

ORDINANCE NO. 451

SECTION 1: SHORT TITLE. This Ordinance shall be known as cited as the Water/Sewer Ordinance.

SECTION 2: SANITARY PLUMBING REQUIRED.

Every building within the corporate limits of the City of Lucedale, Mississippi, used or intended to be used or occupied by human beings shall be provided with sanitary plumbing connected with sanitary sewer system, in accordance with the following regulations, to-wit:

- a. **WHEN SEWER CONNECTIONS ARE REQUIRED.** Except as otherwise provided herein, every such building which is now or may hereafter be located on any property abutting a street or a yard in which there is, or hereafter be, a sanitary sewer main, shall have sanitary plumbing installed therein and shall be connected to the sanitary sewer main in the manner required by this ordinance. Every such building so located, which is not now connected with the sanitary sewer system, shall have such sanitary plumbing installed and connected with the sewer system, within 90 days after this ordinance is effective.
- b. **WHEN SEPTIC TANKS ARE REQUIRED.** Every building which is now, or may hereafter be, located on any property which a sanitary sewer main is not available, shall have sanitary plumbing installed therein in the manner required by this ordinance and shall be connected to an adequate and efficient septic tank. Every such building where septic tanks are required by this ordinance shall have sanitary devices constructed and installed within ninety (90) days after this ordinance becomes effective. Every such septic tank shall be constructed in the manner required by the rules and regulations of the Mississippi State Board of Health, and every such septic tank shall be approved by the County Health Officer before installed or used.
- c. **WHEN SEPTIC TANKS ARE TO BE REPAIRED.** Whenever any septic tank heretofore or hereafter constructed shall be or become offensive or dangerous to the public health and comfort of the public, the Water Superintendent shall require it to be repaired or reconstructed so as to comply with the requirements of this ordinance. Should the owner or other person in control of such premises fail, neglect, or refuse to do so, the Water Superintendent shall make a written report thereof to the State Health Department and the Mayor and Board of Aldermen who shall see that this ordinance is enforced.
- d. **ONE SANITARY DEVICE FOR TWO DWELLINGS PERMITTED IN CERTAIN CASES.** Where one person owns two buildings adjoining each other this person may make one sanitary sewer system (or one septic tank), if permitted by this ordinance for the use of the persons occupying or using such buildings, provided that the sanitary sewer system (or septic tank, if permitted) shall be located where approved by the Water Superintendent. In addition, where the outlets empty into a single outlet connected with the sewer main, the outlet to which the various pipes are connected shall be of such size as required by the Water Superintendent, but in no case shall the outlet be less than six (6) inches inside diameter.
- e. **WHEN SEWER CONNECTIONS ARE TO BE MADE.** Whenever any sewer main shall be abutting any street, (sewer made available) each building located on that street must be connected to that sewer main. Whenever any sewer main is constructed (sewer main available) on a City street, all such buildings located on any parcel of ground abutting on such street shall have sanitary plumbing installed and connected with such sewer main within ninety (90) days thereafter, even though such buildings may have been, prior thereto connected to a septic tank.

SECTION 3.

PLUMBING AND SEWER CONNECTIONS. All plumbing and sewer connections shall be constructed and installed in accordance with the 2012 International Plumbing Code as adopted on February 5, 2019 by the Mayor and Board of Aldermen of the City of Lucedale.

WHAT MAY CONNECT TO SEWER. Only sanitary plumbing fixtures, such as commodes, urinals, sinks, lavatories, bathtubs, shower baths, washing machines, drinking fountains, or properly trapped floor drains, automobile car wash, or drains from refrigerators shall be connected with any sewer. All sink connections must be provided with standard type grease traps ahead of sewer connections. No gutters/ storm runoff from any building of any kind shall be connected to the City sewer system. Any means of access for stormwater to enter the sewer system shall be repaired immediately.

- a. **REQUIREMENTS FOR RESTAURANTS AND SODA FOUNTAINS.** All hotels, restaurants, boarding houses, beds and breakfast, venues, preparing and serving meals shall be equipped with a large size grease trap to allow the grease accumulating therein to be collected and removed before the waste shall enter into the waste pipes of the City. Wash trays and basins, in all soda fountains shall also equipped with a large size grease trap. Grease trap will be maintained and emptied on a regular basis. At no time shall a grease trap overflow into the sewer.
- b. **CUT-OFF VALVES REQUIRED ON ALL WATER CONNECTIONS.** Each property owner shall install a cut-off valve between his building or structure and the City water meter so that the City will not have to be called to cut off the water meter when repairs are needed.
- c. **CLEAN-OUT PIPE AND PLUG.** Every new property owner, from the date of passage of this Ordinance, shall install a clean-out pipe and plug at the City provided sewer connection.

SECTION 4: CONNECTION WITH WATER AND SEWER MAINS. All water and sewer connections shall be made in accordance with the following rules and regulations, to-wit:

- a. **SHUT OFF VALVE REQUIRED.** A water shut (Cut) off valve must be installed on the customer side of the meter.
- b. **CONNECTION PERMIT REQUIRED.** No person, firm, corporation or contractor shall connect or cause to be connected to any water or sewer pipes to any water/sewer main pipe, curb cock, unless a permit authorizing such connection has first been obtained from the City of Lucedale and unless the required fees have been paid in advance for such connection.
- c. **SEWER LATERALS AND CONNECTIONS.** Wherever the laterals and connections from the sewer collection system to the property have been laid by the City, any person may connect therewith by first paying to the City the required connection fee and verification from the Water Superintendent that all connections have passed inspection and ready for hook up.
- d. **CONNECTIONS REQUIRED.** Whenever new sewer lines and or water mains are installed and made available and ready for connection, all persons shall be required to make the water/sewer connection within ninety (90) days from the time they are ready for connections. Connection time shall start from the date the sewer is ready for connection, and either personal notice shall be given by mail or such notice shall be published one time in a newspaper in the City of Lucedale. All connections shall be subject to the requirements and fees provided by this Ordinance.
- e. **SERVICE CONNECTIONS.** All water/sewer connections shall be within the public right-of-way of the City of Lucedale. Any person connecting to water/sewer will connect directly to the tap which is provided by the City. The Water/Sewer Department personnel will not install any hookups on private property.

SECTION 5: EXCAVATIONS IN STREETS. All excavations in streets, avenues, and highways shall be made in accordance with the following regulations, namely:

- a. No person, firm corporation, or contractor shall make or cause to be made and excavations in any street, avenue, sidewalk, or other public place in the City of Lucedale for the purpose of laying water, sewer, gas pipes, electric conduits, fiber optic cables, telephone lines or otherwise without having first obtained a special permit from the City of Lucedale and placed a call to Mississippi 811 for line locations.
- b. The Building and Code Inspector and/or Water Superintendent, in their discretion, may require the person, firm, corporation or contractor making any excavation in the City of Lucedale to post a bond payable to the City of Lucedale in an amount to be set with good and sufficient surety thereon, to be conditioned to save the City of Lucedale harmless from such excavations and also conditioned to pay all costs and expenses to the City on account of any repairs to the streets, avenues, sidewalks or any other public property, made necessary by any such excavations and not repaired satisfactorily by the person, firm, corporation or contractor, making the excavation. All such excavations shall be guarded and lighted to warn persons of their existence and danger.
- c. Any such excavations shall be completely refilled, tamped and packed in such manner as may be required by the Public Works Director of the City of Lucedale; and all driveways, sidewalks, curbs, and gutters, in any wise cut, disturbed, misplaced or broken, shall be restored, repaired, and replaced in such manner as may be approved by the Public Works Director OR Code Enforcement Officer. Such approval shall not be final if any defects develop within one (1) year thereafter.

Every person, firm, corporation or contractor causing such excavations to be made, shall post a sign at the point where the excavation is made that states the name and address of the contractor or plumber doing the work.

SECTION 6: NO PLUMBER TO LEND HIS NAME.

No plumber or drain-layer shall allow his name to be used by any other person (except for an employee working for him and under his supervision).

SECTION 7: PERMITS TO BE SECURED BEFORE ANY WORK IS PERFORMED.

Before any work of any nature shall commence on any contract on any building in the City of Lucedale, a permit application for such work shall first be made to the Code Enforcement Officer and a permit obtained for the work and all required permit fees or connection fees paid. When the work is completed the permit holder shall contact the building inspector. In the event the work is not in compliance with the Code, then the same shall not be approved and the Mayor and Board of Aldermen may require the person performing the work to comply with the ordinance by lawsuit or otherwise.

SECTION 8: WATER RATES

- a. **WATER RATES-GENERALLY.** The monthly water rates to be charged to consumers of water in the City of Lucedale, Mississippi, except as may be hereinafter provided otherwise, shall be as follows:

2,000 gallons of water or less \$9.00 minimum

Over 2,000 gallons \$2.00 per thousand in addition to
the minimum usage of 2,000 gallons

This will include apartment buildings, housing projects and mobile home parks with only one water meter and/or individual meters per unit. There will be a minimum bill charged for each unit served by one meter. For example: An apartment complex with 10 apartments will be charged \$9.00 X 10 = \$90.00 for the first (2000 X 10) 20,000 gallons and a \$2.00 per 1,000 over the 20,000. All water service to customers outside the City limits shall be charged at the rate of 1 ½ times the rate set forth herein above.

SECTION 9: SEWER RATES

- a. **SEWER RATES-GENERALLY.** The monthly rate for sewer service shall be that equal to one hundred percent (100%) of the cost of water service for each customer and shall be billed simultaneously with and on the same bill as water service. Example: if the water charge is \$9.00 the sewer charge will be \$9.00. This will included apartment buildings, housing projects and mobile home parks with only one water meter and/or individual meters per unit. All sewer customers outside the City shall be charged at the rate of 1 ½ times the rate set forth herein above.
- b. **NO BILL TO BE PRO-RATED BELOW MINIMUM.** Regardless of when a customer is connected, reconnected after being disconnected, or disconnected from water and/or sewer service from the City of Lucedale, that customer shall be billed in accordance with the provisions of this ordinance, but, in no event shall the customer be billed less than the minimum bill, regardless of how little water has been used or how few days the customer has had the water/sewer service. No water nor sewer bill shall be pro-rated below the minimum bill.
- c. **NO FLAT RATES.** No flat rate service shall be furnished. All water pumped from the Lucedale Fire Department will be billed by the gallons turned into City Hall Water Department by the Fire Department and in accordance with the rates set forth in this Ordinance.
- d. **NO ADJUSTMENTS.** No adjustments to water or sewer bills shall be made for any reason whatsoever, including, but not limited to, property owners' line breakage, property owners' leakage, watering lawns, watering gardens, or filling swimming pools. The only reason for an adjustment should be if an error is detected, (such as an over read or computer error) and determined to be the City's fault.
- e. **SECTION 10: SERVICE OUTSIDE CITY.** The rate for water service to customers outside the City limits shall be at the rate of 1 ½ times the rate set forth in this ordinance.

SECTION 10: METERS.

- a. **TO BE OWNED BY THE CITY.** The City of Lucedale shall own all water meters and meter valves and they shall be installed where it deems it advisable or in the best interest of the City to do so.
For any licensed mobile home park in the City of Lucedale which have more than four (4) lots available for rent for mobile home use and which does not have a separate water meter for each lot, the City of Lucedale, upon the mobile home park owner's request and upon the mobile home park owner executing whatever agreements the City deems advisable and necessary, shall install water meters for each mobile home lot in the mobile home park requiring the mobile home park owner to pay for the meters. If the mobile home park owner does not want to agree to the City's terms to do this, then the mobile home park owner shall be charged in accordance with Section 8 (a) of this Ordinance.

- b. **TO BE INSTALLED ON CITY STREET.** All water meters shall be installed on public, City right-of-way.
- c. **SEPARATE METER REQUIRED FOR EACH HOUSEHOLD OR BUSINESS.** Each separate household and each business shall have a separate water meter, unless the household is in a multi-unit apartment complex where the water/sewer service is included in the rent, or is a public housing project for which a multi-unit connection has been approved, or is a business in a multi-unit office complex or shopping center.
- d. **DEPOSIT REQUIRED.** All persons who apply for water service with the City of Lucedale shall be required to post a water meter deposit of \$100 for each separate household, business, or multi-unit apartment or multi-unit office. This deposit shall be refunded when the customer terminates the service, if the customer does not leave an unpaid bill or the meter is missing, then the deposit shall be used to pay the bill or replace the meter, and the difference, if any, shall be refunded to the customer.
- e. **EACH METER SHALL CARRY A SEWER CHARGE.** Any water meter installed by the City of Lucedale for water service to a residence, business, multi-unit apartment complex, multi-unit office complex shall carry both the charge for water service and for sewer service. The only exemption are those areas where water or sewer is not available. Once a water/sewer service is made available to the customer, a time frame will be given for them to connect. Once that time frame is up they will be charged for the service.
- f. **LARGER METERS AVAILABLE AT COST TO CUSTOMER.** If a water/sewer customer wants a larger meter than the City ordinarily provides (5/8 inch meter) then the customer shall pay the City the difference in the cost between the larger meter and the standard meter provided. For any additional meters beyond one provided to a residence or business, the customer shall pay the full price of the meter as well as all other charges provided by this ordinance. All meters and meter valves are the sole property of the City of Lucedale.
- g. **SPRINKLERS FOR WATERING LANDSCAPING AND GARDENS –** A separate meter for outside sprinkler systems may be installed after first having made application at City Hall. (This does not include inside sprinkler systems). After application is made for an outside sprinkler, the Water Superintendent will do an inspection and sign off for the customer to receive a separate meter for the outside sprinkler. The customer shall pay for the cost of the meter as well as its installation along with all other charges provided by this Ordinance. The installation will be done in accordance with the instructions of the Water Superintendent and the 2012 IBC Plumbing Code. Once the installation is complete the Water Superintendent will do a final inspection. A yearly inspection will be performed by the Water Superintendent to make sure the meter is used for the intended purpose of irrigation. All meters and meter valves are the sole property of the City of Lucedale.
- h. **DEPOSIT REQUIRED FOR OUTSIDE SPRINKLER –** A \$300 deposit will be required on all water connections for outside sprinklers. This deposit will be labeled as an irrigation meter. This deposit shall be refunded when the customer terminates the service for the outside sprinkler usage and the water meter is pulled by Water Department personnel. If the customer leaves an unpaid bill or the meter is missing, then the deposit will be used to pay the bill or replace the meter. Outside sprinkler systems used for watering landscaping and gardens (its intended purpose) and approved and signed off on by the Water Superintendent will not be charged a sewer fee.

SECTION 11: WATER TAPPING FEE. The water tapping fees to be charged by the City of Lucedale, Mississippi, for water connections shall be \$250 for residential and commercial customers. Any customer requesting a meter over the usual and

customary 5/8" meter will be at the expense of the customer who will pay the difference in the cost over a 5/8" meter and all the parts needed for installation of such meter.

SECTION 12: SEWER TAPPING FEE.

The sewer tapping fees to be charged by the City of Lucedale, Mississippi, for sewer connections shall be as follows:

5/8^{ths} inch residential water connections \$250.00

5/8^{ths} inch commercial water connections \$250.00

Industrial sewer connections – The actual cost of the connection, but in no case less than \$250.00.

SECTION 13: CUT-OFF VALVE REQUIRED:

If a customer does not have a (turn) cut-off valve installed on the outside of the house or business within one year of the passage of this Ordinance and calls for Water Department personnel to turn off/on the water for any reason including repairs or other work, the customer shall be charged a fee of \$45, which shall be added to the water bill.

SECTION 14: WATER/SEWER BILLS

- a. **Due by the 10th.** All water/sewer bills shall be paid on or before the tenth (10th) day of each month.
- b. **10% PENALTY ON DELINQUENT BILLS.** Upon failure to pay the water bill on or before the tenth (10th) day of the month, a 10% penalty shall be added to the bill.
- c. **CUT-OFF DATE.** Upon failure to pay the water bill on or before the tenth (10th) day of the following month, the Water Department personnel is hereby authorized and directed to cut off the water supply serving the delinquent customer.
- d. **RECONNECTION FEE FOR CUT-OFF SERVICE.** Upon payment of the delinquent bill in full, plus a \$45 service charge, the Water Department personnel shall forthwith reconnect said water servicing said customer's dwelling, place of business or establishment.

SECTION 15: UNLAWFUL TO STEAL WATER.

- a. **WATERWORKS.** It shall be unlawful for any person to meddle or interfere with the waterworks plant or with any water meter and/or apparatus belonging to the City

**b. 42 U.S. CODE § 3001-1.TAMPERING WITH PUBLIC WATER SYSTEMS
TAMPERING**

Any person who tampers with a public water system shall be imprisoned for not more than 20years, or fined in accordance with title 18, or both.

(b) ATTEMPT OR THREAT

Any person who attempts to tamper, or makes a threat to tamper, with a public drinking water system shall be imprisoned for not more than 10 years, or fined in accordance with title 18, or both.

(c) CIVIL PENALTY

The Administrator may bring a civil action in the appropriate United States district court (as determined under the provisions of title 28) against any person who tampers, attempts to tamper, or makes a threat to tamper with a public water system. The court may impose on such person a civil penalty of not more than \$1,000,000 for such tampering or not more than \$100,000 for such attempt or threat.

(d) "TAMPER" DEFINED

For purposes of this section, the term

"tamper" means—

(1) To introduce a contaminant into a public water system with the intention of harming persons; or

(2) To otherwise interfere with the operation of a public water system with the intention of harming persons.

(e) SEWER SYSTEM. No person, firm, or corporation 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 sewerage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewerage treatment plant, including, but not limited to, cyanides in the wastes as discharged to the public sewer.

(3) Any waters having a pH lower than 6, higher than 9, or having any other corrosive property capable of causing obstruction to the flow in sewers, or other interference with the property operation of the sewerage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rages, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, feminine products, sanitary napkins, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. and sixty-five (65) degrees C.

(5) Any water or waste 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 one hundred fifty (150) degrees F. and sixty-five (65) degrees C.

(6) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(7) Any waters or waste containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement to such degrees that any such material received in the composite sewage at the sewerage treatment facility exceeds the limits established by the Superintendent for such materials.

(8) Any water or wastes containing phenols or other taste or odor producing substances, in such concentration exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meeting the requirements of the State, Federal, or other agencies of jurisdiction for such discharge to the receiving waters.

(9) Any radioactive wastes or isotopes of such half-life or construction as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

(10) Materials which exert or cause:

a. 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).

b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions.)

c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewerage treatment system.

d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

e. To cause or produce any actions that will interfere with the permit issued to the City of Lucedale by the Mississippi Department of Environmental Quality.

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

SECTION 16: WATER WELLS PROHIBITED. No water wells shall be drilled or otherwise installed on any privately-owned property (whether residential or commercial or a combination of the two). This provision shall not apply to water wells installed and in operation before May 21, 1992 or which exist on land annexed by the City, after May 21, 1992. Existing water wells shall not be enlarged or replaced.

SECTION 17: ORDINANCES REPEALED. City of Lucedale, Mississippi, Ordinances No. 328, 341, 352, 386, 393, 401, 402, 407, 431, 447, 448 are hereby repealed. Any other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are, to the extent of the conflict, hereby repealed.

SECTION 18: PENALTY. If any person, firm, or corporation shall violate any of the provisions of this ordinance, he, she, or it shall be fined not less than \$500 not more than \$1,000, or be imprisoned for a period not to exceed six (6) months, or both unless Federal or State regulations apply. Each day a violation continues shall be considered a separate offense.

SECTION 19: EFFECTIVE DATE. The Public health, safety, and welfare so requiring to protect the safety and integrity of the public water supply, this ordinance shall take effect and be in force immediately after its passage.

SECTION 20: PUBLICATION. That Ordinance shall be published one time in the George County Times, a newspaper of general circulation in the City of Lucedale.

On ~~September 3, 2019~~ the forgoing Ordinance was read, discussed, and considered section by section and as a whole; voted on section by section and as a whole; and passed section by section and as a whole; the vote in every instance being as follows:

ALDERMAN LOUIS VALENTINE VOTED Yea

ALDERMAN CARRIE MOULDS VOTED Yea

ALDERMAN JIMMY REDD VOTED Yea

ALDERMAN JASON MARTIN VOTED Yea

ALDERMAN AL JONES VOTED Yea

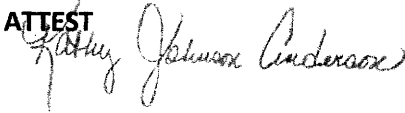
The motion having received the affirmative vote of all of the members of the Governing
Body present, the Mayor declared the motion carried and the ordinance unanimously
adopted on this the 3rd day of September, A.D., 2019.



DARWIN NELSON
MAYOR

(SEAL)

ATTEST



KATHY JOHNSON ANDERSON, MMC
CITY CLERK

BOARD APPROVED 9/3/19
BOOK _____ PAGE _____