with the state department of health.

Sec. 70-130. - Additional agency requirements.

No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the health officer.

Secs. 70-131—70-158. - Reserved.

#### DIVISION 4. - BUILDING SEWERS AND CONNECTIONS

Sec. 70-159. - Unauthorized connections prohibited.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

Sec. 70-160. - Building sewer permits.

There shall be two classes of building sewer permits:

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

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A permit fee shall be paid to the city at the time the permit is issued.

Sec. 70-161. - Connection at owner's expense.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 70-162. - Separate connections required.

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, however, the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Sec. 70-163. - Old building sewers.

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

Sec. 70-164. - Building sewer construction.

- (a) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- (b) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.
- (c) Sanitary sewer services shall be installed on the property which they serve and shall not encroach onto other private property without a specific utility easement signed by all parties and without special approval of the superintendent.
- (d) The city will provide a cleanout at the property line when a service tap is installed. The customer shall provide a minimum of one cleanout located near the building where the sewer exits the building for maintenance purposes. The location and number of cleanouts to be provided by the customer shall be in compliance with the applicable plumbing code of the city.

Sec. 70-165. - Elevation; lifts.

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

Sec. 70-166. - Prohibited connections.

No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the superintendent for purpose of disposal of polluted surface drainage.

Sec. 70-167. - Inspection of installation.

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the superintendent or his representative.

Sec. 70-168. - Hazard protection.

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

Secs. 70-169—70-189. - Reserved.

#### DIVISION 5. - USE OF PUBLIC SEWERS

Sec. 70-190. - Discharge of stormwaters, etc., into sanitary sewers prohibited.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 70-191. - Discharge of stormwaters, etc., into storm sewers or natural outlets.

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

Sec. 70-192. - Discharge of wastewater from certain vehicles.

- (a) It shall be unlawful for any person to dump or discharge wastewater or sewage or the materials from trucks, portable toilet pump trucks, trailers, septic tank pump trucks, campers and other types of similar vehicles into the sanitary sewer system without proper written authorization from the superintendent. All such waste or sewage shall only be dumped at the approved site located at the city wastewater treatment plant and in accordance with the policies for such use as approved by the mayor and board of aldermen.
- (b) It shall be unlawful for any person to discharge any portable toilet or septic tank effluent to any open ditch, ditch, stream, well penetrating water-bearing formation, sanitary sewer manhole, sanitary sewer lift station or private building sewer.
- (c) Any person found guilty of violating or causing the violation of any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$300.00, or by imprisonment for a time not to exceed 90 days, or by both such fine and imprisonment. Each unauthorized dumping or discharge shall be considered a separate offense and punishable as such.

Sec. 70-193. - Discharge of certain harmful or objectionable wastes prohibited.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides of two mg/L as CN in the wastes as discharged to the public sewer.
- (3) Any waters or wastes having a pH lower than 6.0, or greater than 8.5, or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk solids, milk containers, etc., either whole or ground by garbage grinders.

Sec. 70-194. - Discharge of certain harmful or objectionable wastes subject to approval.

The following described substances, materials, waters or wastes shall be limited to discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The superintendent may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the superintendent are as follows:

- (1) Wastewater having a temperature higher than 150 degrees Fahrenheit 65 degrees Celsius.
- (2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or product of mineral oil origin.
- (3) Wastewater from industrial plants containing floatable oils, fat or grease.
- (4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the sewage works exceeds the limits established by the superintendent for such materials.
- (6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the superintendent.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- (8) Quantities of flow, concentrations or both which constitute a "slug" as defined herein.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- (10) Any waters or wastes which, by interaction with other waters or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

Sec. 70-195. - Options of city for accepting waste.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 70-194, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 70-201.

When considering the above alternatives, the superintendent shall give consideration to the economic impact of each alternative on the discharger. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and subject to the requirements of all applicable codes, ordinances and laws.

Sec. 70-196. - Grease, oil and sand interceptors.

- (a) Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable oils in excessive amounts, or any flammable wastes, sand or other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units.
- (b) All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
- (c) All food service facilities are required to install and maintain a sufficient grease trap or interceptor in accordance and compliance with the grease control ordinance of the city.
- (d) In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal which are subject to review by the superintendent. Any removal and hauling of the collected materials not performed by owner personnel must be performed by currently licensed waste disposal firms.

Sec. 70-197. - Facilities maintained at owner's expense.

Where preliminary treatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec. 70-198. - Control manhole requirements.

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

Sec. 70-199. - Additional information may be requested.

The superintendent may require a user of sewer services to provide information needed to determine compliance with this division. These requirements may include:

- (1) Wastewaters discharge peak rate and volume over a specified time period.
- (2) Chemical analysis of wastewaters.
- (3) Information on raw materials, processes and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer user control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Sec. 70-200. - Testing standards.

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the superintendent.

Sec. 70-201. - Industrial privilege.

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

Secs. 70-202—70-225. - Reserved.

DIVISION 6. - USER SERVICE FEES

Sec. 70-226. - Rate categories.

The sewer service fees for the use of the city sanitary sewerage system shall be in accordance with the following:

- (1) There shall be two basic fees, one being a volumetric charge and the other being a surcharge for excessive strength of wastewater. These fees shall apply to all users of the city sanitary sewerage system. Volumetric charge will be determined by water meter reading, or at the user's option, the user may furnish metering devices approved by the superintendent for measuring wastewater discharged into the city sewer system. This will apply to those users of the city sanitary sewerage system who purchase all water from the city.
- (2) Those users having private wells or other sources of water supply shall install either water meters on the wells or other sources of water supply or approved metering devices for measurement of wastewater discharged to the city sewers.

- (3) Users will be classified as residential, or commercial-industrial, or government and public buildings according to criteria established by the city.

Sec. 70-227. - Determination of sewer service fees/Sewer User Charge System

- (a) The basic sewer service fee shall be determined per thousand gallons of metered water or wastewater and shall be determined by order of the mayor and board of aldermen without further ordinance therefor.
- (b) The rates charged to users of the city's sewerage works within or without the corporate limits shall be on an equitable basis, as provided by said ordinance and future order of said board.
- (c) Provided, however, a user may, at his own expense, and with the superintendent's approval, install a secondary meter on that portion of his water supply system which serves only his lawn sprinkling load or water used in manufacturing processes so as to measure directly the amount of water that does not enter the public sewers.
- (d) There shall be a Sewer User Charge System established by the City of Cleveland. The approved Sewer User Charge System, included herein by reference, shall include an itemized budget reflecting the costs of operation and maintenance (including replacement) of the public sewage works and retirement of existing debt including repayment of any Water Pollution Control Revolving Fund Loans. It shall also include the revenues dedicated to these costs and demonstrate that they are adequate based on the use of the system and the Sewer User Charge Rates set by the Mayor and Board of Aldermen.
- (e) The Superintendent of the sewage works shall review the Sewer User Charge System periodically and the City of Cleveland shall revise the Sewer User Charge System and/or Rates, if necessary, to generate sufficient revenue to pay the total costs necessary for the proper operation and maintenance (including replacement) of the sewage works and retirement of debt including the repayment of any Water Pollution Control Revolving Fund Loans.

Sec. 70-228. - Excessive wastewater surcharge.

The user service fee for excessive wastewater strengths shall be in addition to the basic volumetric charge and shall be determined using the following constraints:

- (1) Surcharges shall be assessed for all wastewaters discharging into the wastewater system having strengths in excess of the following:
- Biochemical Oxygen Demand (BOD) ..... 250 mg/l
  - Suspended Solids (SS) ..... 250 mg/l
  - Total Kjeldahl Nitrogen (TKN) ..... 25 mg/l
- (2) The amount of waterborne waste in excess of the limits in subsection (a) of this section shall be calculated by the following formula:

$$C = B \times Bc + S \times Sc + T \times Tc$$

Where:

C = Surcharge in dollars.

B = BOD from user in excess of limitations expressed in pounds.

B[c] = Cost per pound of BOD treated by wastewater treatment facility.

S = Suspended Solids from user in excess of limitations expressed in pounds.

Sc = Cost per pound of suspended solids treated by wastewater treatment facility.

T = TKN from user in excess of limitations expressed in pounds.

Tc = Cost per pound of TKN treated by wastewater treatment facility.

The surcharge calculated shall be added to the user's volume charge to complete his charges for the billing period.

- (3) All users subject to sewer service surcharge shall at the request and with the approval of the superintendent and the regulatory agencies:
- Install and maintain a suitable flow measuring device.
  - Provide and maintain an accessible sampling manhole in the user's wastewater discharge line or lines.
  - Report average monthly flow, biochemical oxygen demand, suspended solids, and Kjeldahl Nitrogen. All analytical results shall be made by a laboratory approved by the superintendent.
  - Provide instrumentation for and report results of any characteristics of the wastewater which are required in order to be in compliance with this division.
  - Provide flow regulation to limit the maximum hourly flow to two times the average hour for the average 24-hour flow of the individual user.

Sec. 70-229. - Billing.

The sewer service fee shall be included each month on the bills rendered by the city in accordance with their standard billing practices. Failure to pay the sewer service fee upon the due date of the utility statement shall be grounds for terminating all procedures established by the mayor and board of aldermen. When service commences or ceases, applicable fees may be prorated for the billing periods.

Sec. 70-230. - Service payments.

The fees based on metered measurement of volume discharged to the sewer system, or surcharge based on wastewater strength, shall be paid monthly and in a manner prescribed by the city. Penalty for late payment will be assessed on the same basis as penalties charged by the serving utility.

Sec. 70-231. - Customer responsibilities.

The sewer service fees are applicable to every person, firm, partnership, association or corporation, inside and outside of the corporate limits of the city, whose sewage and wastewater empties into the city's collection and treatment systems.

Sec. 70-232. - Connection fee.

The fee for connecting a user to the sewerage system shall be approved by order of the mayor and board of aldermen and may be adjusted from time to time by said board. It shall include all material and labor from the city's sewer main to the user's nearest property line.

Secs. 70-233—70-257. - Reserved.

DIVISION 7. - DISCHARGE OF FATS, OILS AND GREASE (FOGs)

Sec. 70-258. - Title.

This division may be hereinafter referred to as the "City of Cleveland Grease Control Program Ordinance."

Sec. 70-259. - Definitions.

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

*Alternative grease removal technology* means an automatically operated mechanical device specifically designed to remove grease from the waste stream.

*Applicant* means the owner or agent of any food service facility submitting an application for a food service facility grease control permit to the city department of community development.

*Best management practices* means any program, process, operating method or measure that controls, prevents, removes or reduces discharge of FOG.

*City* means the City of Cleveland, Mississippi.

*Department* means the city department of community development.

*Director* means the director of the city department of community development, his designee or the person the director may designate to carry out the functions set forth in the grease control program.

*FOG* means fats, oils, and grease.

Sec. 70-260. - Penalties.

- (a) Any person found to be violating any provision of this division shall be served by the city with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for shall be guilty of a misdemeanor and subject to a fine of not less than \$100.00 and not more than \$1,000.00 or imprisonment of not less than 30 days and not more than 90 days, or both such fine and imprisonment. Each day that a violation continues beyond the time limit provided for shall constitute a separate offense.
- (c) Chronic violations of the terms of this division may result in the revocation of permits issued to the violator and discontinuance of service.
- (d) Any person violating any of the provisions of this division who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the city's wastewater collection system shall be liable to the city for any expense, loss or damage caused by such violation or discharge. The city shall bill the violator for the cost incurred by the city for any cleaning, repair or replacement work caused by the violation or discharge in the city. Refusal to pay the assessed costs shall constitute a violation of this division and shall result in the revocation of permits issued to the violator and discontinuance of service.
- (e) Any person who knowingly makes any false statement, representation or certification in any application, record, report, manifest or other document filed or required to be maintained pursuant to this division, shall be subject to the penalties as set out above and may result in the suspension or revocation of permits.

**State Law reference**— Punishment for violation of ordinances, MCA 1972, § 21-13-1.

Sec. 70-261. - Permit requirements for food service facilities.

- (a) Each food service facility shall obtain a grease control permit to enable the inspection and monitoring of facilities which have the potential to discharge FOG to the city sewer system. The permit shall only be issued upon completion of a permit application and upon passing an on-site inspection of all grease control devices. The cost of a grease control permit shall be as established by the city.
- (b) All information contained in the permit application shall be certified by the applicant as true and complete prior to the city's review for approval. The application shall include the grease interceptors and traps located at a facility which are operated by the same owner or manager. Each grease interceptor and trap shall be identified individually on the application by a unique identifier. The director shall review completed applications for approval within 30 days of receipt.
- (c) Permit conditions may include, but are not limited to, the following:
  - (1) Permit duration;
  - (2) Permit fee;
  - (3) Permit is nontransferable;
  - (4) Frequency of inspections;
  - (5) Maintenance requirements;
  - (6) Compliance schedule;
  - (7) Requirements for retaining records;
  - (8) Statement of permission for the director and other duly authorized employees of the city to enter upon the user's property without prior notification for the purpose of inspection, observation, photography, records examination and copying, measurement, sampling or testing; and
  - (9) Other conditions deemed by the director necessary to ensure compliance with this program and other applicable ordinances, laws and regulations.
- (d) If a permit application is denied:
  - (1) The applicant will be advised in writing of the specific cause for the denial within 30 calendar days of the decision to deny the permit application.
  - (2) The applicant who is denied a permit under this division shall have the right to appeal such denial to the board of appeals. The appeal shall be filed within 20 days of receipt of the notice of denial.
- (e) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Food* means any raw, cooked, or processed edible substance, ice, beverage, or ingredient intended for human consumption.

*Food service facility* means any facility engaged in the preparation of food for human consumption or serving of meals, lunches, short orders, sandwiches, frozen desserts or other edible products. The term "food service facility" includes restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places with manufactured retail sandwiches, soda fountains, institutional cafeterias, catering establishments and similar facilities by whatever name it is called.

*Fryer oil* means oil that is used or reused in fryers for the preparation of foods such as fried chicken and French fries. Discharge of fryer oil into the city sewer system is strictly prohibited.

*Grease* means fats, oils and grease used for the purpose of preparing food, or resulting from food preparation, and includes all elements of FOG. The terms "grease" and "FOG" may be used interchangeably.

*Grease interceptor* means an indoor device located in a food service facility or under a sink designed to collect, contain and remove food wastes and grease from the wastestream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity. Grease interceptors shall be equipped with a device to control the rate of flow so that the device's rated flow is not exceeded.

*Grease trap* means an outdoor device located underground and outside of a food service facility designed to collect, contain and remove food wastes and grease from the wastestream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.

*Maintenance* means the complete removal of all grease interceptor or trap contents including floatable materials, sludge and solids. The interceptor or trap must be thoroughly cleaned to remove grease and scum from inner walls and baffles. The interceptor or trap must be filled with cold potable water to complete maintenance operation.

*Mobile food unit* means a self-propelled or vehicle mounted unit intended to be used as a food service facility. Mobile food units are not regulated by this division.

*Permit* means written authorization to discharge to the city's wastewater collection system granted by the department to the owner of a food service facility or his authorized agent. The term "permit" is also referred to as a food service facility grease control program permit. Permits are nontransferable. A new owner or operator of an existing food service facility shall apply for and obtain a new permit.

*Sampling vault* means the last point downstream of a grease trap that is specially constructed to allow inspection and sampling prior to discharge of effluent into the city's sanitary sewer collection system.

*Temporary food service facility* means a food service facility that has no permanent sewer connection and operates at the same location for a period of time not to exceed 14 days in conjunction with a single event, such as a fair, carnival, circus, exhibition, festival or similar temporary gathering. Temporary food service facilities are not regulated by this division.

*User* means the owner or operator of a food service facility that discharges wastewater into the city sanitary sewer.

Sec. 70-262. - Exemption from grease control program permit requirement.

Food service facilities which do not discharge FOG to the sanitary sewer system may file a written request for exemption from the permit requirement. Food service facilities which are granted an exemption from the permit requirement are subject to inspection by city inspectors and are required to notify the city if changes are made which generate grease waste. The exemption will be in effect until there is a change in food service operations.

Sec. 70-263. - Requirements for best management practices (BMPs).

All food service facilities shall develop and implement best management practices (BMPs) to minimize the discharge of FOG to the sanitary sewer system.

Sec. 70-264. - Requirements for grease control devices.

- (a) *Generally.* All new food service facilities that discharge FOG into the sanitary sewer system shall install, operate and maintain properly sized grease interceptors or traps as indicated below. Existing food service facilities may be required to modify existing grease control devices, or to install new or additional grease control devices, and operate and maintain properly sized grease interceptors or traps as indicated below.
- (b) *Grease traps, outdoor.*
  - (1) Grease traps shall comply with the requirements of the International Plumbing Code as adopted by the city and shall be sized for the needs of the food service facility.
  - (2) Grease traps shall be sized and installed by a licensed master plumber.
- (c) *Grease interceptors, indoor.*
  - (1) Indoor grease interceptors are not allowed for any new structure. Existing structures may apply for a permit to allow grease interceptors if the director verifies that the installation of a grease trap is not possible or reasonably feasible.
  - (2) The director may approve the installation of one or more indoor grease interceptors provided the food service facility is not equipped with a dishwasher or a food waste grinder.
  - (3) Grease interceptors shall be listed with the Plumbing and Drainage Institute "Certified Grease Interceptors" and shall be sized in accordance with the International Plumbing Code adopted by the city.
  - (4) Discharge of the following materials to an indoor grease interceptor is prohibited:
    - a. Wastewater with a temperature higher than 140 degrees Fahrenheit;
    - b. Wastewater discharged from a dishwasher;
    - c. Acidic or caustic cleaners; and
    - d. Wastewater discharged from a food waste grinder (disposal).

Sec. 70-265. - Maintenance requirements for grease interceptors and traps.

- (a) The 25 percent rule requires that the depth of oil and grease, floating and settled, in a trap shall be less than 25 percent of the total operating depth of the trap. The operating depth of a trap is determined by measuring the internal depth from the outlet water elevation to the bottom of the trap.
- (b) Maintenance of outdoor grease traps shall be performed as frequently as necessary to protect the sanitary sewer system against the accumulation of FOG. Maintenance shall be performed as determined by inspection and application of the 25 percent rule, or at intervals specified in the permit, whichever is more frequent. Maintenance shall be performed at least every 90 days.
- (c) Maintenance of indoor grease interceptors shall be performed as frequently as necessary to protect the sanitary sewer system against the accumulation of FOG. Maintenance shall be performed as required by inspection or sampling or at intervals specified in the permit, whichever is more frequent. Maintenance shall be performed at least every 14 days.
- (d) Food service facilities which operate infrequently or only for special events may request a modification to the maintenance schedule specified above. The director may authorize a maintenance frequency related to the operation of the food service facility. The user shall submit a request for a modified maintenance schedule which includes all details of operation for the director to review.
- (e) The user shall be responsible for the proper removal and disposal of the grease interceptor or trap waste. All waste removed from each grease interceptor or trap must be disposed of properly at an appropriate facility designed to receive grease interceptor or trap waste. No grease interceptor or trap waste shall be discharged into any city sanitary or storm sewer system.
- (f) Maintenance shall include the complete removal of all grease interceptor or trap contents including floatable materials, wastewater, sludge and solids. Grease and scum shall be removed from the interior walls and baffles. The interceptor or trap must be filled with cold potable water after cleaning to complete maintenance operations. Grease interceptors and traps shall be operated in accordance with the manufacturer's specifications or in accordance with generally accepted engineering standards and practices.
- (g) The user shall be responsible for retaining records of the maintenance of grease interceptors and traps including manifests, permits, permit applications, correspondence, sampling data and any other documentation that may be requested by the city. These records shall include the dates of service, volume of waste removed, waste hauler and disposal site of waste. These records shall be kept on-site at the location of the grease interceptor or trap for a period of three years and are subject to review without prior notification.

Sec. 70-266. - Compliance with grease control program.

Compliance with the grease control program shall be evaluated based on the following criteria:

- (1) Implementation of best management practices (BMPs);

- (2) Grease control devices kept in compliance with the 25 percent rule;
- (3) Regularly scheduled maintenance of grease control devices;
- (4) Documentation of maintenance and proper disposal; and
- (5) Employee education and training.

Sec. 70-267. - Prohibitions.

The following activities are specifically prohibited:

- (1) Introduction of bacteriological, chemical or enzymatic elements into the grease interceptor or trap or any element of the plumbing system is specifically prohibited.
- (2) Disposal of fryer oil to the city sanitary sewer system is specifically prohibited.

Sec. 70-268. - Grease haulers.

- (a) All grease haulers shall be licensed by the state department of health (MSDH) in accordance with Chapter 2, Subsection 27 of the Mississippi State Department of Health Regulations and Standards, as authorized by section 41-67-7 of the Mississippi Code of 1972 (MCA 1972, § 41-67-7).
- (b) Grease trap waste shall not be combined with septic tank waste and transported to the disposal site as part of a mixed load.
- (c) Grease manifests shall accompany all grease interceptor and trap waste to the disposal site. The grease hauler shall complete their portion of the grease disposal manifest and deliver the manifest to the disposal site for completion and return it to the food service facility being serviced.
- (d) Grease interceptor and trap maintenance shall include the following minimum services:
  - (1) Complete removal of all grease interceptor or trap contents rather than skimming the top grease layer;
  - (2) Thorough cleaning of the grease interceptor or trap to remove grease and scum from inner walls and baffles;
  - (3) Filling cleaned interceptor or trap with cold potable water; and
  - (4) Completion of waste hauler's section of the grease disposal manifest form and delivery to waste disposal site along with the grease interceptor or trap waste.

Top skimming, decanting or back flushing of the grease interceptor or trap or its contents for the purpose of reducing the volume of waste to be hauled is prohibited. Vehicles capable of separating water from grease shall not discharge separated water into the grease trap or into the wastewater collection system.
- (e) Grease disposal manifests shall accompany all grease interceptor and trap waste and be delivered to the grease disposal site.
- (f) Any vehicle used for the transportation of grease interceptor or trap waste shall be maintained in good working order. All hoses, tanks, pumps, pipes, valves and gauges shall be in good repair and free of any leaks which could cause a spillage or discharge of waste from the vehicle. Safety plugs, safety caps and any other devices approved by the director shall be installed in all hoses of the tank to prevent spillage or leakage.