

ORDINANCE #310-07

AN ORDINANCE RELATING TO THE SEWER WORKS OF THE CITY OF NEW MEADOWS, IDAHO; REPEALING ORDINANCE NO. 219-94 and No. 219-94-A99; STATING THE PURPOSE THEREOF, REQUIRING SEWER CONNECTIONS, SHOWING COMPLIANCE BEFORE CONSTRUCTION OF BUILDINGS OR STRUCTURES; TO WHOM APPLICABLE; CLASSIFYING USERS AND ESTABLISHING CHARGES AND FEES; ESTABLISHING SEWER CONNECTION AND CAPITALIZATION FEES, REQUIRING A PERMIT AND REQUIRING INSPECTIONS; CREATING A BOARD OF APPRAISERS AND THEIR DUTIES; ESTABLISHING A CHANGE OF USE CHARGE; AUTHORIZING DISCONNECTION, PROVIDING THAT DELINQUENT CHARGES SHALL BE A LIEN AGAINST THE REAL PROPERTY SERVED AND CERTIFIED TO THE COUNTY TAX COLLECTOR FOR COLLECTION AND ESTABLISHING FEES FOR DELINQUENCIES; PROHIBITS DEPOSIT OR DUMPING OF SEPTAGE INTO THE CITY SEWAGE SYSTEM; PROHIBITS CERTAIN SUBSTANCES INTO SEWER SYSTEM, PROVIDES FOR ADEQUATE DEVICES TO PREVENT DISCHARGE OF UNSUITABLE PRODUCTS INTO SEWER SYSTEM, THEIR CONDITIONS AND INSTALLATION; PROVIDES FOR INSPECTIONS AND PENALTY; PROHIBITING INFLOWS OF SURFACE AND EXCESSIVE INFILTRATION; PROVIDING FOR HEARING AND APPEALS; SETTING TIME LIMIT FOR ELIMINATION OF EXCESSIVE FLOWS; STATES DUTY OF CITY PUBLIC WORKS DEPT. TO INSURE COMPLIANCE; PROVIDES METHOD AND MANNER OF DISPOSAL OF FOOD WASTES INTO SYSTEM; MAKING IT UNLAWFUL TO DISCHARGE CERTAIN INDUSTRIAL WASTES INTO SYSTEM; PROVIDING PENALTY LIMITS; REQUIRING INDUSTRY TO SUBMIT PLANS AND SHOW COMPLIANCE WITH EPA REGULATIONS; STATING PROVISIONS FOR CONSTRUCTION OF A PRELIMINARY TREATMENT FACILITY; PROVIDING PENALTY AND INSPECTION; ESTABLISHING RESPONSIBILITY FOR SERVICE CONNECTIONS AND REQUIREMENTS FOR INSTALLATION; PROVIDING FOR WATER SAVING DEVICES; PROVIDING PENALTIES; PROVIDING FOR CIVIL REMEDY; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of New Meadows, Idaho, as follows:

Section 1. REPEALING CLAUSE:

Ordinance 219-94 and Ordinance 219-94-A99 are hereby repealed.

Section 2. PURPOSE; SEWER CONNECTIONS REQUIRED:

(A) For the purpose of promoting health, safety and the general welfare of New Meadows, a system for the collection, transmission and disposal of sanitary sewage shall be constructed, extended, maintained, repaired, replaced, operated and removed within the corporate limits of the City of New Meadows by which to provide an adequate system for the collection, transmission and disposal of sanitary sewage from domestic, commercial, industrial and such other uses and purposes for which said system may be used.

(B) Every building, structure or other sewer user within the corporate limits of the City shall be connected by a sewer service line to a public sewer line or main line where such sewer line or main line is available and within three hundred feet (300') of the property line of the lot, tract or parcel of land on which such building or structure exists. In the case of Subdivisions, PUD's and like developments, in which a parcel of land is to be further divided into two or more lots or parcels, the Developer shall be responsible for all costs incurred and construction of the public sewer system, plus an additional assessed fee for hooking on to the city's sewer system. All lines shall be constructed and inspected to City standards, with all lines and equipment of the public sewer system, together with permanent easements for operation and maintenance to be conveyed to the City upon completion of acceptance.

(C) It shall further be the responsibility of the customer requesting the service connection to secure all easements necessary for them to maintain said service connections from the edge of public right-of-way downstream to the point of use.

(D) No permit shall be issued for the construction of any building or structure in the City on any lot, tract or parcel of land where:

1. The lot or parcel of land lays within the 100 year floodplain area as identified on the FEMA floodplain map.
2. The lot, tract or parcel of land contains wetlands, unless the potential user has obtained proper Section 404 permits from the U.S. Army Corps of Engineers.
3. There is a public sewer line available and within three hundred feet (300') of such lot, tract or parcel of land, unless the plans and specifications show connections in compliance with this Ordinance.

Section 3. TO WHOM APPLICABLE: The provisions of this ordinance shall apply to all property within the corporate limits of the City and any special users outside of the corporate limits of the City, including all property owned or occupied by the United States of America, Adams County and the State of Idaho.

Section 4. SERVICE CHARGES AND FEES:

The charges and fees hereinafter imposed shall be reviewed annually and revised periodically as required and the charges and fees provided by this Ordinance are hereby levied and assessed against each lot, tract or parcel of land, or against each building, structure or other property having any sewer connection with the City service area, or intercepting sewers or otherwise discharging sewage, industrial wastewater or other liquids, directly or indirectly, into the sewer system or treatment facilities of the City.

(A) Sewer Classification: All users of the sewer system of the City of New Meadows are hereby classified as follows:

- Class A - private residences
- Class B - industrial users
- Class C - all other users

(B) Sewer Charges: The City of New Meadows shall charge and the user shall pay monthly for sewer service the following rates, to-wit;

1. For each Class A use - As recommended by Board of Appraisers.
2. For each Class B and Class C users - As recommended by Board of Appraisers.
3. For each Class A, B, and C users - a surcharge fee, to be deposited into a Capital Improvement Fund, as deemed necessary and recommended by the Board of Appraisers.
4. Class B and C users providing an R.V. waste dump shall pay an additional surcharge, as recommended by the Board of Appraisers.
5. A minimum charge, as set by Resolution, will be assessed for sewer service provided for periods of less than a full calendar month.
6. A minimum monthly charge to cover the servicing of the sewer system's bonded indebtedness, as set by Resolution by the City Council, will be assessed to all properties with sewer service connections whether the connection is in use or not.

(C) Sewer Use Fees: All service and user fees are due and payable, in advance, by the tenth (10th) of each month and delinquent and subject to a delinquency fee by the end of the twenty sixth (26th) day of each month. Delinquency fees shall be officially set by Resolution of the City Council. Services will be discontinued if not paid by the 10th of the following month.

(D) All rates determined shall be officially set by Resolution of the City Council.

Section 5. SEWER CHARGE BILLINGS: All charges for monthly sewer service furnished by the City shall be billed directly to the record title holder or contract purchaser of the premises to which the sewer service is furnished, according to the official records in the office of the Recorder, Adams County, Idaho.

Section 6. SEWER SERVICE CONNECTION AND CAPITALIZATION FEE; PERMIT; INSPECTIONS; DISPOSITION OF FEES: A person constructing a sewer service line by which to

attach and connect the property to any sewer system transporting sewage, industrial wastewater or other wastes and liquids to a City of New Meadows treatment plant shall pay a sewer service connection and capitalization charge, prior to hook-up, and such charge shall be made and imposed upon and collected from such sewer users. The rate for each connection charge shall be fixed and established as by Resolution of the City Council.

All capitalization fees shall be placed in a Capitalization Fund by the City Treasurer, plus all other fees as recommended by the Board of Appraisers, and approved by the Council, and is to be spent only upon system expansion and upgrade projects as authorized by the City Council.

Commercial, Industrial, Institutional: To be fixed and determined by the City Council on a basis of equivalent single family residential unit, and the determination of such equivalence shall include the volume, type and content of liquid effluent and/or industrial wastewater discharged into the sewer system.

Upon payment of the fees provided in this Section and thereafter such connection to the City sewer system shall be made the expense of the person desiring such connection and the same shall be made under the supervision of the City Public Works Director. Such connection shall not be covered until final inspection and approval by the City Public Works Director.

Section 7. BOARD OF APPRAISERS: There is hereby created a Board of Appraisers, consisting of three (3) members, to consist of the Mayor and two members of the City Council, to be appointed by the Mayor who shall have the following powers and duties:

A. Duties of the Board. The Board of Appraisers is hereby delegated the duty to annually review and recommend change as deemed necessary, all rates, charges or fees made and established under authority of this Ordinance, subject to the approval of the Council.

All such changes shall be brought before the City Council for review and passage by official resolution. Rate changes subject to public hearing requirements shall be advertised in compliance with Idaho State statute.

Section 8. CHANGE OF USE: Each sewer user changing use of his property now connected to the sanitary sewer system of the City of New Meadows shall pay the difference between the connection charges applicable to the use to which the property is being charged and the use to which the property had been previously applied. If, for example, a single family dwelling situated upon property now connected to the sewer is demolished and a duplex, triplex, multi-family mobile home park or commercial/industrial/institutional use is thereon constructed, the charge to be made for sewer service connection charges shall be the difference between the total of the charges provided by Section 4 above.

Section 9. DISCONNECTION; LIEN:

(A) In case of nonpayment or delinquency in payment of the sewer charges and fees and connection fees herein required, the City Public Works Director is hereby authorized and directed to disconnect and plug the sewer connection to the sewer system.

(B) All service charges or fees not paid within thirty (30) days of the date when due, and all connection fees not paid prior to and upon connection to the sanitary sewer system of the City of New Meadows, shall become delinquent and the amount due and payable shall constitute a lien upon and against the property or premises being served by the City and connected to the sanitary sewer system. The delinquent charges and fees, service and connection, together with a penalty of ten percent (10%) added thereto shall be certified to the County Treasurer, Ex-Officio Tax Collector of Adams County, in the manner and at the time required by section 50-1008, Idaho Code, and the same shall be collected in the same manner and subject to the same penalties as other City taxes.

Section 10. SEPTAGE DEPOSIT OR DUMPING:

(A) Prohibition Against Dumping: It shall be unlawful for any person, firm or corporation to deposit, dump, place or leave septage, sewage or effluent from any septic tank, cesspool or other private sewage disposal system in the City sewage system or within the corporate limits of the City of New Meadows.

Section 11. HARMFUL SUBSTANCES AND EXCESSIVE FLOWS PROHIBITED:

(A) It shall be unlawful to permit or cause flow of any of the following substances into the sanitary sewer system:

1. Any grease, fatty materials, offal or garbage;
2. Any stone dust, sand, dirt, gravel, sawdust, metal filings, broken glass or any other material which may cause or create an obstruction in the sewer;
3. Gasoline benzene, fuel oil, phenols, cresols, or and petroleum products or volatile liquids, or any wastes which create a fire explosion hazard;
4. Milk, or any liquid milk waste products, in quantities in excess of ten (10) gallons during each twenty four (24) hour period;
5. Any cyanide phenols or any other chemical or substance which interferes with or prevents the functioning of the sewer system or wastewater treatment facilities;
6. Paint or waste products from paint manufacturing;
7. Radioactive wastes;
8. Any material from cesspools and septic tanks, other than effluent.
9. Any other substance or liquid deleterious to the sewer system and wastewater treatment facilities or which shall endanger the employees, operation or treatment processes of wastewater disposal, or which shall cause encrustations or otherwise chemically or physically corrode or erode the sewer system and wastewater treatment facilities. In no case shall wastes with a ph lower than 6.0 nor greater than 9.0 be permitted into the sanitary sewer system.

(B) Every building, structure or premises used or occupied by any sewer user where any commercial or industrial operations are conducted or permitted which result in the discharge into the sewer system of any products, waste products or other substances, matter or liquid in the manner and to the extent prohibited in the Ordinance shall be equipped with an adequate and suitable grease trap filter or other interceptor device installed in such a manner that products, waste products or other substances, material or liquids herein set forth shall not flow into or be discharged into the sanitary sewer system. The grease trap, filter or other interceptor shall be:

1. Operated efficiently at all times;
2. Continually maintained and operational;
3. In compliance with the specifications as set forth in the Uniform Plumbing Code;
4. Installed and located in a manner easily accessible by the City Public Works Department inspector;
5. Installed and located in a manner that will provide for easy cleaning, repair, replacement and inspection;
6. Be inspected annually with a copy of the resultant inspection report filed with the City.

(C) Any time without notice the trap, filter or interceptor shall be available for inspection by the City Public Works Department. If found to be in violation of the Ordinance, written notification will be given requiring the user to take the necessary steps to remedy the situation within one week after written notice.

(D) Inflows of surface water and excessive infiltration are prohibited. Such prohibited sources of inflow shall include, but not be limited to, the following:

1. Heating or cooling system discharges, storm water connections, sub-water drains, foundation drains, roof drains, street drains, basement drains, sump pumps and abandoned sewer lines.
2. Existing inflows of surface and subsurface water from storm water connections, sub-water drains, foundation drains, roof drains, street drains, basement drains, sump pumps, abandoned sewer lines and excessive infiltration and other sources shall be eliminated. Structures and buildings with inflow in existence before the time of this Ordinance shall not be deemed to have "Grandfather Rights" and therefore the inflow shall be eliminated in order to comply with this Ordinance. Issuance of building permits for new construction on properties with non-conforming sources shall be conditioned on bringing the property into compliance.

Section 12. HEARING AND APPEALS: The City Public Works Department shall conduct such inspections as are necessary to assure compliance with this Ordinance and shall notify the property owner and the City Council of the City of New Meadows in writing of sources in violation of this Ordinance stating the source, nature and amount of the inflow.

The property owner shall be given fourteen (14) days notice in writing wherein to appear before the City Council to show cause, if any, why he should not be required to take such action as may be required in order to eliminate the inflow.

The property owner shall have the right to be represented by counsel and present witnesses in his behalf; a tape recording of such hearing shall be kept by the City and a written transcription of that tape shall be available upon request at a cost to the requestor. A written decision stating the reasons shall be rendered by the City Council within thirty (30) days. The property owner shall be notified by certified mail of the decision of the City Council.

A property owner, upon receiving an adverse decision, may seek judicial review under the provisions of section 67-5270 through 67-5279 within thirty (30) days after the mailing of a decision as provided in Section 9A above.

The maximum time allowed to eliminate excessive inflows shall be two (2) months after the official notification from the City Council unless the City Council determines that there would be undue hardship within the time limit allowed.

The City Public Works Department will inspect and certify that all new construction complies with this Ordinance.

Section 13. FOOD WASTE DISPOSAL UNITS:

(A) It is the declared policy of the City to discourage and prevent discharge of food wastes into the sanitary sewer system when such food wastes could be disposed of in a manner other than discharged into said sewer system. Where the disposal of such food wastes, particularly by commercial and institutional users of the system is allowed, the method and manner of such disposal shall be as required in the subsequent portion of this Section.

(B) Domestic and commercial food waste disposal units shall be connected and trapped separately from any other fixture or compartment, except that a continuous waste with a flow directing partition will be acceptable for domestic units. All units may have either automatic or hand operated water supply controls; however, domestic units shall be provided with an approved inlet cover having waterway passages for use during grinding operations.

(C) No waste from a food waste grinder shall be discharged into or through a grease interceptor.

(D) Waste grinders and their installation in restaurants, institutions, food processing or storage plants and similar operations shall meet the requirements of this Ordinance as well as the Uniform Plumbing Code. An installation will be permitted only upon the finding of the City that other methods of disposal are not feasible and that the City sewer system can properly handle the waste.

Section 14. DISCHARGE OF INDUSTRIAL WASTES:

(A) It is unlawful for anyone to discharge or permit the discharge of any industrial wastes into any public sewer unless prior approval by the City is obtained, as provided in Section 11(B) if such industrial wastes have any of the following characteristics

1. A standard five (5) day biochemical oxygen demand greater than two hundred (200) milligrams per liter (mg/l); or twenty-five (25) pounds in any one day;
2. A chemical oxygen demand greater than three hundred (300) mg/l; or fifty (50) pounds in any one day;
3. Wastes containing more than two hundred (200) mg/l of suspended solids or twenty-five (25) pounds in any one day;
4. A flow of twenty-five thousand (25,000) gallons or more per average work day or a flow greater than three percent (3%) of the flow carried by treatment facility receiving the waste;
5. Chlorine demand of more than ten (10) mg/l;

6. Wastewater at a flow rate and/or pollutant discharge which is excessive over a relatively short time period so that there is a treatment process upset and subsequent loss of treatment efficiency.

7. Wastes containing harmful substances as enumerated in Section 11.

8. Food wastes and garbage, etc.;

9. Any liquid or vapor having a temperature higher than twenty seven degrees (27) centigrade, eighty degrees (80) fahrenheit;

10. Any soluble waste or wastes having a ph lower than 6.0 or higher than 9.0 or having any other corrosive property which reasonably could be hazardous to structures, equipment or personnel of the City such as, but not limited to, battery or plating acids and wastes, copper sulfite, chromium salts and compounds or salt brine.

11. Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or to the receiving waters or the effluent of the wastewater treatment plants. Liquids containing copper, zinc or similar toxic substances at the point of discharge to the City sewer shall not exceed the following limits:

<u>Parameter</u>	<u>Maximum Month Average Daily</u>	<u>Maximum Instantaneous</u>
Aluminum	3.00 mg/1	5.00 mg/1
Arsenic	0.03 mg/1	0.05 mg/1
Total Ammonia as Nitrogen	25.00 mg/1	50.00 mg/1
Cadmium	0.01 mg/1	0.02 mg/1
Chromium (Hexavalent)	0.05 mg/1	0.01 mg/1
Chromium (Total)	1.00 mg/1	2.00 mg/1
Copper	0.30 mg/1	0.05 mg/1
Cyanide (Total)	0.20 mg/1	0.50 mg/1
Fluoride	2.00 mg/1	2.70 mg/1
Iron	2.00 mg/1	5.00 mg/1
Lead	0.05 mg/1	0.10 mg/1
Nickel	0.30 mg/1	0.50 mg/1
Zinc	0.30 mg/1	0.50 mg/1
Mercury	0.03 mg/1	0.05 mg/1
Silver	0.03 mg/1	0.05 mg/1

12. Any material which exerts or causes:

(a) Concentrations of inert suspended solids, such as, but not limited to, fuller's earth, lime slurries, lime residue, or fly ash which are too high as to constitute a danger to the wastewater treatment plant.

(b) Concentrations of dissolved solids such as, but not limited to, sodium chloride, calcium chloride or sodium sulfate, which are so high as to constitute a danger to the wastewater treatment plant.

13. Any wastes containing chlorinated hydrocarbons in concentrations greater than 9.5 mg/1.

14. Any water or wastes which the Public Works Director determines will by itself or with other water or wastes in the public sewer system, release obnoxious gases; develop odor of undesirable intensity; form suspended solids in objectionable concentrations; or create any other condition deleterious to structures or treatment processes.

15. (a) Water or wastes containing substances in such concentrations that they are not amenable to treatment or reduction by wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of any other agency having jurisdiction over discharge to the receiving waters.

Section 15. Unlawful to discharge; remedies:

1. It is unlawful for anyone to discharge or permit the discharge of industrial wastes as enumerated in Section 11 unless prior written approval is obtained from the City. If any industrial wastes are discharged or are proposed to be discharged into a public sewer, which wastes contain the substance or possess the characteristics enumerated in Section 10, and which, in the judgment of the City may have a deleterious effect upon the wastewater treatment processes, equipment or receiving waters, or which otherwise create a hazard to life or create malodors, the City may:

- a. Reject the waste; or
- b. Require an engineering study to determine how the projected level of waste will affect the public sanitary sewer system; and
- c. Require preliminary treatment to an acceptable condition for discharge to the public sanitary sewer system with sampling and metering manholes and equipment to monitor all discharges into the system in accordance with the engineering study; and
- d. Require payment of a charges and fees for the costs and expenses of processing such water or wastes so admitted into the sewer system and any other costs or charges that would be and are incurred by the City in the maintenance, operation, replacement and repair of the sewer system and wastewater treatment facilities caused by such waters or wastes into the system.

2. Plans, specifications and other information relating to the construction or installation of preliminary treatment and other facilities required by this Ordinance shall be submitted by the industry to the City and the Department of Environmental Quality.

The industry shall comply with the environmental Protection Agency (EPA) pretreatment regulations as published in the Federal Register; Volume 38, Number 215, dated November 8, 1973. No construction or installation thereof shall commence until written approval of the plans and specifications by the City are received. Every facility for the preliminary treatment or handling of industrial wastes shall be constructed in accordance with the approved plans and specifications, and shall be installed and maintained at the expense of the occupant or owner of the property discharging the industrial wastes.

- a. Any person constructing a preliminary treatment facility, as required by the City shall also install and maintain a sampling and metering manhole to sample the discharge from the preliminary treatment facility to the public sewer. Such sampling and metering manhole shall be placed in a location approved by the city and in accordance with specifications approved by the City.
- b. Wastes requiring pretreatment for ph control and adjustment, temperature control and adjustment of dissolved oxygen must be continuously metered, and a fail-safe guarantee, including alarms and holding ponds, must be provided to assure the quality of effluent.
- c. The City may require any person constructing a preliminary treatment facility to provide flow measurement.

3. The City Council shall, in writing, notify the occupant of any property which it has reason to believe is producing industrial wastes and that person shall comply with the requirements of the Ordinance. No later than eighteen (18) months after notification by the City, the occupant or owner of the property discharging the industrial wastes shall have completed construction of all facilities required by the Ordinance. Said occupant or owner shall submit periodic notice, at intervals not to exceed three (3) months, to the City regarding specific actions taken to achieve full compliance with the requirements of the Ordinance and Section. The City may extend such requirements, upon agreement of State and Federal authorities, for reasonable cause, but no such extension of time shall excuse the payment of the charges imposed by Section 2. If the required facilities have not been completed by the required date, the City may shut off any sewer service from the City to the occupant, in addition to other penalties provided by this Ordinance, providing no such service shall be terminated until written notice of at least ten (10) days has been given by the City.

4. Every facility constructed for preliminary treatment or handling of industrial wastes shall be subject to inspection by the City or its authorized representative who shall determine whether or not such facility has been constructed and is being maintained in effective operation. The operators of the facility shall provide the City monthly reports of all monitored contaminant limits as established by the City.

Section 16. SERVICE CONNECTION TO THE CITY OF NEW MEADOWS' SEWER SYSTEM:

(A) Responsibility for the cost of constructing a service connection shall be the property owners, whose property is being connected to the public sewer system, or the person causing said connection to be made. The property owner is responsible for the service connection from their building to the sewer system main.

(B) Installation: Request for installation must be made to the City at least two (2) weeks prior to the proposed service connection. In accordance with Section 4, the service connection must be installed by the City Public Works Director.

(C) The City Public Works Director will install said service connection from the sewer main to end of public right-of-way, at which point it becomes the customer's responsibility to install said service connection from that point on to the building requiring the service connection.

(D) It shall further be the responsibility of the customer requesting the service connection to secure all easement necessary to maintain said service connections from point of origin to the edge of public right-of-way.

(E) Every building, structure or other use in existence prior to the construction of the sewer main line which is available and within three hundred feet (300') of the lot, tract or parcel of land on which said building or structure stands, shall upon the construction of the public sewer line or main line, be connected to said sewer not later than twelve (12) months from the date said line or main is certified and accepted by the City Public Works Director as being completed and ready for use.

(F) Sewer service lines shall be installed at a grade of not less than 1/8" per lineal foot nor more than 1/4" per lineal foot. No back fill shall be done prior to final inspection and approval by the City Public Works Department or authorized agent of the City.

(G) Any dwelling or structure with a basement or floor level below grade shall install a check valve on their service line.

(H) The minimum requirement for 4" service lines shall be at least one cleanout for service lines of 100' or less. Lines over 100' shall require one additional cleanout for every 75' above the initial 100'.

Section 17. WATER SAVING DEVICE: All new construction and/or alterations, additions to existing facilities shall install and maintain in good working order "water saving devices". Water closets using a maximum of four (4) gallons per flush will be required and a shower head reduction device for all showers will be required. All existing sewer users are encouraged to utilize the "water closet dams" and shower head reduction devices.

Section 18. PENALTIES: Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1000.00) or be imprisoned in the county jail for a period not exceeding six (6) months, or be both so fined and imprisoned. Each day in which any violation shall continue shall be deemed a separate offence.

Section 19. CIVIL REMEDY: In addition to, and exclusive of the criminal remedy provided by the Ordinance, any person, firm, company, corporation, partnership or association violating any of the provisions of this Ordinance and by such violation causing the City additional costs to collect, transmit and treat sewage produced within the City's sewer service area, or causing the City to be subjected to civil penalties imposed by State or Federal agencies or causing the City to lose, or jeopardize the holding of, any permit for the use of the Little Salmon River in conjunction with its sewerage treatment system shall be subjected to the full remedies available to the City pursuant to State and Federal law.

Section 20. SEVERABILITY: If any one or more sections or provisions of this Act, or the application thereof to any person, firm, corporation or circumstance, shall ever be held by any court of competent jurisdiction to be invalid, the remaining provisions of this Act and the application thereof to persons firms, corporations or circumstances other than those to which it is held to be invalid shall not be affected thereby, it being the intention of the City Council to enact the remaining provisions of the Ordinance notwithstanding such invalidity.

Section 21. EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage, approval and publication.

Passed and approved this __13th__ day of __August__, 2007.

/s/ Gale Stillman
Virginia Gale Stillman, Mayor

ATTEST: /s/ Jacob Qualls
Jacob "Mac" Qualls, City Clerk