# TITLE VII. UTILITIES

CHAPTER 700: WATER AND SEWER

*Cross Reference—as to utility bills paid with insufficient funds and post-dated checks, penalty for same, see §100.100 of this Code.*

**SECTION 700.010: COMBINED SYSTEM**

It is hereby found, determined and declared to be necessary for the public health, safety, welfare and benefit of the City of Marble Hill, Missouri, and it inhabitants that the waterworks of said City and the sewerage system of said City and all future improvements and extensions thereto, be combined and that they shall thenceforth be operated and maintained as a combined waterworks and sewerage system.

Thenceforth, the existing waterworks of the City of Marble Hill, Missouri, and the sewerage system of said City, and all future improvements and extensions thereto, whether to the waterworks or to the sewerage system or to both, shall be and the same are combined and it is hereby declared that said waterworks and said sewerage system, and all future improvements and extensions thereto as aforesaid, thenceforth be operated and maintained as a combined waterworks and sewerage system.

By way of further explanation, the term “combined waterworks and sewerage system” refers only to the fact that there shall only be one bill generated which shall include charges for both water usage and sewer usage. Under no circumstances shall the term be construed to mean that the actual sewage and water are to be combined into the same system of pipes, lines, etc. There are to always be a separate sanitary sewer system in addition to a waterworks system. (Ord. No. 80-10 §1; CC §28.010; Ord. 2016-07, Section 1)

SECTION 700.020: WATER METER INSTALLED AT OWNER'S EXPENSE

When a water meter is installed in any private dwelling house, boarding house, hotel, store building, or in any other building, when said building or buildings are occupied, or may be occupied by the owner or a tenant, it shall be installed at the expense of the owner of the property, or it may be installed at the expense of the tenant or contemplated tenant. (Ord. No. 80-10 §1; CC §28.200)

SECTION 700.030: WATER METER LIEN CREATED

The costs of the water consumed, after a water meter has been installed in any of the property mentioned in Section 700.020 above shall be and constitute a lien on said property and remain a lien thereon until paid. (Ord. No. 80-10 §1; CC §28.210)

SECTION 700.040: DELINQUENT WATER BILLS

If the water consumed upon any property within the City of Marble Hill by the owner or by the tenant in any of the property mentioned in Section 700.020 above be not paid for at the expiration of any current month, it shall become delinquent and the water may be cut off or discontinued until payment thereof is made, and if it be not paid when due, suit may be brought for the collection thereof. (Ord. No. 80-10 §1; CC §28.220)

SECTION 700.050: SEWERAGE—DEFINITION OF TERMS

(Editor’s Note: Ord. 2013-10, June 10, 2013, Repealed Sections 700.050 – 700.300 and replaced them as follows. Amended Ord. 2016-07, Section 2)

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

"Applicant" shall mean any individual, firm, partnership, corporation or other agency owning land within the municipality applying for a sewer service.

“Board" shall mean the Town Board of the City of Marble Hill, Missouri.

"BOD" (denoting Biochemical Oxygen-Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

"Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

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

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

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

"Inspector" shall mean the person or persons duly authorized by the Town Board of City of Marble Hill to inspect and approve the installation of building sewers and their connection to the public sewer system.

"Municipality" shall mean the City of Marble Hill of, Missouri.

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

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

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

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking 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 (1/2) inch (1.27 centimeters) in any dimension.

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

"Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

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

"Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

"Sewage Works” shall mean all facilities for collecting, pumping, treating and disposing of sewage.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Shall" is mandatory; "May" is permissive.

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

"State Director" shall mean the State Director of Rural Development for Missouri, United States Department of Agriculture, or his successor.

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

"Superintendent" shall mean the Superintendent of the Municipal Sewer Works of the City of Marble Hill, Missouri, or his authorized deputy, agent or representative.

"Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

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

SECTION 700.060: DEPOSITING WASTE UNLAWFUL

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Marble Hill, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the City of Marble Hill, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
3. Except as hereinafter provided , it shall be unlawful to construct or maintain any privy , privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

SECTION 700.070: SEWER CONNECTIONS REQUIRED

1. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may be in the future be located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein , and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.
2. Where a public sanitary or combined sewer is not available under the provisions of Section 700.070 A., the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

SECTION 700.080: PERMITS

1. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Inspector. 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 Inspector. A permit and inspection fee of Fifty Dollars ($50.00) shall be paid to the City at the time the application is filed.
2. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within four (4) hours of the receipt of notice by the Inspector if received in the forenoon and within eighteen (18) hours of receipt of notice if received in the afternoon.
3. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Missouri. 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 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
4. At such times a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 700.800 C, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
5. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City of Marble Hill.
6. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer of the State or County.
7. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
8. 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 Inspector.
9. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service and (b) 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 info1mation considered pertinent in the judgment of the Inspector. A permit and inspection fee of Fifty Dollars ($50.00) for a residential or commercial building sewer permit and One Hundred Dollars ($100 .00) for an industrial building sewer permit shall be paid to the City at the time the application is filed.
10. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City of Marble Hill from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
11. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear or another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
12. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this ordinance.
13. 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 back filling 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, utilization of industry appropriate materials in a good and workmanship like manner and/or in a manner consistent with MDNR Regional Office guidance will apply.
14. 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.
15. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
16. The connection of the building sewer into the public sewer shall conform to the requirements of the buildings and plumbing code or other applicable rules and regulations of the City of Marble Hill or, in the absence of code provisions, utilize industry appropriate materials in a good and workmanship like manner and/or in a manner consistent with MDNR Regional Office guidance . All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Inspector before installation.
17. The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.
18. All excavations for building sewer installations 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.

SECTION 700.090: MISUSE OF SEWERS

1. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Inspector. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Inspector, to a storm sewer, combined sewer or natural outlet.
3. 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 in excess of two (2) mg/ 1 as CN in the wastes as discharged to the public sewer.
     3. Any waters or wastes having (1) a 5-day biochemical oxygen demand 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 300 parts per million by weight or (2) reduce the suspended solids to 350 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.
     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, 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 containers, etc., either whole or ground by garbage grinders.
4. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Inspector that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Inspector will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials, of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:
5. Any liquid or vapor having a temperature higher than one hundred fifty (150)° F (65°C).
6. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/I or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred fifty (150)° F (0 and 65° C).
7. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Inspector.
8. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
9. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Inspector for such materials.
10. Any waters or wastes containing phenols or other taste - or odor -producing substances, in such concentrations exceeding limits which may be established by the Inspector as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
11. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Inspector in compliance with applicable State or Federal regulations.
12. Any waters or wastes having pH in excess of 9.5.
13. Materials which exert or cause:
    1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
    2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions.)
    3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment work.
    4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

1. If any waters or wastes are discharged or are proposed to be discharged to the public sewer, which waters contain the substances or possess the characteristics enumerated in Section D of this Article and, which in the judgment of the Inspector, 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 Inspector may:

Reject the wastes

Require pretreatment to an acceptable condition for discharge to the public sewers

Require control over the quantities and rates of discharge and/or

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 700.090 J.

If the inspector 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 Inspector and subject to the requirements of all applicable codes, ordinances, and laws.

1. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing grease 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. All interceptors shall be of a type and capacity approved by the Inspector and shall be located as to be readily and easily accessible for cleaning and inspection.
2. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
3. When required by the Inspector, 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 accessible and safely located and shall be constructed in accordance with plans approved by the Inspector. 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.
4. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Method s 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 hazard s to life, limb, and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.
5. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Marble Hill and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.

SECTION 700.100: DAMAGE TO SEWAGE EQUIPMENT PROHIBITED

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

SECTION 700.110: INSPECTORS AUTHORIZED ENTRY

1. The Inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Inspector or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
2. While performing the necessary work on private properties referred to in Section 700.110 A. above, the Inspector or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 700.090 H.
3. The Inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION 700.120: PENALTY

1. Any person found to be violating any provision of this ordinance except Section 700.110 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.
2. Any person who shall continue any violation beyond the time limit provided for in Section 700.120 A., shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding One Hundred ($100.00) Dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offence.
3. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss or damage occasioned the City - by reason of such violation.

SECTION 700.130: SEVERABILITY

The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 700.140 – 700.300 REPEALED BY ORD. NO. 2013-10, 6-10-2013

SECTION 700.310: SEWER RATES--POLICY

The governing body of the City of Marble Hill, Missouri, hereby finds and determines the rates, fees, and charges for the use and services of the sewerage system of said City necessary and adequate at this time to meet the requirements of Sections 250.010 to 250.250, inclusive, 1957 Supplement to Revised Statutes of Missouri, 1949, are as hereinafter specified. (Ord. No. 80-10 §1; CC §28.800)

SECTION 700.320: SEWER RATES

The. minimum charge for any sewer customer whose account arises from within the location of the corporate city limits of the City of Marble Hill shall be Sixteen Dollars ($16.00), per month.

The minimum charge for any account arising out of sewer usage to a location outside he corporate city limits of the City of Marble Hill, shall be Thirty-two Dollars ($32.00), per month. The minimum charge shall apply for usage of sewer on all accounts, not to exceed 1000 gallons.

For accounts located within the corporate city limits, an addition charge of forty-eight cents ($.48) shall be assessed for each 100 gallons used over the initial 1000 gallons. Outside the corporate city limits, an additional charge of ninety-six cents ($.96) shall be assessed for each 100 gallons over the initial 1000 gallons.

***Thereafter, the following increases will apply:***

**January 15, 2013:**

For accounts located within the corporate city limits, an addition charge of fifty-nine cents ($.59) shall be assessed for each 100 gallons used over the initial 1000 gallons. Outside the corporate city limits, an additional charge of one dollar-eighteen cents ($1.18) shall be assessed for each 100 gallons over the initial 1000 gallons.

**July 15, 2013:**

For accounts located within the corporate city limits, an addition charge of seventy cents ($.70) shall be assessed for each 100 gallons used over the initial 1000 gallons. Outside the corporate city limits, an additional charge of one dollar-forty cents ($1.40) shall be assessed for each 100 gallons over the initial 1000 gallons. (Ord. No. 2012-29 §2)

SECTION 700.330: FREE SEWER SERVICE

No sewerage services shall be furnished or rendered free of charge to any person, firm or corporation, other than the City itself. (Ord. No. 80-10 §1; CC §28.820)

SECTION 700.340: WATER USAGE MEASURED, HOW

The quantity of water used upon any premises furnished with sewerage services by the sewerage system of the City shall be measured by the water meter or meters serving the premises; provided however, that if any occupant or owner of any premises connected with the sewerage system of the City shall not have a water meter installed on his premises measuring all water received thereon from all sources then such occupant or owner shall, at his expense, install and maintain on said premises a water meter or meters satisfactory to the Superintendent of the sewerage system of the City, or other representative of the City, which meter shall measure all water received on said premises from all sources, and, in such case, the sewerage rates to be charged such customer shall be based upon the aggregate quantity of water received on said premises as measured by said meter or meters. The Superintendent of the sewerage system of the City or other representative of the City shall have access to the premises of such customer at all reasonable times for the purpose of inspecting and testing said water meter or meters and reading the records thereof. (Ord. No. 80-10 §1; CC §28.830)

SECTION 700.350: ADDITIONAL INDUSTRIAL USES

1. Any manufacturing business located within the corporate City limits of the City of Marble Hill, that has a water usage in excess of fifty thousand (50,000) gallons per month for its manufacturing or factory usage, and its said total usage does not include any usage which is specifically used to service any equipment associated with the manufacturing or factory processes, that customer may make application to the Board of Aldermen of the City of Marble Hill to be placed on the manufacturing usage water rate.
2. Any water user who has been designated a factory user, as that designation is defined in Subsection (A) herein, shall be entitled to have its water billed for factory usage, as that amount of usage shall be determined by the Board of Aldermen, at five and one-half cents ($0.055) per one hundred (100) gallons of usage.
3. At the request of the Board of Aldermen, any factory applying for factory usage may be required to have its water usage metered in multiple meters. The cost of installation of said meters, as well as the cost of said meters, shall be borne by the factory requesting said meter age. (Ord. No. 90-25 §§1-3, 11-26-90; Ord. No. 94-13 §1, 5-16-94)

SECTION 700.360: SEWER BILLS

The Superintendent of the sewerage system of the City and the City Clerk or such other officers or representatives of the City as may be designated from time to time shall cause all bills for sewerage services to be rendered monthly as services accrue. All bills shall be due and payable from and after the date when such bills are rendered, at the office of the City Clerk or other place designated, by the Board of Aldermen, during the regular hours of business. The City's representative preparing such bills shall calculate the amount of each bill for sewerage services and shall add the same to the amount of the bill of the customer for water and water services, and shall render such customer a combined bill for such water and sewerage services. (Ord. No. 80-10 §1; CC §28.850)

SECTION 700.370: SEWER; LATE PAYMENT PENALTY

If any bill for sewerage services shall be and remain due and unpaid after the fifteenth (15th) day following the date of the rendition thereof, an additional charge of ten percent (10%) thereof shall be added thereto. (Ord. No. 80-10 §1; CC §28.860)

SECTION 700.380: SEWER SERVICES DISCONNECTED, WHEN

If any customer receiving sewerage services from the sewerage system of the City shall fail to pay his, her or its bill for a period of thirty (30) days after the date of the rendition thereof, such customer shall not be permitted or entitled to receive water or sewerage services from the City and the water services to such premises shall be disconnected and shall not be reconnected until all past due bills for both water services and sewerage services are paid in full, and a reconnection charge of ten dollars ($10.00). It shall be the duty of the City Clerk or other representative of the City charged with the responsibility of receiving payment for water and sewerage services to notify the Superintendent of the City's sewerage system of any delinquency in the payment of a bill, and said Superintendent shall proceed immediately to disconnect the water service to the premises so in arrears. (Ord. No. 80-10 §1; CC §28.865)

SECTION 700.390: TENANT AND LANDLORD LIABILITY FOR SEWERAGE SERVICES

The occupant and user of the premises receiving sewerage services and the owner of said premises shall be jointly and severally liable to pay for such services rendered on said premises. The City shall have power to sue the occupant or the owner, or both, of such real estate in a civil action to receive any sums due for such services, plus a reasonable attorney's fee to be fixed by the Court. (Ord. No. 80-10 §1; CC §28.870)

SECTION 700.400: SEWER CONNECTIONS

Application for sewerage services to premises not connected with the City's sewerage system shall be made to the City Clerk or other person designated by the Board of Aldermen by the occupant or owner of the premises to be served accompanied by an application fee of $ and thereupon such applicant shall have the right to connect with the sewerage system of the City, all costs of such connection to be borne by such applicant. (Ord. No. 80-10 §1; CC §28.875)

SECTION 700.410: TAMPER WITH SEWER

It shall be a misdemeanor for any person or persons to tamper with any sewer line or to make any connection to the sewerage system of the City without written permission from the City, or to reconnect sewerage services when such services have been discontinued for non-payment of a bill for sewerage services, unless such bill for sewerage services has been paid in full. Upon conviction, there shall be a fine imposed of not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00). (Ord. No. 80-10 §1; CC §28.880)

SECTION 700.420: PENALTY ON DELINQUENT BILLS

To all water, sewer, and trash collection bills which are unpaid on the fifteenth (15th) day of the month following presentment there shall be added a penalty of ten percent (10%) of the total charge. (Ord. No. 80-10 §1; CC §28.900)

SECTION 700.430: WATER RATES

Beginning on **July 1, 2012** the minimum water charge for any water customer whose account arises from within the location of the corporate city limits of the City of Marble Hill shall be Fifteen Dollars ($15.00) per month.

The minimum charge for any account arising out of water usage to allocation outside the corporate city limits of the City of Marble Hill, shall be Thirty Dollars ($30.00), per month. The. minimum charge shall apply for usage of water on all accounts, not to exceed 1000 gallons of water.

For accounts located within the corporate city limits, an additional charge of forty-seven cents ($.47) shall be assessed for each 100 gallons used over 1000 gallons of water. Outside the city limits, an additional ninety-four cents ($.94) shall be assessed for each 100 gallons of water used over 1000 gallons of water.

***Thereafter, the following increases will apply:***

**January 15, 2013:**

The minimum charge shall apply for usage of water on all accounts, not to exceed 1000 gallons of water.

For accounts located within the corporate city limits, an additional charge of fifty-nine cents ($.59) shall be assessed for each 100 gallons used over 1000 gallons of water. Outside the city limits, an additional one dollar-eighteen cents ($1.18) shall be assessed for each 100 gallons of water used over 1000 gallons of water.

**July 15, 2013:**

The minimum charge shall apply for usage of water on all accounts, not to exceed 1000 gallons of water.

For accounts located within the corporate city limits, an additional charge of seventy-one cents ($.71) shall be assessed for each 100 gallons used over 1000 gallons of water. Outside the city limits, an additional one dollar-forty-two cents ($1.42) shall be assessed for each 100 gallons of water used over 1000 gallons of water. (Ord. No. 2012-29 §1, 11-19-2012)

SECTION 700.440: WATER HOOKUP DEPOSIT REQUIRED

For all persons desiring a water hookup either within the corporate City limits of the City of Marble Hill or outside the corporate City limits of the City of Marble Hill, a deposit of one hundred fifty dollars ($150.00) shall be required before any hookup shall be made or any water service provided. This charge shall apply to both residential and commercial water customers of the City of Marble Hill, Missouri. (Ord. No. 87-2 §2)

SECTION 700.450: WATER AND SEWER RATES FOR MULTI-UNIT COMPLEXES

1. For all multi-unit complexes, the utility rates which are set according to the provisions of this Section shall have the occupancy of said number of units determined as of the first business day of each month. On the first business day of each month, the City Clerk, the Water Supervisor or any other duly authorized person by the Board shall determine the occupancy of each multi-unit complex and provide the information to the City Collector of the City of Marble Hill as to allow for the present billing of the utilities to be billed for the month in question.
2. Water rates for multi-unit complexed referred to in this Section shall be as follows:

**Beginning on July 15, 2012**

In addition, with respect to multi-unit complexes, (as that term is defined in the· Code of Ordinances of the City of Marble Hill, Missouri, in Section 700.450F), For amounts in excess of the amount determined by multiplying the number of units occupied during the month by 1000 gallons:

The charge shall be forty-seven cents ($.47) per 100 gallons (if located within the city limits and ninety-four cents ($.94) per 100 gallons (if located outside the city limits), in excess of the amount determined by multiplying the number of units occupied by 1000 gallons.

**January 15, 2013**

In addition, with respect to multi-unit complexes, (as that term is defined in the Code of Ordinances of the City of Marble Hill, Missouri, in Section 700.450F), For amounts in excess of the amount determined by multiplying the number of units occupied during the month by 1000 gallons:

The charge shall be fifty-nine cents ($.59) per 100 gallons (if located within the city limits and one dollar eighteen cents ($1.18) per 100 gallons (if located outside the city limits), in excess of the amount determined by multiplying the number of units occupied by 1000 gallons.

**July 15, 2013**

In addition, with respect to multi-unit complexes, (as that term is defined in the Code of Ordinances of the City of Marble Hill, Missouri, in Section 700.450F), For amounts in excess of the amount determined by multiplying the number of units occupied during the month by 1000 gallons:

The charge shall be seventy-one cents ($.71) per 100 gallons (if located within the city limits and one dollar- forty-two cents ($1.42) per· 100 gallons (if located outside the city limits), in excess of the amount determined by multiplying the number of units occupied by 1000 gallons. (Ord. No. 2012-29 §3, 11-19-2012)

1. Sewer rates for multi-unit complexed referred to in this Section shall be as follows:  
   All rate increases will in affect, will apply to multi-unit complexes for sewer use as stated in this ordinance after multiplying the number of units occupied during the month by 1000 gallons. Usage in excess of 1000 gallons will be charged accordingly and by the rate in affect at the time. (Ord. No. 2012-29 §4, 11-19-2012)
2. This Section does not intend to require the City of Marble Hill to monthly inventory the various multi-unit complexes in order to set the appropriate rates. The City shall, from time to time, inventory the various multi­unit complexes on a random basis to verify that the rates charged are in compliance with this Section. Any owner desiring to have his rate modified by reason of a change in the units occupied shall have the burden of notifying the City of Marble Hill timely in order to modify said rate. Any owner or occupant of said building seeking to modify its rates without having timely advised the City of Marble Hill of any changes shall not be entitled to any refunds from any billed utility charges. For purposes of this Section, timely notice shall be noticed to the City Collector of the City of Marble Hill, Missouri, of any changes on or before the first business day of each month.
3. This Section shall apply only to those multi-unit complexes located in the City of Marble Hill, Missouri, which does not have individual water meters for each of the occupied units.
4. For purposes of this Section, the following definitions shall be applicable:

*MULTI-UNIT COMPLEXES*: Shall be referred to those buildings which have been sub-divided in such a manner that there are two (2) or more distinct and separate uses being made by portions of the building and for which said uses of the building are in separate or not individually served by individual water meters and which shall run its total City utility billing through one (1) monthly billing. This Section shall not apply to any person renting or leasing a building which shall operate separate business owned by that individual. This Section shall apply to any buildings which contains a business and which also contains residential apartment or apartments, one of which may be occupied by the owner of the building.

*UNITS OCCUPIED*: Shall be referred to and be defined as the number of units rented, leased, or otherwise occupied on the first business day of each month. (Ord. No. 89-9 §§1-7; Ord. No. 94-13 §3, 5-16-94)

SECTION 700.460: VIOLATION AND PENALTY

Any person who shall violate any of the provisions of Chapter 700 of the Municipal Code of the City of Marble Hill, Missouri, except for those provisions of Sections 700.030, 700.040, 700.050, 700.130, 700.310, 700.320, 700.350, 700.360, 700.370, 700.420, and 700.430, shall be deemed guilty of a misdemeanor; and upon conviction thereof, unless otherwise provided for in Chapter 700, shall receive a fine not to exceed five hundred dollars ($500.00) or confinement in City Jail for a term not to exceed ninety (90) days, or by any combination of said fine and/or jail confinement. Each day that said violation for the aforementioned Chapter 700 shall exist, it shall be considered a separate violation and shall be subject to prosecution thereon. (Ord. No. 94-20 §1, 6-13-94)

SECTION 700.470: OWNER TO BE RESPONSIBLE—DELINQUENCY—SPECIAL TAX BILL

1. All owners of any real estate located within the City limits of the City of Marble Hill, Missouri, shall be responsible for the payment of all water; sewer and solid waste service provided to said premises whether said services are provided to the owner or to any occupant or tenant of said owner.
2. Any owner of any property which shall have any delinquent water, sewer or solid waste charges remaining from an occupant or tenant thereof shall be given a Notice by the City providing a minimum of twenty (20) days of the City's intent to place a special assessment on the real estate of said property. Within twenty (20) days of the receipt of said notice of intent to levy special assessment, the owner of any property may request in writing a hearing to be held by the Board of Aldermen of the City of Marble Hill either at a regularly scheduled meeting or by any special meeting that may be called for that specific purpose to determine whether or not said special assessments shall be legitimately charged. Upon receipt of said request for hearing, the Board of Aldermen of the City of Marble Hill, Missouri, shall set up a hearing, which said hearing shall be conducted within thirty (30) days after the receipt of request for said hearing, to determine the legitimacy of said charges sought to be specially assessed. If the Board of Aldermen of the City of Marble Hill shall determine said charges are legitimate, the owner of the property shall be given thirty (30) days within which to either appeal said finding of the Board of Aldermen of the City of Marble Hill to the Circuit Court of Bollinger County, Missouri, under the procedures and guidelines under the Statutes of the State of Missouri, or, in the alternative, to pay said delinquencies without penalty. If no appeal of said ruling shall be made, and if said delinquencies are not paid within the time period specified above, at the conclusion of the aforementioned thirty (30) day time period, the Board of Aldermen may cause to be issued a special assessment against said premises for all delinquencies, any delinquent water, sewer and solid waste charges which shall be specially assessed against the real estate for which the services were provided and which said special assessments shall be collected in the same manner by the City Collector of the City of Marble Hill, or the general revenue levies of the City of Marble Hill, Missouri. All special assessments shall carry the interest rate of nine percent (9%) per annum, simple interest, with said interest occurring from the date of the original delinquency. This interest shall be in addition to any other delinquency penalties assessable. (Ord. No. 92-23 §§1-2, 12-28-92)

SECTION 700.480: DEPOSIT REQUIRED—WHEN

1. No owner or occupant of any commercial or residential premises located within the City limits of the City of Marble Hill, Missouri, or which shall occupy any premises which has municipal water service provided to it by the City of Marble Hill outside the City limits of the City of Marble Hill, shall obtain, use, take or otherwise perform any act or acquiesce in any condition or action which would allow for the owner or occupant of any of the above described premises to receive municipal water, sewer or solid waste service, without having first paid to the City Collector of the City of Marble Hill, the appropriate water and sewer deposit which shall be required and set forth in the various ordinances of the City of Marble Hill.
2. "Occupant" shall hereby be defined as any person or commercial entity who is eighteen (18) years of age or older who occupies any premises regularly excluding a temporary visitor, which shall occupy any premises described in Subsection (A) of this Section.
3. Any person who violates this Section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be assessed a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300.00). In addition to the previously described punishment, any such person so convicted of violating the terms of this Section shall be required to pay a water sewer and solid waste charges at the minimum rates for each month beginning with the month of occupancy by the occupant after which no water meter deposit was deposited as described above. (Ord. No. 92-25 §§1-3, 12-28-92)

SECTION 700.490: TAMPERING WITH WATER METER OR WATER SYSTEM

1. No person shall tamper with, interfere with, modify, alter or otherwise perform any act which will allow for water to flow through a water meter or to by-pass a water meter to provide service to any residential or commercial premises located within the City of Marble Hill, Missouri, or otherwise have water service provided for by the City of Marble Hill, Missouri, in such a manner that said water is not metered in accordance with the rules, regulations and procedures of the City of Marble Hill, Missouri.
2. Any person violating this Section shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be assessed a fine of not more than five hundred dollars ($500.00) or incarcerated in the City Jail for a term not to exceed ninety (90) days or by any combination of said fine and/or incarceration. (Ord. No. 92-26 §§1-2, 12-28-92)

SECTION 700.500: FEES FOR WATER AND SEWER SERVICES

The following fee schedule is hereby established for the following services:

Water Department

Setting water meter $175.00

Water tap and setting water meter $750.00

Water tap and setting water meter (1 inch or larger) $2,350.00

plus reimbursement of all cost incurred in purchasing meter

Service turn on $15.00

Service turn off $15.00

Sewer Department

Inspection permit $50.00

Labor

Any employee labor $18.00 per hour

Equipment

All City equipment excluding backhoe $25.00 per hour or any part thereof

Backhoe $75.00 per hour or any part thereof

(Ord. No. 94-26 β, 7-11-94; Ord. No. 09-13; Ord. No. 2017-11)

SECTION 700.510: SHUT OFF PERMIT FOR PURPOSES OF REPAIR

1. A licensed, insured plumber may, subject to the following requirements, turn off water service for a customer when it becomes necessary to do so for plumbing repairs or service.
   1. The plumber shall apply for a City permit which will be renewed annually. The applicant shall provide the City with proof of liability insurance and licensing and shall maintain the same throughout the period of the permit as a condition of the permit. The fee for the plumber's shut-off permit shall be ten dollars ($10.00).
   2. When the permittee desires to turn off water service for a customer pursuant to this procedure, the permittee shall first notify the City of his/her intent to do so and the anticipated time needed for the repairs and/or se
   3. Plumbers who do not have a permit pursuant to this Section must contact the City for water service shut­off.
   4. A permittee may not turn on water service for any customer whose service has been terminated for non­payment.
   5. When utilizing this procedure, the permittee or customer shall install, at the customer's cost, a manual shut-off valve to be placed between the meter and the building or structure. The manual shut-off valve shall be inspected by an employee of the Marble Hill Water Works Department before the water service is turned back on. (Amended Ord. 2011-07, §§ 1-2, 7-11-11)
2. Any person who shall violate any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished pursuant to Section 100.050 of this Code. (Ord. No. 96-09 §§1-2, 10-14-96)

700.520: Water and Sewer Adjustments

The Board of Alderman shall be allowed, at its discretion, to adjust the water and/or sewer bill of any residence once in a twelve (12) month period. The amount of the adjustment, should one be allowed by the Board, shall be determined by taking the previous 12 months bills and averaging them. Anything over that average shall be adjusted off the water/sewer bill that is currently before the Board.(Ord. 2013-03, February 11, 2013)

CHAPTER 703: CROSS-CONNECTION CONTROL

SECTION 703.010: CROSS CONNECTION CONTROL--GENERAL POLICY

1. Purposes: The purpose of this Chapter is:
   1. To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
   2. To promote the elimination, containment, isolation, or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures, and industrial-process systems.
   3. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.
2. Application: This Chapter shall apply to all premises served by the public potable water system of the City of Marble Hill, Missouri.
3. Policy:
   1. This Chapter will be reasonably interpreted by the water purveyor. It is the water purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.
   2. The water purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross-connections. The water purveyor and consumer are jointly responsible for preventing contamination of the water system.
   3. If, in the judgment of the water purveyor or his authorized representative, cross-connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his own expense; and failure, refusal, or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided. (Ord. No. 91-16 §I, 6-24-91)

SECTION 703.020: DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Chapter:

*AIR-GAP SEPARATION*: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one (1) inch.

*AUXILIARY WATER SUPPLY*: Any water source or system, other than the public water supply, that may be available in the building or premises.

*BACKFLOW*: The flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water supply.

*BACKFLOW PREVENTION DEVICE*: Any device, method, or type of construction intended to prevent backflow into a potable water system.

*CONSUMER*: The owner or person in control of any premises supplied by or in any manner connected to a public water system.

*CONTAINMENT*: Protection of the public water supply by installing a cross-connection control device or air-gap separation on the main service line to a facility.

*CONTAMINATION*: An impairment of the quality of the water by sewage, process fluids, or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

*CROSS-CONNECTION*: Any physical link between a potable water supply and any other substances, fluid, or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

*HAZARD, DEGREE OF*: An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

* 1. Hazard, health: Any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.
  2. Hazard, plumbing: A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device.
  3. Hazard, pollution: An actual or potential threat to the physical properties of the water system or to the portability of the public or the consumer's potable water system but which would constitute a nuisance or be essentially objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
  4. Hazard, system: An actual or potential threat of severe damage to the physical properties of the public potable water system other consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

*INDUSTRIAL PROCESS SYSTEM*: Any system containing a fluid or solution, which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional, or plumbing hazard if introduced into a potable water supply.

*ISOLATION*: Protection of a facility service line by installing a cross-connection control device or air-gap separation on an individual fixture, appurtenance, or system.

*POLLUTION*: The presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

*PUBLIC POTABLE WATER SYSTEM*: Any publicly or private owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

*SERVICE CONNECTION*: The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

*WATER PURVEYOR*: The owner, operator, or individual in responsible charge of a public water system. (Ord. No. 91-16 §II, 6-24-91)

SECTION 703.030: CROSS-CONNECTION PROHIBITED

1. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public potable or consumer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the water purveyor, and as required by the laws and regulations of the Missouri Department of Natural Resources.
2. No connections shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the water purveyor and the Missouri Department of Natural Resources.

1. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the water purveyor as necessary for the protection of health and safety. (Ord. No. 91-16 §III, 6-24-91)

SECTION 703.040: SURVEY AND INVESTIGATIONS

1. The consumer's premises shall be open at all reasonable times to the water purveyor, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
2. On request by the water purveyor or his authorized representative, the consumer shall furnish information on water use practices within his premises.
3. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system. (Ord. No. 91-16 §IV, 6-24-91)

SECTION 703.050: TYPE OF PROTECTION REQUIRED

The type of protection required by this Chapter shall depend on the degree of hazard which exists, as follows:

* 1. An approved air-gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
  2. An approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
  3. An approved air-gap separation or an approved reduced pressure principle backflow prevention device or an approved double-check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard not dangerous to health. (Ord. No. 91-16 §V, 6-24-91)

SECTION 703.060: WHERE PROTECTION IS REQUIRED

1. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
2. An approved air-gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the water purveyor or the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:
   1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the water purveyor and the Missouri Department of Natural Resources.
   2. Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist.
   3. Premises where entry is restricted so that inspection for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross-connections do not exist.
   4. Premises having a repeated history of cross-connections being established or re-established.
   5. Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
   6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
   7. Premises where materials of a toxic or hazardous nature are handled such that if backsiphonage or backpressure should occur, a serious health hazard may result.
3. The following types of facilities fall into one (1) or more of the categories of premises where an approved air-gap separation or reduced pressure principle backflow prevention device is required by the water purveyor and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water purveyor and the Missouri Department of Natural Resources:
   1. Aircraft and missile plants.
   2. Automotive plants.
   3. Auxiliary water systems.
   4. Beverage bottling plants.
   5. Canneries, packing houses, and reduction plants.
   6. Car washing facilities.
   7. Chemical manufacturing, processing, compounding or treatment plants.
   8. Film laboratories.
   9. Fire protection systems.
   10. Hazardous waste storage and disposal sites.
   11. Hospitals, mortuaries, clinics.
   12. Irrigation and sprinkler systems.
   13. Laundries and dye works.
   14. Metal manufacturing, cleaning, processing and fabricating plants.
   15. Oil and gas production, storage or transmission properties.
   16. Paper and paper products plants.
   17. Plating plants.
   18. Power plants.
   19. Printing and publishing facilities.
   20. Radioactive material processing plants or nuclear reactors.
   21. Research and analytical laboratories.
   22. Rubber plants, natural and synthetic.
   23. Sewage and storm drainage facilities - pumping stations.
   24. Water front facilities and industries. (Ord. No. 91-16 §VI, 6-24-90)

SECTION 703.070: BACKFLOW PREVENTION DEVICES

1. Any backflow prevention device required by this Chapter shall be of a model or construction approved by the water purveyor and the Missouri Department of Natural Resources.
   1. Air-gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one (1) inch.
   2. A double-check valve assembly or a reduced pressure principle backflow prevention device shall be approved by the water purveyor, and shall appear on the current "list of approved backflow prevention devices" established by the Missouri Department of Natural Resources.
2. Existing backflow prevention devices approved by the water purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this Chapter so long as the water purveyor is assured that they will satisfactorily protect the water system. Whenever the existing device is moved from its present location, or requires more than minimum maintenance, or when the water purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this Chapter. (Ord. No. 91-16 §VII, 6-24-91)

SECTION 703.080: INSTALLATION

1. Backflow prevention devices required by this Chapter shall be installed at a location and in a manner approved by the water purveyor and shall be installed at the expense of the water consumer.
2. Backflow prevention devices installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
3. Backflow prevention devices shall be located so as to be readily accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. (Ord. No. 91-16 §VIII, 6-24-91)

SECTION 703.090: INSPECTION AND MAINTENANCE

1. It shall be the duty of the consumer at any premises on which backflow prevention devices required by this Chapter are installed to have inspection, tests, and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
   1. Air-gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.
   2. Double-check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every thirty (30) months.
   3. Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five (5) years.
2. Inspections, tests, and overhauls of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by a State of Missouri certified backflow prevention device tester.
3. Whenever backflow prevention devices required by this Chapter are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
4. The water consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspections, tests, repairs, and overhauls shall be made available to the water purveyor upon request.
5. Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the water purveyor. (Ord. No. 91-16 §IX, 6-24-91)

SECTION 703.100: VIOLATIONS

1. The water purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this Chapter is not installed, tested, and maintained in a manner acceptable to the water purveyor, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises.
2. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Chapter to the satisfaction of the water purveyor.
3. A person who is in violation of this Chapter shall be deemed as having committed a misdemeanor and upon conviction thereof, shall be assessed a fine of not less than fifty dollars ($50.00), nor more than five hundred dollars ($500.00), or by incarceration in the City Jail in the City of Marble Hill, Missouri. (Ord. No. 91-16 §X, 6-24-91)

SECTION 703.110: SEPARATE OFFENSE

Each day that a consumer shall be in violation of this Chapter, shall be a separate offense for purposes of enforcement of the duties and obligations as set forth in this Chapter. (Ord. No. 91-16 §XI, 6-24-91)

CHAPTER 705: WASTEWATER TREATMENT WORKS

SECTION 705.010: SCOPE

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining public wastewater treatment works. (0th. No. 90-14 Article I, 7-31-90)

SECTION 705.020: DEFINITIONS

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

*BOD* (denoting Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20° C), expressed in milligrams per liter (mg/1).

*NORMAL DOMESTIC WASTEWATER*: Wastewater that has a BOD concentration of not more than three hundred (300) mg/1 and a suspended solids concentration of not more than three hundred (300) mg/l.

*OPERATION AND MAINTENANCE*: All expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

*REPLACEMENT*: Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works are designed and constructed. The term "operation and maintenance" includes replacement.

*RESIDENTIAL CONTRIBUTOR*: Any contributor to the City's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

*SHALL*: Is mandatory; *MAY*: Is permissive.

*SS* (denoting Suspended Solids): Solids that either floats on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

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

*USEFUL LIFE*: The estimated period during which a treatment works will be operated.

*USER CHARGE*: That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of wastewater treatment works.

*WATER METER*: A water volume measuring and recording device, furnished and/or installed by the City of Marble Hill or furnished and/or installed by a user and approved by the City of Marble Hill. (Ord. No. 90-14 Article H, 7-31-90)

SECTION 705.030: USER CHARGE SYSTEM—PURPOSE

1. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement which the City may by ordinance designates to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this Chapter.
2. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Section 705.040, shall be deposited in a separate non-lapsing fund known as the "Operation, Maintenance and Replacement Fund" and will be kept in two (2) primary accounts as follows:
   1. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account).
   2. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the Replacement Account shall be made annually from the operation, maintenance and replacement revenue in the amount of seventeen thousand three hundred dollars ($17,300.00) annually.
3. 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 purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rates shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed. (Ord. No. 90-14 Article B1, 7-31-90)

SECTION 705.040: USER SHALL PAY ACCORDING TO WATER USAGE

1. Each user shall pay for the services provided by the City based on his use of the treatment works as determined by water meters acceptable to the City.
2. Residential, Industrial and Commercial Contributors.
   1. Residential Contributors: For residential contributors, monthly user charges will be based on actual water usage during that current month.
   2. Industrial and Commercial Contributors: For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use 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 wastewater meters or separate water meters installed and maintained at the contributor's expense, and in a manner acceptable to the City.
3. The minimum charge per month for users inside the City limits of Marble Hill shall be five dollars fifty-eight cents ($5.58) and shall be calculated based on the minimum charge (one dollar seventy cents ($1.70) plus two thousand five hundred (2,500) gallons of usage as based on water meter readings. In addition, each contributor inside the City limits of Marble Hill shall pay a user charge rate for operation and maintenance including replacement of one dollar fifty-five cents ($1.55) per one thousand (1,000) gallons of water as determined in the preceding Section.
   1. The minimum charge and user charge rates for users outside the City limits of Marble Hill shall be calculated on the basis of two (2) times the minimum rate and two (2) times the user charge rate as listed above.
4. For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to operation and maintenance including replacement is:
   1. $0.16 per pound BO
   2. $0.07 per pound SS
5. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works, or any user which discharges any substances which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the Board of Aldermen.
6. The user charge rates established in this Chapter apply to all users, regardless of their location, of the City's treatment works.
7. Reference is made to Appendix A which is on file in the City Clerk's Office. (Ord. No. 90-14 Article IV, 7-31­90; Ord. No. 94-13 §§4-5, 5-16-94; Ord. No. 95-13 §§1-3, 11-13-95)

SECTION 705.050: BILLING PROCEDURES

1. All users shall be billed monthly at the end of the month. Billings for any particular month shall be due when the billings are made and shall be delinquent on the fifteenth (15th) day of the month for which said billing was mailed. Any payment not received by the fifteenth (15th) day of the month after the billing is made, shall be delinquent.
2. A late payment penalty of ten percent (10%) of the user charge bill will be added to each delinquent bill at the time that said bill shall become delinquent. On the twentieth (20th) day of the month following any month in which a bill is delinquent, rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid. (Ord. No. 90-14 Article V, 7-31-90)

SECTION 705.060: CITY TO REVIEW SYSTEM EVERY TWO YEARS

1. The City will review the user charge system every two (2) years, and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users.
2. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance, including replacement of the treatment works. (Ord. No. 90-14 Article VI, 7-31-90)

CHAPTER 710: FRANCHISE TAXES

SECTION 710.010: ELECTRIC FRANCHISE

1. Every person, firm or corporation engaged in the business of manufacturing, transmitting, distributing and selling electricity for lighting, heating and power and for any and all other purposes, shall pay to the City of Marble Hill as a license or occupation tax, five percent (5%) of the gross revenue derived from the sale and distribution of such electrical energy to residential and commercial users and customers within the City limits, which sum shall be paid by such concerns unto the City monthly, quarterly, or semiannually.
2. The tax required to be paid by this Section shall be in lieu of any other occupation or franchise tax required of any person, firm or corporation engaged in the business described above and nothing herein contained shall be so construed as to exempt any such person, firm or corporation from the payment to the City of the tax which the City may levy upon the real, or personal property belonging to such person, firm or corporation, nor the tax required of merchants or manufacturers for the sale of anything other than electric service, nor shall the tax therein required exempt any such person, firm or corporation from the payment of any other tax which may be lawfully required other than an occupational or franchise tax on the business described in the Subsection A of this Section. (Ord. No. 80-10 §1; CC §83.010)

SECTION 710.020: NATURAL GAS

1. Every person, firm or corporation engaged in the business of transmitting, distributing and selling natural gas under franchise in this City, for lighting, heating and power and for any and all other purposes, shall pay to the City of Marble Hill, Missouri, as a license or occupational tax therefore a sum equal to two (2) times the gross revenue derived from the sale and distribution of such natural gas to residential and commercial customers within the City limits, which sum shall be paid by such concern unto the City semi­annually.
2. The tax required to be paid by this Section shall be in lieu of any other occupation or franchise tax required of any person, firm or corporation engaged in the business described in Subsection A hereof, and nothing herein contained shall be so construed as to exempt any person, firm or corporation from the payment to the City of any tax which the City may levy upon the real or personal property belonging to such person, firm or corporation, nor the tax required of merchants and manufacturers for the sale of anything other than such natural gas service described herein, nor shall the tax herein required exempt any such person, firm or corporation from the payment of any other tax which may be lawfully required other than the occupational or franchise tax on the business described in the Subsection A of this Section.
3. The City Clerk, or his designated representative, shall have the right and privilege, during regular business hours, to inspect the books and records of the Grantee, pertaining to the distribution and sale of gas, in order to ascertain the correctness of the license tax paid pursuant to Subsections A and B hereof. (LU/Ord. No. 80-2 §§1-3)

SECTION 710.030: CABLE TELEVISION

Every person, firm, or corporation engaged in a cable television distribution operation shall pay to the City annually an amount equal to five percent (5%) of the annual gross service charge paid by the users within the City during the year, for the use of the streets and other facilities of the City in the operation of the CATV System and for the municipal supervision thereof. If during the period of this franchise the Federal Communication Commission authorized the payment of compensation to the City in excess of five percent (5%) as authorized but not to exceed the overall payment of ten percent (10%) of the annual gross service charge paid by the users. This annual payment shall be made to the City within sixty (60) days subsequent to the System's annual accounting period. This payment shall be in addition to any other tax or payment owed to the City by the Grantee, including any payment for ad valorem taxes, if any. (Ord. No. 80-10 §1; CC §83.030)

SECTION 710.040: TELEPHONE

Every person, firm, or corporation engaged in the business of supplying telephone service under a franchise from the City, shall pay annually, a sum equal to two and one-half percent (2.5%) of the gross revenue arising from the supplying of telephone and related services to the City of Marble Hill and such payments shall be made by January 31 of each year of the period covered during the term of this Chapter. Same shall be in lieu of any general or special license tax, occupation tax, or any other such tax for the period during the term of this Chapter. The payment of the sum as herein provided, shall be subject to review at the end of each five (5) years, at which time said sum shall be raised or lowered proportionately in accordance with the comparative gross income of the Grantee as same may increase or diminish when compared to the base year. (Ord. No. 80-10 §1; CC §83.040)

CHAPTER 715: CITY SALES TAX ON RESIDENTIAL UTILITY SERVICES

SECTION 715.010: ONE-HALF PERCENT SALES TAX

In accordance with Section 94.577 RSMo (1986), as amended, a sales tax of one-half (1/2) of one (1%) percent is hereby imposed on the residence on the sale of retail on all tangible property or tangible services which are retailed in the City of Marble Hill provided that all such property and services are subject to taxation under the provisions of Section 144.010 through 144.510 of the Revised Statutes of the State of Missouri. (Ord. No. 88-12 §1)

SECTION 715.020: UTILITY SALES TO RESIDENCES TAXED

In accordance with Section 144.030 RSMo (1986), as amended, that a municipal sales tax of one-half (1/2) of one (1%) percent shall be imposed on all sales of meter water services, electricity, electrical current material, gas, artificial or propane gas and coal, all home heating oil used for non-business, non-commercial or non-industrial purposes. (Ord. No. 88-12 §2)

SECTION 715.030: CITY CLERK TO NOTIFY STATE DIRECTOR OF REVENUE

The City Clerk of the City of Marble Hill be and is hereby authorized and directed to notify the Director of Revenue for the State of Missouri within ten (10) days of June 15, 1988 by registered mail or certified mail forwarding a copy of this Chapter and a copy of the map of the City of Marble Hill clearly showing the boundaries of the City of Marble Hill, Missouri. (Ord. No. 88-12 §3)

SECTION 715.040: CITY CLERK TO NOTIFY UTILITIES

The City Clerk be and is hereby authorized and directed to notify all utilities providing services described in Section 715.020 of this Chapter of the imposition of this sales tax and shall forward to the City utilities certified copies of this Chapter. (Ord. No. 88-12 §4)

SECTION 715.050: DURATION OF TAX

1. The sales tax as imposed by this Chapter shall expire and shall no longer be of any force and effect and shall be null and void seventeen (17) years from the date of the actual imposition date and the effective date for the beginning of the collection of the sales tax as imposed by this Chapter.
2. The sales tax permitted for under this Chapter shall be in addition to any other sales tax presently being assessed on behalf of the City of Marble Hill, Missouri. (Ord. No. 88-12 §6,7)