

Chapter 21

**SEWAGE DISPOSAL**

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**Article I. Sewage Disposal\***

**Sec. 21-1. Occupied premises required to have method for sewage disposal.**

Each residence, place of business or place of congregation in the city where people reside, are employed or congregate shall be provided with a sanitary method for the disposal of human excreta. It shall be the duty of the property owner to provide said sanitary method. It shall be the duty of the builder or construction agent in the building of any construction to provide for the adequate sanitary method provided herein along with the corresponding duties placed on other parties by this article. (Ord. 1419, sec. 2, 2-6-62; Ord. 1356, sec. 1, 3-4-59; Ord. 997, sec. 1, 8-10-44)

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*\*Cross reference--Use of public and private sewers and drains, Ch. 21, Art. II.*

**Sec. 21-2. Connection with sewerage system required; charges therefor and service rate established.**

**A. Property along line of sewerage system.** All property owners owning property as designated in sec. 21-1, and which is located on streets, avenues or alleys where a line of the sanitary sewerage system is located, shall have installed one or more sanitary water closets connected with said sewerage system; provided there is sufficient fall to provide gravity flow from said property to said sewerage system.

**B. Property within three hundred feet of sewerage line.** All property owners owning property as designated in sec. 21-1, and which is located on streets, avenues or alleys where a line of the sanitary sewerage system is not located, but which is within a distance of three hundred (300) feet from a street, avenue or alley where a line of the sanitary sewerage system is located, shall have installed one or more sanitary water closets connected with the said sewerage system; provided there is sufficient fall from said property to said sewerage system, and right-of-way can be secured.

**C. Charge for tap or connection.** A charge or fee shall be paid to the collection office of the water department of the City of Hattiesburg for each connection or tap to any municipal sanitary sewer main before such connection or tap is made as follows:

- 1. Sewer tap . . . . . \$1500.00
- 2. Clean-out of existing connection . . . . . \$ 300.00

**D. Monthly rate for service.** The following schedule of rates is hereby ascertained, found and declared to be reasonable and the same are established as the rates to be charged for sanitary sewer service per month:

1. Effective November 1, 2011, all residential customers shall be charged for sanitary sewer service at a monthly rate, excluding any surcharge, of ninety percent (90%) of their monthly water charge, with the minimum sanitary sewer charge to be eight dollars and twenty-two cents (\$8.22) per month.(Ord. 3077, sec. 1, 10-4-11;Ord. 3012, sec. 2, 9-2-08;Ord. 2892, sec. 1, 12-06-05).

Effective September 1, 2012, all residential customers shall be charged for sanitary sewer service at a monthly rate, excluding any surcharge, of one hundred percent (100%) of their monthly water charge, with the minimum sanitary sewer charge to be nine dollars fifty-nine cents (\$9.59) per month.(Ord. 3077, sec. 1, 10-4-11;Ord. 3012, sec.1, 9-2-08;Ord. 2892, sec. 1, 12-06-05).

Effective November 1, 2011, all non-residential water users, including motels, apartments and house trailers, shall be charged for sanitary sewer service at a monthly rate of ninety percent (90%) of their monthly water charge, with the minimum sanitary sewer charge to be eight dollars and twenty-two cents (\$8.22) per month(Ord. 3077, sec.1, 10-4-11;Ord. 3012, sec. 1,9-2-08)

Effective September 1, 2012, all non-residential water users, including motels, apartments and house trailers, shall be charged for sanitary sewer service at a monthly rate of one hundred percent (100%) of their monthly water charge, with the minimum sanitary sewer charge to be nine dollars and fifty-nine cents (\$9.59) per month(Ord. 3077, sec. 1, 10-4-11;Ord. 3012, sec. 1,9-2-08)

3. Any individual, corporation, partnership, sole proprietorship or other legal entity owning water wells or other contractual customers and customers outside the corporate limits, shall be charged for sanitary sewer service at a monthly rate to be set by the Mayor and Council of the City of Hattiesburg. (Ord. 3077, sec. 1, 10-4-11;Ord. 2817, sec. 1, 5-30-2003; Ord. 2683, sec. 1, 3-16-99; Ord. 2342, sec. 1, 4-2-90; Ord. 1419, secs. 3-4, 2-6-62; Ord. 997, sec. 2-3, 8-10-44)

### **Sec. 21-3. Privies, etc.---When permitted; as specified by health department.**

All property owners owning property as designated in sec. 21-1, but which does not come within the provision of sec. 21-2, shall have installed a properly constructed pit privy, or other private sewerage disposal system constructed according to the plans and specifications of the Mississippi State Board of Health. (Ord. 1419, sec. 5, 2-6-62; Ord. 1356, sec. 4, 3-4-59; Ord. 997, sec. 4, 8-10-44)

### **Sec. 21-4. Same--Construction.**

The devices described in sec. 21-3 shall have the following specifications:

#### **A. Pit Privy:**

1. The pit shall be not less than four and one-half (4½) feet deep and three (3) feet square, inside measurement;
2. This pit shall be lined with a good grade of two-inch good sound lumber;
3. A reinforced concrete slab four (4) inches, or more, in thickness shall cover the pit and act as a foundation for the house. The minimum dimensions of this slab shall

be four and one-half (4½) feet square.

4. The seat riser shall be set in the concrete slab so as to be fly proof and shall be constructed of No. sixteen gauge metal or heavier, concrete cast iron.
5. The seal over the riser shall be made of tight fitting lumber and provided with self-falling, hinged lids of sufficient size to overlap the seat hole so as to make the pit fly proof at all times.
6. The pit shall be ventilated by means of a vent pipe rising from the back of the seat riser to a point above the roof of the house and shall be screened with sixteen inch mesh copper screen.

**B. Septic Tanks:**

1. A watertight receptacle for the reception of liquid household waste and the retention of solids contained therein, which shall be provided with both an inlet and an outlet pipe.
2. Septic tanks shall be of a type and size approved by the state board of health, and the overflow from a septic tank shall be disposed of according to the rules and regulations of the state board of health relating thereto.

**C. Other Toilet Devices:**

1. Other sanitary toilet devices hereinbefore referred to shall mean chemical toilets, dry earth closets, or such other toilet devices as shall be approved by the county health department. (Ord. 997, sec. 5, 8-10-44)

**Sec. 21-5. Certain wastes not to be emptied into privies.**

No wash water, garbage kitchen slop, or other waste shall be emptied into any privy or closet receptacle. (Ord. 997, sec. 6, 8-10-44)

**Sec. 21-6. Clogging sewers with debris.**

It shall be unlawful for any person to place or cause to be placed in any sewer or in any accessory or connection to a sewer any swill, garbage, sweepings, ashes, sand, clay, cotton, wool, rags, cloth, rubbish or any other solid matter or substance that may not be promptly dissolved by the sewerage, or that may form deposits or obstructions in the sewers, or in any of their accessories, fixtures or connections. (Ord. 923, sec. 11, 7-13-39)

**Sec. 21-7. Rain and waste water from business premises to be discharged into storm sewers.**

It shall be the duty of the owners of all businesses, houses, hotels, restaurants and other buildings now or hereafter erected in the business district of the city to turn the rain water from the roofs, and all other waste water of such buildings, into the city storm sewers, wherever possible, by connecting the roofs, and other waste water pipes, with such sewers by down pipes and other pipes of sufficient size and number to carry all rain water falling on such roofs and waste water into the storm sewers. (Ord. 1234, secs. 1--2, 8-13-53)

**Sec. 21-8. Toilet devices to be maintained in sanitary condition.**

**A. Occupancy of premises prohibited.** It shall be unlawful for any person to live in, rent or occupy any building or residence that is not provided with sanitary facilities and a sanitary method of excreta disposal as described in this article.

**B. Duty of occupant.** It shall be the duty of the occupants of each premises to see that the water closet, privy or other toilet device shall be kept in a sanitary condition at all times, and it shall be unlawful for anyone to abuse or misuse said property. (Ord. 1419, secs. 6--7, 2-6-62; Ord. 997, sec. 7, 8-10-44)

**Sec. 21-9. Alteration of existing excreta disposal device require approval of health department.**

Any property owner intending to alter or install a method of excreta disposal on any property shall apply to the county health department for a permit for such alteration or installation, and the county health department shall cause an inspection to be made of the property to determine which one of the methods of excreta disposal as hereinbefore described, shall be employed and shall issue to the property owner a permit for the alteration or installation, stating therein the method of excreta disposal to be employed, and it shall be the duty of the owner to comply with the provisions of the permit. (Ord. 997, sec. 8, 8-10-44)

**Sec. 21-10. Premises to be connected to extension of sewer lines.**

Whenever new lines or extensions of the sewerage system are installed all property owners owning property as designated in sec. 21-1, and which property is so located as to become subject to the provisions of sec. 21-2, shall comply with the provisions of sec. 21-2 of this article. (Ord. 1419, sec. 8, 2-6-62; Ord. 1356, sec. 5, 3-4-59; Ord. 997, sec. 9, 8-10-44)

**Sec. 21-11. Lessee prohibited from leasing premise without sanitary closets.**

It shall be unlawful for any owner, landlord or agent to rent to any tenant any dwelling house or any other building without closets in good condition where closets are used. (Ord. 569, sec. 5, 2-11-18)

**Sec. 21-12. Approved sanitary devices required for disposal.**

It shall be unlawful for any person within the city to throw out, deposit or any other way dispose of human excreta other than into a sanitary water closet, a properly constructed pit privy, a properly constructed septic tank, or other sanitary toilet device approved by the State Board of Health. (Ord. 1419, sec. 1,2-6-62)

**Sec. 21-13. Penalty for violation of certain sections.**

Any person, firm or corporation, their agents or assigns violating any of the terms of this article shall, upon conviction, be fined in a sum not to exceed five hundred dollars (\$500.00), or imprisoned for not more than ninety (90) days or both fine and imprisonment, and each day's continuance of any violation shall be a separate offense and be punishable as such. (Ord. 1419, sec. 9, 2-6-62)

**Secs. 21-14 --- 21-19. Reserved.**

## Article II. Use of Public and Private Sewer and Drains\*

### Sec. 21-20. Purpose.

This article regulates the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system: and providing penalties for violations thereof; in the City of Hattiesburg, Mississippi (Ord. 1837, entro, 1-8-75)

### Sec. 21-21. Definitions.

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

**Approving authority** shall mean the director of public services of the City of Hattiesburg or his duly authorized deputy, agent or representative.

**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 twenty (20) degrees, expressed in milligrams per liter.

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

**City** shall mean the City of Hattiesburg, Mississippi.

**COD (chemical oxygen demand)** shall mean the quantity of oxygen utilized in the chemical oxidation of oxidizable material in a sample, under standard laboratory procedure, expressed in milligrams per liter (mg/l).

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

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

**Hearing board** shall mean the governing authorities.

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

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

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*\*Cross reference--Sewage disposal, sec. 21-1 et seq.*

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

**pH** shall mean the common logarithm of the reciprocal of the hydrogen ion concentration in grams per liter of solution.

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

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

**Regulatory agency** shall mean the Mississippi Air and Water Pollution Control Commission.

**Sanitary sewer** shall mean the sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**Service charge** shall mean the basic assessment levied on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal sewage.

**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 facility** 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 given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flows during normal operation.

**Standard methods** shall mean the examination and analytical procedures set forth in the most recent addition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes," published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.

**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.

**Surcharge** shall mean the assessment in addition to the service charge which is levied on those persons whose wastes are greater in strength than the concentration values established as a representative of normal sewage.

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

**Watercourse** shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 2546, sec. 1, 2-20-96; Ord. 1837, sec. 1, 1-8-75)

**Sec. 21-22. Use of public sewers required.**

A. 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 Hattiesburg, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the City of Hattiesburg, 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.

C. 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.

D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Hattiesburg and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City of Hattiesburg, 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 of the property line. (Ord. 1837, sec. 2, 1-8-75)

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*Cross reference--Privies, septic tanks, etc. secs. 21-3 and 21-4.*

**Sec. 21-23. Private sewage disposal.**

A. Where a public sanitary or combined sewer is not available under the provisions of sec. 21-22 (D) the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the approving authority. The application for such permit shall be made on a form furnished by the City of Hattiesburg, which the applicant shall supplement by any plans, specifications, and other information as is deemed necessary by the approving authority. A permit and inspection fee of six dollars (\$6.00) shall be paid to the City of Hattiesburg at the time the application is filed.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the approving authority. 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 approving authority when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the approving authority.

D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Mississippi Air and Water Pollution Control

Commission or the Mississippi State Board of Health, whichever applies. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in sec. 21-23 (D) 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.

F. 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 Hattiesburg.

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

H. When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. 1837, sec. 3, 1-8-75)

#### **Sec. 21-24. Use of the public sewers.**

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

B. Stormwater 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 approving authority. Industrial cooling water or unpolluted waters may be discharged, on approval of the approving authority, to a storm sewer, combined sewer, or natural outlet.

C. 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 approving authority 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, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the approving authority 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 system, degree of treat ability of wastes in the sewage treatment facility, and other pertinent factors. The substances prohibited are:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
2. Any waters or wastes containing toxic and/or poisonous solids, liquids, or gases that inhibit or interfere with the biological treatment process;
3. Any liquid or vapor having a temperature higher than one-hundred and fifty (150) degrees Fahrenheit;
4. Any liquid wastes containing 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, en-



trails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;

5. Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
6. Any waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and ninety (90) degrees Fahrenheit;
7. Any waters or wastes containing free or emulsified oil and grease when, in the opinion of the approving authority, it appears probable that such wastes:
  - (a) Can deposit oil or grease in the sewer lines in such manner as to clog the sewers or impede the flow.
  - (b) Are not amenable to biological oxidation and will, therefore, pass to the receiving stream without being affected by normal sewage treatment processes,
  - (c) Can overload the sewage treatment facility's grease handling equipment.
  - (d) Can have deleterious effects on the sewage treatment process due to excessive quantities or concentrations;
8. Any waters or wastes exerting biochemical oxygen demand (BOD) greater than two hundred forty (240) mg/1;
9. Any waters or wastes exerting a chemical oxygen demand (COD) greater than four hundred (400) mg/1;
10. Any waters or wastes having a suspended solids concentration in excess of three hundred (300) mg/1;
11. Any radioactive wastes or isotopes of long half-life (over one hundred (100) days) without special permit. The radioactive isotopes Iodine-131 and Phosphorus-32 used at hospitals are not prohibited if properly diluted at the source;
12. Any waters or wastes exerting an excessive chlorine requirement;
13. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder shall be subject to the review and approval of the approving authority;
14. Any waters or wastes exerting or causing excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
15. Any waters or wastes containing phenol or other taste or odor-producing substances in such concentrations as to affect the taste and odor of the receiving stream after passage through the sewage treatment process;

16. Any water or wastes containing metals or salts of the metals, in solution or suspension, in concentrations exceeding the following, the analytical results being expressed in terms of the indicated elements:

Element	Concentration (mg/l)
Antimony _____	0.1
Arsenic _____	0.05
Barium _____	3.0
Beryllium _____	1.0
Bismuth _____	1.0
Boron _____	0.5
Cadmium _____	0.2
Calcium _____	8,000.0
Chromium (Hexavalent) _____	1.0
Chromium (Trivalent) _____	1.0
Total chromium _____	2.0
Cobalt _____	0.2
Iron _____	5.0
Lead _____	0.1
Magnesium _____	2,000.0
Manganese _____	1.0
Mercury _____	0.1
Molybdenum _____	0.2
Nickel _____	0.5
Potassium _____	12,000.0
Rhenium _____	0.5
Selenium _____	0.1
Silver _____	1.0
Sodium _____	8,000.0
Strontium _____	0.5
Tellurium _____	0.5
Tin _____	1.0
Zinc _____	1.0

17. Any water or wastes containing cyanides or cyano-genic compounds capable of liberating hydrocyanic acid gas or acidification in excess of one mg/l as CN in the discharged waters or wastes;
18. Any water or wastes which attract or corrode sewers and sewage disposal equipment;
19. Any waters or wastes which are not amenable to treatment or reduction by the waste water treatment process 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 stream.

D. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in sec. 21-24 (C), and which in the judgment of the approving authority 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 approving authority may:

1. Reject the wastes,
2. Require pretreatment to an acceptable condition for discharge to the public sewers,
3. Require control over the quantities and rates of discharge, and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of sec. 21-24 (I).

If the approving authority 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 approving authority, and subject to the requirements of all applicable codes, ordinances, and laws.

E. Grease, oil, sand interceptors, flow equalization and pretreatment facilities shall be maintained continuously and satisfactorily at the owner's expense and shall be subject to periodic inspection by the approving authority. The owner shall maintain suitable monthly operating records and shall submit to the approving authority each monthly summary report of the character of the influent and effluent as the latter may prescribe.

F. When required by the approving authority, the owner of any property serviced by a city sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the city sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the approving authority. 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. Plans for such manholes for the installation of control and related equipment must be approved by the approving authority before construction is begun.

G. All measurements, tests, and analyses 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 Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, samples shall be taken at a final discharge point inside the industry or the nearest downstream manhole in the public sewer. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analysis involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composite of all outfalls, whereas pH's are determined from periodic grab samples.

H. Until an adequate analysis of a representative sample of the customer's waste has been obtained, the approving authority may, for the purposes of this ordinance, make a determination of the character and concentration of the waste by using data based on analysis of similar processes or data for this type of business that is available from the water pollution control commission or the United States Department of the Interior, or from industry-recognized authoritative sources.

I. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any user or group of users. (Ord. 1837, sec. 4, 1-8-75)

**Sec. 21-25. Protection from damage.**

No unauthorized person shall maliciously willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 1837, sec. 5, 1-8-75)

**Sec. 21-26. Powers and authority of inspectors.**

A. The approving authority and other duly authorized employees of the City of Hattiesburg bearing proper credentials and identifications 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 approving authority or his representative 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.

B. While performing the necessary work on private properties referred to in sec. 21-26 (A), above, the approving authority 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 of Hattiesburg's 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 sec. 21-24 (F).

C. The approving authority 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 of Hattiesburg holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 1837, sec. 6, 1-8-75)

**Sec. 21-27. Penalties.**

A. Any person found to be violating any provision of this article shall be served by the City of Hattiesburg with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in sec. 21-27 (A), shall be guilty of misdemeanor, and on conviction thereof shall be fined in the amount not exceeding three hundred dollars (\$300.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this article shall become liable to the City of Hattiesburg for any expense, loss, or damage occasioned the city by reason of such violation. (Ord. 1837, sec. 7, 1-8-75)

**Sec. 21-28. Sewer ordinance amendment.**

A. This article (the sewer ordinance) shall be amended by the City of Hattiesburg as necessary to accord with local conditions and technical progress.

B. This article (the sewer ordinance) shall be reviewed at least every five (5) years or at any time that the approving authority feels changes of any part of this article are needed. (Ord. 1837, sec. 8, 1-8-75)

**Sec. 21-29. Hearing board.**

The hearing board shall consist of the governing authorities of the City of Hattiesburg, Mississippi, and shall arbitrate differences between the approving authority and sewer users on matters concerning interpretation and execution of the provisions of this article by the approving authority. (Ord. No. 1837, sec. 9, 1-8-75)

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### Article III. User Charges and Industrial Waste Surcharges\*

#### Sec. 21-30. User Charge

A. User charge shall be the charge levied on all users, including, but not limited to, persons, firms, corporations of governmental entities that discharge, cause or permit the discharge of sewage into the public sewage system.

B. The user charge shall reflect the costs of operation and maintenance (including replacement) of the public sewage works, retirement of existing debt included herein, and repayment of any State Revolving Fund Loan in accordance with the approved User Charge System, included herein by reference.

C. Each user shall pay its proportionate share of operation and maintenance (including replacement) costs based on volume of flow.

D. The Director of Public Services shall review not less often than every two years the sewage contribution of users, the total costs of operation and maintenance (including replacement) of the sewage system, and the user charge system. The Director shall recommend revising the user charge, if necessary, to accomplish the following:

(1) Maintain the proportionate distribution of operation and maintenance costs among users as provided herein.

(2) Generate sufficient revenue to pay the total operation and maintenance costs necessary for the proper operation and maintenance (including replacement) of the sewage system, retirement of existing debt included herein, and repayment of any State Revolving Fund Loans.

E. Cost of transportation and treatment of all flow to the sewage system not directly attributable to users (i.e., infiltration/inflow) shall be distributed to all users of the sewage system based upon the volume of flow of the users.

F. Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charge which is attributable to operation and maintenance of the sewage system. This information is to be placed on water and sewer bill annually. (Ord.2546, sec. 2, 2-20-96)

#### Sec. 21-31. SEWER RATE SCHEDULE

The following sewer rate schedule shall apply to each user of the sewage system. Effective November 1, 2011, this schedule includes the user charge as established herein and the charge for debt service and recovery of other costs, each based on volume of flow.

	<u>Debt Service</u>	<u>Total O &amp; M</u>	<u>Total</u>
Initial Increment	\$.82/1000 gal	\$1.66/1000 gal	\$2.48/1000 gal
Second Increment	\$.68/1000 gal	\$1.37/1000 gal	\$2.05/1000 gal

**Note: Contractual sewer revenues (not based directly upon water volume) are attributed to debt service and O&M at 33% and 67%, respectively, based upon actual revenues collected.**

Effective September 1, 2012, this schedule includes the user charge as established herein and the charge for debt service and recovery of other costs, each based on volume of flow.

	<u>Debt Service</u>	<u>Total O &amp; M</u>	<u>Total</u>
Initial Increment	\$.95/1000 gal	\$1.94/1000 gal	\$2.89/1000 gal
Second Increment	\$.79/1000 gal	\$1.60/1000 gal	\$2.39/1000 gal

**Note: Contractual sewer revenues (not based directly upon water volume) are attributed to debt service and O&M at 33% and 67%, respectively, based upon actual revenues collected.**

Any individual, corporation, partnership, sole proprietorship or other legal entity owning water wells or other contractual customers shall be charged for sanitary sewer service at a monthly rate to be set by the Mayor and Council of the City of Hattiesburg. Customers outside the corporate limits shall be charged two times the monthly rate charged for sanitary sewer customers inside the corporate limits except for existing agreements prior to the date of this ordinance (Ord. 3077, sec. 1 10-4-11)

(Ord. 3077, sec.1, 10-4-11;Ord. 3012, sec. 1, 9-02-08; Ord. 2892, sec.1, 12-6-05;Ord. 2683, sec. 1, 3-16-99)

**Sec. 21-32. INDUSTRIAL WASTE SURCHARGE**

A. In the event that a user discharges industrial waste to the sewage works having an average Biochemical Oxygen Demand (BOD) content in excess of 240 mg/1, and/or an average Suspended Solids (SS) content in excess of 300 mg/1, and/or an average Total Kjeldahl Nitrogen (TKN) content in excess of 30 mg/1, and/or an average grease content in excess of 100 mg/1, said industrial user shall pay a surcharge based upon the excess strength of their discharges. BOD, SS, and TKN may be increased by written approval of Director of Public Services for limited periods of time if not in conflict with any pretreatment permits or other state or federal requirements.

B. Industrial user shall be defined as any non-governmental/ nonresidential user of the public sewage works which discharges more than the equivalent of 25,000 gallons per day (GPD) of sewage and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

- Division A - Agriculture, Forestry, and Fishing
- Division B - Mining
- Division D - Manufacturing
- Division E - Transportation, Communication, Electric, Gas, and Sanitary Service
- Division I - Services

C. Any non-governmental user of the sewage works shall also be considered an industrial user if such user discharges to the Public Sewage system sewage which contains toxic pollutants, which, either singly or by interaction with other wastes, contaminates the sludge of any municipal systems; causes injuries; interfaces with any sewage treatment process; constitutes a hazard to humans or animals; creates a public nuisance; or creates any hazard in or adversely affects the waters receiving any discharge from the sewage works.

D. The costs of treatment of each pound of BOD, SS, TKN and grease removed by the

sewage system shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the sewage billing. These rates shall be in effect until the next annual rate review. These charges will be calculated by the Director of Public Services and said charges forwarded to the Water and Sewer Billing Office for appropriate billing.(Ord. 2817, sec. 1, 5-30-2003; Ord., 2546, sec.4, 2-20-96)

**Sec. 21-33. METHOD OF BILLING SURCHARGE**

1. The industrial waste surcharge shall be based on the following formula, with the total applied to the monthly bill of affected users:

$$\{A(E-240) + B(F-300) + C(G-30) + \frac{D(H-150)}{1000}\} \frac{8.34}{\text{payment (\$Mo)}} \times I \times J = \text{Surcharge}$$

Where:

1. Surcharge Rate for BOD, in \$/Pound.
2. Surcharge Rate for SS, in \$/Pound.
3. Surcharge Rate for TKN, in \$/Pound.
4. Surcharge Rate for Grease, in \$/Pound.
5. Industrial User's BOD Concentration, in mg/1.
6. Industrial User's SS Concentration, in mg/1.
7. Industrial User's TKN Concentration, in mg/1.
8. Industrial User's Grease Concentration, in mg/1.
9. Industrial User's Flow to Sewage Works, in 1000 gallons/day.
10. Number of Days in Month

2. No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain industrial wastes discharged to the sewage works contain less than 240 mg/1 of BOD, 300 mg/1 of SS, 30 mg/1 of TKN or less than 150 mg/1 of grease.(Ord.2546, sec.5,2-20-96)

**Article IV. Flow of Municipal Solid Waste and Penalties for Violation**

**Sec. 21-34. Definitions – Solid Waste.**

Municipal Solid Waste shall mean any non- hazardous solid waste resulting from the operation of residential, commercial, governmental, industrial or institutional establishments,



except oil field exploration and production waste and sewage sludge.

Person shall mean a person as defined in sec17-17-3 of the Mississippi Code of 1972. (Ord. 2802, sec.2, 11-7-02; Ord. 2794, sec. 2, 7-16-02)

**Sec. 21-35. Solid Waste.**

All municipal solid waste generated within the geographic boundaries of the City of Hattiesburg, Mississippi, that is placed in the waste stream shall be transported to, stored and managed at the Pine Belt Regional Solid Waste Management Authority's landfill in Perry County, Mississippi, or at a transfer station owned by the Pine Belt Regional Solid Waste Management Authority. (Ord. 2802, sec. 2, 11-7-02; Ord. 2794, sec. 2, 7-16-02)

**Sec. 21-36. Penalties – Solid Waste.**

It shall be unlawful for any person to violate any provision of this ordinance. Such violation shall be a misdemeanor and shall be punishable by a fine or not more than one thousand dollars (\$1,000.00), or imprisonment for a term not exceeding ninety (90) days or both such fine and imprisonment at the direction of the municipal judge. If a violation is continuing, each day's violation be deemed a separate offense. (Ord. 2802, sec. 2, 11-7-02; Ord. 2794, sec. 7-16-02)

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