

## Chapter 28

### WATER AND SEWERS

*Cross References — Fire, water and police committee established, § 2-249; Buildings and building regulations, § 6-1 et seq.; Fire prevention and protection, § 9-1 et seq.; Health, § 12-1 et seq.; Stagnant and foul water declared a nuisance, § 18-100; Throwing substances into watercourses and drains declared a nuisance, § 18-101; Subdivisions, § 24-1 et seq.; Building inspector/code enforcement officer — authorized to enforce ch. 28, § 2-209.*

#### ARTICLE I

##### Sewers <sup>1</sup>

###### Division 1

###### Generally

**SECTION 28-1. Definitions.** [Ord. of 10-17-1972, § 2; Ord. of 11-6-1972, § 2]

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

**BOD** (denoting biochemical oxygen demand) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) Centigrade expressed in milligrams per liter.

**BUILDING DRAIN** — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER** — The extension from the building drain to the public sewer or other place of disposal.

**COMBINED SEWER** — A sewer receiving both surface runoff and sewage.

**GARBAGE** — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

**INDUSTRIAL WASTES** — The liquid wastes from industrial manufacturing processes, trades or businesses as distinct from sanitary sewage.

**NATURAL OUTLET** — Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**pH** — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of

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1. State Law Reference — Authority to establish and regulate a general sewer system, RSMo. § 88.832 et seq.

solution.

**PROPERLY SHREDDED GARBAGE** — The wastes from the preparation, cooking, and dispensing of goods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER** — A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

**SANITARY SEWER** — A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

**SEWAGE** — 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 PLANTS** — Any arrangement of devices and structures used for treating sewage.

**SEWERAGE WORKS** — All facilities for collecting, pumping, treating and disposing of sewage.

**SEWER** — A pipe or conduit for carrying sewage.

**SLUG** — 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 of flows during normal operation.

**STORM DRAIN** (sometimes termed "storm sewer") — A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling waters.

**SUPERINTENDENT** — The Superintendent of wastewater treatment plan and/or water pollution control of the City, or his authorized deputy, agent or representative.

**SUSPENDED SOLIDS** — Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

**UNAUTHORIZED PERSON** — Anyone failing to have a master plumber license and/or equivalent experience as certified by the City. [Ord. No. 2014-30 § I, 12-9-2014]

**WATERCOURSE** — A channel in which a flow of water occurs, either continuously or intermittently.

**SECTION 28-2. Damaging, Tampering With Property of Sewerage Works.** [Ord. of 10-17-1972, § 7]

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 sewerage works.

**SECTION 28-3. General Powers of Superintendent and Other City Employees in Regard to Inspections, Testing, Etc.** [Ord. of 10-17-1972, § 8]

The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Article. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

**SECTION 28-4. Duty of City Employees to Observe Safety Requirements While on Private Property.** [Ord. of 10-17-1972, § 8]

While performing the necessary work on private properties referred to in this Chapter, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises.

**SECTION 28-5. Inspection, Repair, Etc., of Sewerage Works Lying within Easements.** [Ord. of 10-17-1972, § 8]

The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within said easement. All entries and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**SECTION 28-6. Office of Wastewater Treatment Plant Superintendent.** [Ord. of 9-3-1963, § 1]

There is hereby created the office of Wastewater Treatment Plant Superintendent.

**SECTION 28-7. Duties of Wastewater Plant Superintendent.** <sup>2</sup> [Ord. of 9-3-1963, § 2]

The Wastewater Treatment Plant Superintendent shall be responsible for the operation and maintenance of the City Sewage Disposal Plant and the grounds surrounding said Plant, shall be responsible for the operation and maintenance of all sewage lift stations in the City and shall keep the sewage lift stations in a clean and sanitary condition at all times.

**SECTION 28-8. Assistant Wastewater Treatment Plant Superintendent.** [Ord. No. 73-16, §§ 1,2, 8-7-1973]

- A. There is hereby created the office of Assistant Wastewater Treatment Superintendent.
- B. The duties of the said Assistant Wastewater Treatment Superintendent shall be as follows:

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2. Cross Reference — Street commissioner to perform disposal plant operator's duties when wastewater treatment plant superintendent on vacation, § 2-93.

1. He shall be responsible for assisting in the operation and maintenance of the City Sewage Disposal Plant, and the grounds surrounding the plant, and in addition thereto shall assist in the operation and maintenance of all sewage lift stations in the City limits in the said City of Lexington;
2. He shall assist in maintaining said Sewage Disposal Plant and sewage lift stations in a clean and sanitary condition at all times.

**SECTION 28-9. City Council to Establish Sewer Service Charges.** [Ord. of 10-17-1972, § 1; Ord. of 11-6-1972, § 1]

The City Council shall require such sewer service charges to be charged and collected for the use and service of the sewage system of the City, including any services furnished after the sewer system shall be extended, in such amounts as the City Council shall establish by ordinance.

**SECTION 28-10. Violations and Penalties.** [Ord. of 10-17-1972, § 9; Ord. of 11-6-1972, § 9; Ord. No. 2004-23 § 1, 7-13-2004]

- A. Any person found to be violating any provision of this Article, except Division 4 and Division 6, shall be served by the City with a 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 shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) 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 for any expense, loss or damage occasioned the City by reason of such violation.

**SECTION 28-11. Sewer Sinking Account.** [Ord. No. 82-31 §§ 1-8, 10-5-1982]

- A. A Sinking Account is established for the purpose of having a ready supply of liquid funds and assets to construct new sewer lines and to maintain, rebuild and repair old, established sewer lines, as well as all contingencies associated therewith.
- B. The account shall be entitled "Sewer Sinking Account" and shall be effective immediately.
- C. The account shall be made up of and funded by the setting aside into the said account the following monies, funds or assets:
  1. One-fifth (1/5) of the monies received each month from the Treasurer of the State of Missouri and/or the Department of Revenue of Missouri from sales tax receipts; and
  2. All sewer tap-on or hook-up charges.
- D. The account shall not exceed two hundred thousand dollars (\$200,000.00) in principal assets exclusive of accrued interest and like increases. Upon the accomplishment of such principal total, no further monies shall be paid into, set aside or deposited into the said

account.

- E. The monies shall be prudently invested in safe government securities or insured bank accounts so as to gather interest, remain liquid and maintain safety from loss.
- F. The monies in this account may be withdrawn for valid government purposes or governmental projects as voted by a majority of the City Council present at any duly called regular or special meeting, assuming a quorum is accounted for.
- G. The intent of the Council and Mayor at the passing of the ordinance establishing this Section is to provide funds and monies for the purchase of equipment, labor and materials for the municipal sewer system of Lexington, Missouri, including, but not limited to:
  - 1. Equipment; and
  - 2. Tools; and
  - 3. Inventory; and
  - 4. Labor; and
  - 5. Other costs of materials, goods or services for the installation and construction of new sanitary sewer systems and lines as well as the maintenance, reconstruction, rebuilding and repair of established sewer lines and all contingent or associated business or matters necessary to accomplish and complete these objectives.
- H. None of these monies shall be spent for work, labor or materials in, to or on private property; specifically, there shall be no work upon or payment for any item on customer laterals off the main City owned sewer lines.

**SECTION 28-12. through SECTION 28-24. (Reserved)**

Division 2

**Building Sewers and Connections Generally**

**SECTION 28-25. When Connection to Public Sewers Required.** [Ord. of 10-17-1972, § 3; Ord. of 11-6-1972, § 3]

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within two hundred (200) feet, (30.5 meters), of the property line.

**SECTION 28-25.1. Annexed Areas — When Connection to Public Sewers Required.** [Ord. No. 98-37 § 1, 12-8-1998; Ord. No. 2001-53 § 1, 9-11-2001]

Structures on property within the annexed areas, as defined by the Plan of Intent dated October 6, 1998, shall not be required to connect to available sewer unless the structures' existing sewage system fails or connection is required by Department of Natural Resources. Vacant platted lots

within subdivisions at the time of annexation shall have one (1) year from the passage of this Section (September 11, 2001) to begin construction on said platted lot and the cost of the sewer system installation shall be incurred by the City. The property owner shall incur all costs of the sewer if construction has not begun one (1) year after the passage of this Section (September 11, 2001).

**SECTION 28-26. Permit Required.** [Ord. of 10-17-1972, § 5; Ord. of 11-6-1972, § 5]

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

**SECTION 28-27. Classes of Permits — Application — Fee.** [Ord. of 10-17-1972, § 5; Ord. of 11-6-1972, § 5; Ord. No. 2014-30 § I, 12-9-2014]

- A. There shall be two (2) classes of building sewer permits as follows:
  - 1. For residential service.
  - 2. For commercial service and for service to establishments producing industrial wastes.
- B. In the case of either class of permit, the owner or his agent shall make application on a special form furnished by the City. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit fee of two hundred fifty dollars (\$250.00) per sewer permit shall be paid to the City at the time the application is filed.

**SECTION 28-28. Costs and Expenses to be Borne by Owner — Indemnification of City.** [Ord. of 10-17-1972, § 5; Ord. of 11-6-1972, § 5; Ord. No. 2001-53 § 1, 9-11-2001; Ord. No. 2003-27 1, 12-9-2003; Ord. No. 2004-23 § 1, 7-13-2004]

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner if a sewer main line is available. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The City reserves the right to make any decision in the best interest of the City regarding sewer installation.

**SECTION 28-29. Standards Applicable to Connections — Deviations.** [Ord. of 10-17-1972, § 5]

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code of the City or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

**SECTION 28-30. Separate Building Sewers Required for Each Building — Exception.** [Ord. of 10-17-1972, § 5; Ord. of 11-6-1972, § 5]

A separate and independent building sewer shall be provided for every building, except where

one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

**SECTION 28-31. When Old Building Sewers May be Used.** [Ord. of 10-17-1972, § 5; Ord. of 11-6-1972, § 5]

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

**SECTION 28-32. Specifications for Sewer Pipe.** [Ord. of 10-17-1972, § 5; Ord. of 11-6-1972, § 5]

The size and type of sanitary sewer lines or sewer drains carrying the domestic waste of sewage from the foundation and extending to the lateral or main sanitary sewer to which the connection is to be made shall be as follows:

1. The connection shall be of cast-iron soil pipe with mechanical or rubber "slip" joints, or vitrified clay sewer pipe with polyvinyl chloride coupling joints. The inside diameter of all such pipe shall not be less than four (4) inches. No building or house sewer for a commercial building or multiple dwelling shall be less than six (6) inches in diameter. The cast-iron soil pipe at the foundation to which the connection is to be made shall extend a minimum of five (5) feet outside the foundation wall.
2. All clay pipes used shall be salt vitrified clay sewer pipe conforming to the latest specifications for "Standard Strength" clay pipes, Designation C-13, of the American Society for Testing Materials, or where extra strength pipe is specified or required, the latest specifications for "Extra Strength" clay pipe, Designation C-200, or the pipe shall be of extra heavy pattern cast-iron soil pipe.
3. Plastic pipe.

**SECTION 28-33. Alignment and Grade of Service Lines.** [Ord. of 10-17-1972, § 5]

All four-inch service lines shall be laid to a straight line and at a grade of not less than one-fourth (1/4) inch per foot. A six-inch service line may be laid at not less than one-eighth (1/8) inch per foot. Any deviation in alignment or grade of twenty percent (20%) or more shall require special fittings.

**SECTION 28-34. Specifications and Installation of Pipe Joints.** [Ord. of 10-17-1972, § 5]

Pipe joints shall be ASTM designation, C425-60 and any additions or corrections thereto shall apply. Cast-iron pipe joints, other than slip joints or mechanical joints, shall be firmly packed with oakum or hemp and filled with molten lead not less than one (1) inch deep. Lead shall be run in one (1) pouring and caulked tight. Reasonable care shall be exercised in making all joints either for cast-iron or clay pipe.

**SECTION 28-35. Sewer to be Kept Clean During Construction.** [Ord. of 10-17-1972, § 5]

All service lines must be kept thoroughly clean and free from any material which might obstruct

the free flow of sewage. All service lines shall be plugged at night and until final connections to the house plumbing system is made.

**SECTION 28-36. Trench Excavation.** [Ord. of 10-17-1972, § 5]

Immediately prior to installing the pipe, the trench bottom shall be accurately shaped and graded by hand and bell holes shall be excavated so that the pipe will be continuous and have uniform contact with a longitudinal bearing on undisturbed earth along its entire barrel length. Bell holes shall be excavated by the pipe layer immediately prior to laying the pipe and shall be of such depth that the pipe bell does not come in contact with the bottom of the bell hole. All sewer pipe shall be laid with the bell and upgrade. Where the floor of the trench at the proper grade is of hard or rock material, the floor shall be excavated four (4) inches or more below grade and backfilled with fine gravel or material approved by the Wastewater Treatment Plant Superintendent or his designee. Where the floor of the trench at the proper grade is of unstable material, the same treatment as described above shall be done.

**SECTION 28-37. Trench Backfill.** [Ord. of 10-17-1972, § 5]

All sewer pipe shall have adequate bottom and lateral support by thoroughly, carefully and adequately tamping and ramming suitable and proper backfill material beneath, around and to the top of the pipe between the bell holes and sewer joints exposed. All material used for pipe embedment and tamped backfill shall be free of stones, sticks, large clods, lumps of earth, debris, or similar material. When backfill is made in and across roadway ditches or other watercourses, it shall be protected from surface erosion by adequate means. The plumber shall backfill with dirt and tamp by hand to a depth of six (6) inches over the pipe. The remainder of the trench shall be backfilled and tamped with gravel or screenings approved by the Wastewater Treatment Plant Superintendent or his designee. All excess dirt will be removed by the plumber immediately and before the permit is approved by the Wastewater Treatment Plant Superintendent or his designee.

**SECTION 28-38. Watercourse Crossings.** [Ord. of 10-17-1972, § 5]

No sewer connections shall be laid so that it is exposed when crossing any stream, drain or watercourse. Where an old watercourse must of necessity be crossed and where there is any danger of undermining or settlement, cast-iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast-iron pipe or encased clay pipe shall rest on firm, solid material at either end.

**SECTION 28-39. Notification When Building Sewer is Ready for Connection; Supervision of Connection.** [Ord. of 10-17-1972, § 5]

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

**SECTION 28-40. Barricades and Lighting; Restoration of Property.** [Ord. of 10-17-1972, § 5]

All excavations for building sewer installations shall be adequately guarded with barricades and



lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City, at the expense of the installer.

**SECTION 28-41. Prerequisites to Sewer Connection — Preparation of Basement or Crawl Space.** [Ord. of 10-17-1972, § 5]

No connection for any residence, business or other structure with any sanitary sewer of the City shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed and the area adjacent to the foundation of such building is cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the City Inspector or his authorized representative. Any accumulation of water in any excavation or basement during the construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

**SECTION 28-42. Prerequisites to Sewer Connection — Preparation of Basement or Crawl Space — Backfilling Around Foundation.** [Ord. of 10-17-1972, § 5]

Backfilling around foundation walls must be tight and shall be maintained at an elevation at the wall line not less than six (6) inches above the finished grade of the yard at a line five (5) feet out from the wall line.

**SECTION 28-43. Requirements for Downspouts and Roof Drains.** [Ord. of 10-17-1972, § 5]

Each downspout or roof drain shall be provided with an elbow fitting permanently attached to its lower end which shall discharge onto a precast reinforced concrete splash block or through a leader pipe of the same diameter extending not less than three (3) feet into the yard.

**SECTION 28-44. Building Sewer to be Below Grade of Basement Floor; When Lifts are Required.** [Ord. of 10-17-1972, § 5]

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

**SECTION 28-45. Prohibited Connections to Laterals and Mains.** [Ord. of 10-17-1972, § 5]

It shall be unlawful for any person to connect any septic tank laterals, downspouts, gutters, eve drains or cisterns into any lateral or main sewer of the City, either directly or indirectly, nor shall any such connection be made with the sanitary sewer or sewer system of any residence, business or other structure which discharges into the City sewer main. Only one (1) structure, store or residence shall be eligible for service through this service connection unless a specific permit therefor is granted.

**SECTION 28-46. Prohibited Connections to Building Sewers.** [Ord. of 10-17-1972, § 5]

No person shall make connection of roof downspouts, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

**SECTION 28-47. Plumbers to be Licensed.** [Ord. of 10-17-1972, § 5]

No person shall engage in the business of plumbing in the City unless licensed as a master plumber under the provisions of the ordinance of the City relating to plumbers and plumbing in the City of Lexington. No plumbing work, unless excepted in this Chapter shall be undertaken prior to the issuance of a permit therefor by the City Clerk. A permit shall be issued to a licensed master plumber or his agent.

**SECTION 28-48. Failure To Repair Sewer After Notification.** [Ord. No. 2015-16 §1, 6-23-2015]

If the City must notify the property owner of a sewer issue at his or her property and the issue is not corrected within seventy-two (72) hours of receipt of notification, the City may shut off water service to the property until the problem is corrected, with all fees and penalties incurred with reconnecting water service borne by the owner of the property.

**SECTION 28-49. Fire Lines.** [Ord. No. 2015-16 §1, 6-23-2015]

A fire line protecting any building within the City limits is the responsibility of the property owner. Any property owner wishing for an employee of the City's Water Department to operate said fire line must submit a signed letter to City Hall relieving the City of responsibility of any damage that may occur while operating any valves or other components of the fire line.

**SECTION 28-50. through SECTION 28-60. (Reserved)**

Division 3  
**Connections Outside of City**

**SECTION 28-61. Authorized; Application to City Council.** [Ord. of 2-7-1955, § 1]

Any group of property owners residing outside of the City limits who are so situated that their properties may be served by a lateral sewerage system, may apply to the City Council for permission to connect to the sanitary sewerage system of the City by presenting the Council with detailed plans and specifications of the lateral to be built, along with the necessary easements granted to the City. The easements shall include all of the ground to be occupied by the lateral and shall provide that the employees of the City shall have free access for inspecting or stopping the use of the lateral or any connection thereto.

**SECTION 28-62. Cost of Constructing and Maintaining Laterals to be Borne by Property Owners; Plans to be Approved by City.** [Ord. of 2-7-1955, § 1]

Any group of property owners constructing a lateral pursuant to this Division, shall be responsible for the construction and maintenance of the same and the payment thereof, but the entire project shall be built according to the plans approved by the City.

**SECTION 28-63. Inspection of Plumbing and Plumbing Fixtures Prior to Connection to Lateral;**

**Inspection Fee.** [Ord. of 2-7-1955, § 1]

Before a property owner shall connect his sewer to the lateral, the plumbing in the home or building to be connected and the plumbing fixtures shall be inspected and approved by the City. The fee for the inspection shall be twenty-five dollars (\$25.00).

**SECTION 28-64. When Request for Connection and Connection May be Made.** [Ord. of 2-7-1955, § 1]

After an inspection has been made pursuant to Section 28-63, the property owner shall then make a written request to the City to make the connection. Written permission shall be given by the Mayor.

**SECTION 28-65. (Reserved)** <sup>3</sup>

**SECTION 28-66. (Reserved)** <sup>4</sup>

**SECTION 28-67. through SECTION 28-78. (Reserved)**

Division 4  
Use

**SECTION 28-79. Prohibited Discharges Into Public Services.** [Ord. of 10-17-1972, § 6]

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

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
2. Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the Sewage Treatment Plant, including but not limited to cyanides in excess of two (2) mg/1 as CN in the wastes as discharged to the public sewer.
3. Any waters or wastes having a pH lower than five-point-five (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage 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

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3. Editor's Note — Ord. No. 99-18 § 1 adopted May 11, 1999, repealed § 28-65 which formerly derived from ord. of 2-7-1955 §§ 2,3. At the editor's discretion this section has been left reserved for the city's future use.

4. Editor's Note — Ord. No. 99-18 § 1 adopted May 11, 1999, repealed § 28-66 which formerly derived from City Code § 28-66. At the editor's discretion this section has been left reserved for the city's future use.

fleshings, entrails and paper dishes, cups and milk containers, either whole or ground by garbage grinders.

**SECTION 28-80. Prohibited Discharges into Sanitary Sewers.** [Ord. of 10-17-1972, § 6]

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

**SECTION 28-81. Prohibited Discharges into Natural Outlets.** [Ord. of 10-17-1972, § 3]

It shall be unlawful to discharge into any natural outlet within the City or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Division.

**SECTION 28-82. Discharge of Unpolluted Water.** [Ord. of 10-17-1972, § 6]

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

**SECTION 28-83. Discharges Which May be Prohibited by the Superintendent.** [Ord. of 10-17-1972, § 6]

- A. 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 Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance:
1. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) Fahrenheit.
  2. Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°) Fahrenheit.
  3. Any garbage that has not been property shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 horsepower metric) or greater, shall be subject to the review and approval of the Superintendent.
  4. Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.
  5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such a degree that any such material received in the composite sewage

- at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
6. Any waters or wastes containing phenols or other taste, or odor, producing substances in such concentrations as to exceed limits which may be established by the Superintendent as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies having jurisdiction for such discharge into the receiving waters.
  7. Any radioactive wastes or isotopes of such half-life of concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
  8. Any waters or wastes having a pH in excess of nine-point-five (9.5).
  9. Materials which exert or cause:
    - a. Unusual concentrations of inert suspended solids such as, but not limited to, fuller's 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 sewage treatment works.
    - d. Unusual volume of flow or concentration of wastes constituting "slugs".
  10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such a degree that the Sewage Treatment Plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge into the receiving waters.
- B. In forming his opinion as to the acceptability of the wastes enumerated in this Section, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, the materials of construction of the sewers, the nature of the sewage treatment process, the capacity of the Sewage Treatment Plant, the degree of treatability of wastes in the Sewage Treatment Plant and other pertinent factors.

**SECTION 28-84. Discharges Which May be Prohibited by the Superintendent — Conditional Acceptance of Discharges.** [Ord. of 10-17-1972, § 6]

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters or wastes contain the substances or possess the characteristics enumerated in Section 28-83, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewerage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers;
  3. Require control over the quantities and rates of discharge;
  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 this Article.
- B. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

**SECTION 28-85. Interceptors.** [Ord. of 10-17-1972, § 6; Ord. No. 2001-24 § 1, 4-10-2001; Ord. No. 2007-37 § 1, 10-9-2007]

- A. Grease, oil and sand interceptors shall be provided for proper handling of wastes containing grease, any flammable waste, sand or other harmful ingredients, except that such interceptions shall not be required for private living quarters or dwelling units.
- A. Grease trap shall be provided and properly maintained in food preparation areas of all restaurants, hospitals, school kitchen, hotel kitchen, cafeterias, nursing home kitchens and other type commercial kitchens.
- A. All grease traps and interceptors shall be designed using acceptable design standards. Whenever grease traps are required, they shall be located where they are easily accessible for cleaning, inspection and maintenance. In the sizing and location of the grease traps and interceptors, the standard of the International Plumbing Code shall govern. Interior grease traps shall be cleaned as necessary but no less often than monthly. When cleaning the grease trap, the full volume of water and grease present shall be removed and disposed of properly. Exterior interceptors shall be pumped by a commercial grease disposal contractor. The proof of pumping or cleaning shall be kept on the premises and made available for inspection. If the interceptors are pumped by a grease contractor, such proof shall consist of a signed and dated invoice or other manifest. All cleaning of interior grease traps shall be recorded by the operator or owner of the property. All records shall be dated and signed each time the unit is cleaned.
- A. Existing facilities that we have determined to need a grease trap or interceptor shall have ninety (90) days from the date of notice by the City to complete an approved installation.
- A. All new facilities proposing to discharge to the City sanitary sewer system shall have an approved trap or interceptor installed prior to connecting to the City sewer system.
- B. It is provided, however, that one (1) trap may serve a set of not more than three (3) single compartment sinks or laundry tubs of the same depth or three (3) lavatories immediately adjacent to each other and in the same room if the waste outlets are not more than thirty (30) inches (762 mm) apart.

**Horizontal Distance of Trap Arms**  
**Slope One-Fourth (1/4) Inch Per Foot (20.9 mm/m)**  
**(Except for water closets and similar fixtures)\***

<b>Trap Arm</b>	<b>Distance Trap to Vent</b>	<b>Trap Arm</b>	<b>Distance Trap to Vent</b>
<b>Inches</b>	<b>Feet — Inches</b>	<b>MM</b>	<b>MM</b>
1 — 1 1/4	3 feet 6 inches	32	1067
1 — 1 1/2	5 feet 0 inches	38	1524
2	8 feet 0 inches	51	2438
3	10 feet 0 inches	76	3048
4 and larger	12 feet 0 inches	102 and larger	3658

\* The developed length between the trap of a water closet or similar fixture (measured from the top of the closet ring (closet flange) to the inner edge of the vent) and its vent shall not exceed six (6) feet (1,829 mm).

Determine the size of the grease interceptor by following procedure:

Method of Sizing Interior Grease Traps

1. Determine total capacity of sink/s including all compartments in cubic inches.
2. Divide cubic inches by two hundred thirty-one (231) to determine the capacity in gallons.
3. Multiply total capacity by seventy-five percent (75%) to determine the actual drainage load in gallons.
4. Determine the flow rate for a one (1) minute drainage period by dividing the actual drainage load by the drainage period (one (1) minute) to get PGM.
5. Select the grease interceptor by choosing the next largest size when the flow rate is between two (2) sizes.
6. Two (2) pounds retention capacity is equal to one (1) GPM flow rate.

**SECTION 28-85.1. Penalty.** [Ord. No. 2001-24 § 1, 4-10-2001]

Business licenses will be revoked or not issued if the business does not comply with the International Plumbing Code or with current City ordinance.

**SECTION 28-86. Maintenance of Preliminary Treatment of Flow Equalizing Facilities.** [Ord. of 10-17-1972, § 6]

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

expense.

**SECTION 28-87. Control Manholes.** [Ord. of 10-17-1972, § 6]

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

**SECTION 28-88. Standards for Tests and Measurements.** [Ord. of 10-17-1972, § 6]

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Waters and Wastewaters", published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.

**SECTION 28-89. Special Agreements for Acceptance of Wastes Authorized.** [Ord. of 10-17-1972, § 6]

No statement contained in this Division shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.

**SECTION 28-90. (Reserved)** <sup>5</sup>

**SECTION 28-91. (Reserved)** <sup>6</sup>

**SECTION 28-91.1. Sewer Use and Service Fee, Collections, Disconnections, Etc.** [Ord. No. 91-14,

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5. Editor's Note — Ord. no. 98-31, adopted September 8, 1998, deleted section 28-90 without provisions for replacement. Said former section derived from ord. no. 86-108, 1-14-1986 and ord. no. 95-05 § I, 4-11-1995. The user charge system is now covered under chapter 28, article II, sections 28-136 through 28-141. We have left this section reserved for the city's future use.

6. Editor's Note — Ord. no. 98-31, adopted September 8, 1998, deleted section 28-91 without provisions for replacement. Said former section derived from ord. no. 86-108, 1-14-1986. The user charge system is now covered under chapter 28, article II, sections 28-136 through 28-141. We have left this section reserved for the city's future use.



11-12-1991; Ord. No. 2000-20 § 1, 9-12-2000; Ord. No. 2004-23 § 1, 7-13-2004; Ord. No. 2005-17 § 1, 4-12-2005]

- A. No sewerage services shall be furnished or rendered free of charge to any person.
- B. All property served by the sewerage system of the City shall be charged for the use and services of such system. Such charges shall commence from the date the property is connected to the now-existing sewer system or ninety (90) days after said property can be connected to the now-existing sewer system, whichever comes first. The words "*property served by the sewerage system*" shall be construed to mean that property which, in the opinion of the Mayor or City Administrator, can be connected to the existing sewer system.
- C. When charges for sewer are in arrears for more than two (2) months and after the City sends written notice to both the occupant and the owner of the premises receiving the service by certified mail, the City shall have the authority at its discretion to disconnect the sewer line from the City's line until such time as the sewer charges and all related costs of termination and re-establishment of sewer services are paid. The City may also require the party charged with the delinquency to prepay a reasonable deposit to be applied toward any future sewer use fees that may accrue at the premises upon which the delinquency arose prior to effectuating any reconnection or restoration of sewer service.

**SECTION 28-92. (Reserved)** <sup>7</sup>

**SECTION 28-93. Board of Review — Membership.** [Ord. No. 86-108, 1-14-1986; Ord. No. 95-05 § III, 4-11-1995; Ord. No. 2001-62 § 1, 11-13-2001]

- A. There will be a Sewer Board of Review whose membership shall be five (5) consisting of the City Collector, one (1) member of the City Council appointed by the majority vote of the City Council for a one (1) year term, and three (3) City residents who shall be appointed for two (2) year terms by the Mayor with the approval of the City Council. Initial appointments of citizens to this Board shall be for varying terms to establish staggered membership terms. Vacancies shall be filled by the appointing authority for the unexpired term of any member whose office becomes vacant. The members shall not serve more than two (2) complete terms consecutively, however, they may be reappointed after a one (1) year absence.
- B. Citizen members appointed to the Board shall be residents of the City of Lexington for one (1) year prior to their appointment and not in arrears for any City tax, fee, or lien.
- C. The Supervisor of the City of Lexington Wastewater Treatment Plant will serve only in an advisory and consulting capacity to the Board and will have no vote on the any matter coming before the Board.
- D. A voting member of the Board who fails to attend three (3) successive Board meetings without a reasonable, valid reason, upon recommendation of the Board to the Mayor and City Council, may be removed from the Board by majority vote of the City Council.

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<sup>7</sup> Editor's Note — Ord. no. 98-31, adopted September 8, 1998, deleted section 28-92 without provisions for replacement. Said former section derived from ord. no. 86-108, 1-14-1986 and ord. no. 95-05 § II, 4-11-1995. The user charge system is now covered under chapter 28, article II, sections 28-136 through 28-141. We have left this section reserved for the city's future use.

Vacancies shall be filled by the appointing authority for the unoccupied term of any member whose office becomes vacant.

- E. The Board shall elect a Chairman and a Secretary from its membership, each of whom shall serve for a term of one (1) year. Three (3) members of the Board duly assembled shall constitute a quorum, and may act effectively by majority vote.
- F. All citizen members of the Sewer Board of Review shall serve without compensation.
- G. The Mayor and/or the City Administrator and/or the Board Chairman are authorized to call meetings of the Sewer Board of Review for any purpose reasonably related to its designated duties at any time upon actual notice to the members of the Board. Notice of all meetings shall be posted at least twenty-four (24) hours in advance, with such meeting being open to the general public, pursuant to the Missouri Sunshine Law, RSMo., Section 610.010, et. seq.
- H. All meetings of the Sewer Board of Review shall keep minutes of its proceedings, including membership attendance and the vote upon each question. Copies of these minutes shall be promptly filed with the City Clerk and shall be public record, pursuant to the Missouri Sunshine Law, RSMo., Section 610.010, et seq.

**SECTION 28-94. Board of Review May Make Adjustment.** [Ord. No. 86-108, 1-14-1986]

The Board of Review may make an adjustment to the monthly charge on application of a representative of the City or a user upon a majority vote.

**SECTION 28-94.1. Appeals of Sewer Use Charges.** [Ord. No. 2004-23 § 1, 7-13-2004]

Any person, including the user, may petition the Board of Review to reconsider sewer use surcharges within fifteen (15) working days of first (1st) billing.

- 1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administration appeal.
- 2. In the petition, the appealing party must indicate the portion of sewer use surcharges objected to and the reasons for this objection.
- 3. The charges and penalty shall not be stayed pending the appeal.

**SECTION 28-95. Adjustments — Upon Good Cause.** [Ord. No. 86-108, 1-14-1986]

The Board of Review may adjust the monthly bill only upon good cause shown. Good cause shall consist of, but is not limited to:

- 1. A showing that the water used did not enter the sewer system;
- 2. An unforeseen natural occurrence causing an excessive water bill for that month;
- 3. That the charge would work an extreme hardship on the user;
- 4. The user was not occupying the dwelling when the rate was set.

**SECTION 28-96. Adjustments — Application for Review.** [Ord. No. 86-108, 1-14-1986]

Any party aggrieved by a determination, may within ten (10) days of the decision, make application to the whole Council for review. It will take a majority of the members of the City Council to reverse the decision of the Board of Review.

**SECTION 28-97. (Reserved)** <sup>8</sup>

**SECTION 28-98. Delinquent Charges — Notice of Delinquency.** [Ord. No. 86-108, 1-14-1986; Ord. No. 2004-23 § 1, 7-13-2004]

Any user charges, connection fees or other charges levied by the City shall be due at such time as specified by the City, if not paid by the due date it shall become delinquent and shall bear penalty from the date of delinquency until paid. Upon the bill being delinquent for three (3) months a lien shall be placed upon any land owned by the property owner or by the user. The City Clerk will file a notice of delinquency with the Recorder of Deeds of Lafayette County, Missouri.

**SECTION 28-99. City May Enforce Lien.** [Ord. No. 86-108, 1-14-1986]

The City may enforce the lien by suit or foreclosure and shall have their sewer charge, interest, recording fees and attorney's fees.

**SECTION 28-100. City Clerk to File Notice Releasing Lien.** [Ord. No. 86-108, 1-14-1986]

When the use charge, interest, recording fees and attorney's fees have been paid in full, the City Clerk will file with the Recorder of Deeds of Lafayette County a notice releasing the lien.

**SECTION 28-101. Delinquent More Than Two Months; Deposit Required.** [Ord. No. 86-108, 1-14-1986; Ord. No. 2005-17 § 1, 4-12-2005]

Any single-family dwelling user that has been delinquent more than two (2) months in the previous twelve (12) month period shall place a one hundred dollar (\$100.00) deposit with the City and multiple-family dwellings and commercial users shall place a deposit with the City an amount not less than two (2) times the monthly charge.

**SECTION 28-102. Rules and Regulations.** [Ord. No. 86-108, 1-14-1986]

The City Council shall have the power to promulgate regulations to implement the administration of this Chapter. If any Section of this Chapter is determined to be unconstitutional, or not authorized by State Statutes, the other provisions of this Chapter shall not be affected by that determination.

**SECTION 28-103. through SECTION 28-110. (Reserved)**

Division 5

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<sup>8</sup>. Editor's Note — Ord. No. 99-18 § 1 adopted May 11, 1999, repealed § 28-97 which formerly derived from ord. no. 86-108, 1-14-1986. At the editor's discretion this section has been left reserved for the city's future use.

## **Private Sewage Disposal**

**SECTION 28-111. When Prohibited.** [Ord. of 10-17-1972, § 3]

Except as otherwise provided in this Division, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

**SECTION 28-112. When Required.** [Ord. of 10-17-1972, § 4; Ord. of 11-6-1972, § 4]

Where a public sanitary sewer is not available under the provisions of Section 28-25, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Division.

**SECTION 28-113. Permit Required; Application; Fee.** [Ord. of 10-17-1972, § 4; Ord. of 11-6-1972, § 4]

Before commencing the construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for the permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of twenty dollars (\$20.00) shall be paid to the City at the time the application is filed.

**SECTION 28-114. Applicant for Permit to Furnish Material to State Commission.** [Ord. of 10-17-1972, § 4; Ord. of 11-6-1972, § 4]

Each applicant for a permit required by this Division shall submit a copy of all material to the Missouri Clean Water Commission where treatment is off of the owner's property.

**SECTION 28-115. Permit Not Effective Until Work Completed; Inspection; Notice of Readiness for Inspection.** [Ord. of 10-17-1972, § 4; Ord. of 11-6-1972, § 4]

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection which shall be before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.

**SECTION 28-116. Compliance With Recommendations of State Department of Health.** [Ord. of 10-17-1972, § 4; Ord. of 11-6-1972, § 4]

The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Public Health.

**SECTION 28-117. Discharges into Natural Outlets Prohibited.** [Ord. of 10-17-1972, § 4; Ord. of 11-6-1972, § 4]

No septic tank or cesspool shall be permitted to discharge to any natural outlet.

**SECTION 28-118. Maintenance of Facilities.** [Ord. of 10-17-1972, § 4; Ord. of 11-6-1972, § 4]

The owner of private sewage disposal facilities shall operate and maintain the facilities in a sanitary manner at all times at no expense to the City.

**SECTION 28-119. Additional Requirements Imposed by Health Officer.** [Ord. of 10-17-1972, § 4; Ord. of 11-6-1972, § 4]

No statement contained in this Division shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

**SECTION 28-120. When Private System is to be Abandoned and Connection to Public Sewer is to be Made.** [Ord. of 10-17-1972; § 4; Ord. of 11-6-1972, § 4]

- A. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 28-25, a direct connection shall be made to the public sewer in compliance with this Article and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- B. When a public sewer becomes available, the building sewer shall be connected to the public 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.

Division 6  
**Operation and Maintenance**

**SECTION 28-121. Maintenance — Generally.** [Ord. No. 81-05 § 1, 3-3-1981]

That all sanitary sewer disposal systems, laterals, septic tanks, or other means of waste disposal of all kinds now existing or hereinafter constructed shall be operated, maintained and used in a manner so as not to create a health hazard, be injurious to the public welfare, cause the omission of odiferous fumes, or create or contribute to create standing, stagnant or polluted streams or pools of water.

**SECTION 28-122. Written Complaint.** [Ord. No. 81-05 § 2, 3-3-1981]

That once written and signed complaint is received by the City of Lexington, the City shall cause each complaint to be investigated no later than five (5) days after receipt of same, by any Wastewater Treatment Plant employee or Police Officer of the City.

**SECTION 28-123. Main Trunk Lines Maintained by City.** [Ord. No. 81-05 § 3, 3-3-1981]

All of the main sewer lines, also known and described as main trunk lines, which are wholly within the dedicated public rights-of-way, streets, alleys, roads and thoroughfares, shall be maintained by the City of Lexington, Missouri.

**SECTION 28-124. Lateral Sewer Lines Maintained by Property Owner.** [Ord. No. 81-05 § 4, 3-3-1981; Ord. No. 2001-53 § 1, 9-11-2001]

All lateral gravity sewer lines running generally from the above-described main truck lines to

individual outlets, hookups, meters, taps or connections shall be maintained by the individual property owner of the adjacent, contiguous property whether said lateral line is on privately owned property or within the dedicated public rights-of-way. All lateral lines running generally from the STEP system receiver tank to individual outlets, hookups, meters, taps or connections shall be maintained by the individual property owner whether said lateral line is on privately owned property or within the dedicated public rights-of-way. The STEP system receiver tank shall be maintained by the City.

**SECTION 28-125. Maintenance to Include What.** [Ord. No. 81-05 § 5, 3-3-1981]

Maintenance shall include all repairs, cleaning, clearing, vegetation removal and upkeep.

**SECTION 28-126. Notice Sent to Owner.** [Ord. No. 81-05 § 6, 3-3-1981]

If said inspection reveals that any of the aforesaid conditions is present and are caused or contributed to be caused by sanitary sewage disposal systems, septic tanks or lateral systems, or any other waste disposal system, the City shall send by registered mail a notice to the owner of said property and the operator of the system in question, and said notice shall inform the owner and operator of the complaint, investigation, finding of said investigation, the ordinance violation, and giving the aforesaid owner and operator thirty (30) days from the receipt of said notice to remedy the condition(s) enumerated in said notice.

**SECTION 28-127. Conditions to be Remedied in Thirty Days.** [Ord. No. 81-05 § 7, 3-3-1981]

If the aforesaid condition(s) are not remedied within thirty (30) days after receipt of said notice the owner of the property or the operator of the system in question, the City shall or may cause a complaint to be issued and served upon said owner or operator.

**SECTION 28-128. Penalty.** [Ord. No. 81-05 § 8, 3-3-1981]

Any individual, company, corporation or public utility found to have violated Sections 28-111 to 28-127 of this Code shall be subject to a fine of not less than five dollars (\$5.00) and not more than one hundred dollars (\$100.00) for each day found to be in violation thereof.

**SECTION 28-129. City May Abate Nuisance.** [Ord. No. 81-05 § 9, 3-3-1981]

In addition to the above provisions, the City, no sooner than thirty (30) days after the complaint of the City has been served upon the owner or the occupant of the premises, may abate said nuisance so as to remedy any of the conditions listed in Section 28-121 and the expense for abating the same may be assessed against the owner or operator of the system, and against the property upon which said system is located, and a special tax bill may be issued against said property for said expenses.

**SECTION 28-130. through SECTION 28-135. (Reserved)**

**ARTICLE II  
User Charge System**

**SECTION 28-136. Purpose.** [Ord. No. 97-35 Art. I, 11-25-1997]

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining, and retiring the debt for such public wastewater treatment works.

**SECTION 28-137. Definitions.** [Ord. No. 97-35 Art. II, 11-25-1997]

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

**BOD** (denoting biochemical oxygen demand) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20° C), expressed in milligrams per liter (mg/l).

**NORMAL DOMESTIC WASTEWATER** — Wastewater that has a BOD concentration of not more than three hundred thirty-four (334) milligrams per liter (mg/l) and a suspended solids concentration of not more than two hundred seventy-eight (278) milligrams per liter (mg/l).

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

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

**SHALL** — Is mandatory; *MAY* is permissive.

**SS** (denoting suspended solids) — The solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

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

**USEFUL LIFE** — The estimated period during which the treatment works will be operated.

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

wastewater treatment works.

**WATER METER** — A water volume measuring and recording device, furnished and/or installed by the private water utility or furnished and/or installed by a user and approved by the private water utility.

**SECTION 28-138. User Charge Accounts.** [Ord. No. 97-35 Art. III, 11-25-1997]

- A. The user charge system shall generate adequate annual revenues to pay the costs of annual operation and maintenance including replacement and cost associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this Article.
- B. That portion of the total user charge collected which is designated for the operation and maintenance including replacement purposes as established in Section 28-139 shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two (2) primary accounts as follows:
  - 1. The operation and maintenance account shall be an account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works. Deposits in the operation and maintenance account shall be made monthly from the operation and maintenance revenue in the amount of two hundred seventy-one thousand eight hundred sixty-seven dollars (\$271,867.00) annually (four hundred twenty-five thousand eight hundred seventy-two dollars (\$425,872.00) in estimated annual expenses less four thousand two hundred dollars (\$4,200.00) annual required replacement deposit less one hundred forty-nine thousand eight hundred five dollars (\$149,805.00) estimated annual debt service).
  - 2. The replacement account shall be an account designated for the purpose of ensuring replacement needs over the useful life of the treatment works. Deposits in the Replacement account shall be made monthly from the replacement revenue in the amount of four thousand two hundred dollars (\$4,200.00) annually.
- C. Fiscal year end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in each subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

**SECTION 28-139. User Charge Rates.** [Ord. No. 97-35 Art. IV, 11-25-1997; Ord. No. 2000-20 § 1, 9-12-2000; Ord. No. 2002-23 § 1, 6-11-2002; Ord. No. 2003-15 § 1, 5-13-2003; Ord. No. 2004-23 § 1, 7-13-2004; Ord. No. 2005-16 § 1, 4-12-2005; Ord. No. 2006-15 § 1, 4-11-2006; Ord. No. 2007-12 § 1,



4-10-2007; Ord. No. 2008-17 § 1, 5-13-2008; Ord. No. 2009-11 § 1, 3-24-2009; Ord. No. 2012-12 § 1, 3-27-2012]

- A. Sewer service shall be deemed to be furnished to both the owner and occupant of the premises receiving such service based on the usage of the treatment works as determined by the water meter(s) acceptable to the City. The City shall have the power to sue the owner and/or occupant of such real estate to recover any sums due for such services, plus a reasonable attorney's fee to be fixed by the court.
- B. Monthly user charges will be based on average monthly water usage during the months of January, February and March. (Water usage for these months includes little use for such activities as lawn watering, car washing and other seasonal consumptive uses.) If a contributor has not established a January, February and March average, their monthly bill shall be calculated by averaging any other three-month period when the subject property is actively occupied. For appeal or exception situations such period may be determined by the Sewer Board of Review, while for policy rate matters the City Council or its appropriate committee(s) will make the determinations.
- C. The minimum charge per month shall be sixteen dollars (\$16.00) up to the first seven hundred (700) gallons of water (or wastewater). In addition each contributor shall pay a user charge for operation and maintenance, including replacement, of four dollars and eighty-eight cents (\$4.88) per one thousand (1,000) gallons of water (or wastewater) after the first seven hundred (700) gallons as determined in the preceding Subsection. [Ord. No. 2014-11 § 1, 5-13-2014<sup>9</sup>; Ord. No. 2015-14 §1, 4-28-2015]
- D. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works shall pay for such increased costs. The charge to each such user shall be as determined by the responsible superintendent of the wastewater plant and approved by the City Council.
- E. The user charge rates established in this Article apply to all users of the City's treatment works, regardless of the user's location.

**SECTION 28-140. Billing.** [Ord. No. 97-35 Art. V, 11-25-1997; Ord. No. 99-12 § 1, 3-9-1999; Ord. No. 2000-20 § 1, 9-12-2000; Ord. No. 2001-59 § 1, 11-13-2001; Ord. No. 2005-17 § 1, 4-12-2005]

All property owners shall be billed monthly. Payments are due and payable upon receipt. Any payment received after 3:00 P.M. on the due date of the billing month shall be considered delinquent and a penalty shall be applied. The penalty shall be at a rate of fifteen percent (15%) per billing month on the actual sewer usage charges.

**SECTION 28-141. City to Review User Charge System.** [Ord. No. 97-35 Art. VI, 11-25-1997; Ord. No. 2000-20 § 1, 9-12-2000]

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9. Editor's Note: This ordinance also provided that it shall take effect and be in full force as of May 1, 2014.

- A. The City shall review the user charge system annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.
- B. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance, including replacement of the treatment works.

**SECTION 28-142. through SECTION 28-150. (Reserved)**

**ARTICLE III  
Water Regulations**

Division 1  
**Generally**

**SECTION 28-151. Extension and Replacement Specifications for Water Distribution Systems.**  
[Ord. No. 2002-48 § 1, 1-14-2002; Ord. No. 2006-05 § 1, 2-14-2006]

- A. All water line, construction and material used in the City shall conform to the latest Standard Specifications and Design Criteria, Chapter 2900, of the Kansas City Metropolitan Chapter of the American Public Work Association. Poly (Vinyl Chloride) PVC pipe shall as a minimum be class DR 14, two hundred (200) psi rating. Higher classes of pressure ratings may be required for special occasions for firefighting capacity or otherwise in the best interest of the City. All plastic pipes shall be provided with a trace line for location of the pipe. The minimum size water main to install shall be six (6) inches within the City. Pipes shall conform to the latest edition of the AWWA, ASTM, Plastic Pipe Institute (PPI) or Unibell Pipe Association standard or recommendations.
- B. All water mains and service lines shall be laid with a minimum cover of forty-two (42) inches from the top of the pipe to finished ground surface grade.
- C. All fire hydrants shall conform to the most current American Water Works Association Standard. Fire hydrants shall have two (2) two and one-half (2 1/2) inch nozzles and one (1) four and one-half (4 1/2) inch pumper nozzle with national standard fire hose coupling screw threads. Nozzle caps shall be provided for all outlets with suitable gaskets to provide a tight seal with the nozzles. Caps shall be securely chained to the barrel of the fire hydrant. Cap nuts shall have the same dimensions as the operating nut of the fire hydrant. Fire hydrants shall be one that is specified by the Water Department. Fittings, valves and fire hydrants shall conform to the latest standards issued by AWWA and shall be certified by the NSF for use in drinking water.
- D. In water systems serving residential subdivisions, fire hydrants shall be installed as such locations that there will be at least one (1) fire hydrant within three hundred (300) feet of the nearest wall of any structure. Fire hydrants along streets which residences of such subdivisions front shall be spaced not more than six hundred (600) feet apart.
- E. In commercial, industrial and apartment house areas, fire hydrants shall be provided so that

in no case shall more than three hundred (300) feet of fire hose be required to reach any point at the base of any exterior building wall from the nearest fire hydrant or from each to the fire hydrants required to provide the stipulated fire flow.

- F. *Water Demand Estimates.* The water and main estimate shall comply with minimum standards established by Missouri Department of Natural Resources (MDNR).
- G. The water distribution system and any extension of the distribution system shall comply with the standard of MDNR.
- H. The fire protection requirements shall comply with National Fire Protection Association regulations. The placement of fire hydrants shall be approved by the City fire supervisor before construction begins.
- I. It shall be unlawful within the City of Lexington to install any water distribution system or a part thereof that does not comply with the design criteria and standards contained in this Section and its Subsections or to deliver water to residential or non-residential homes, customer or businesses that is not delivered in compliance with or in excess of the standards and criteria by the Section and its Subsections. Each day any violation shall continue shall constitute a separate offense.
- J. The violation of any such provision contained herein shall be punished by a fine of not exceeding five hundred dollars (\$500.00) or such imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. Furthermore, the violation of any such provision contained herein shall be deemed a nuisance and, as such, shall be actionable under Section 18-89 (Nuisances), and all of the provisions under said ordinances are applicable to the nuisance and its abatement.

#### Division 2

### **Rules And Regulations For Use And Service Of The Water Distribution System**

#### **SECTION 28-152. Definitions.** [Ord. No. 2011-30 § 1, 7-26-2011]

The following words, terms and phrases shall have the meaning ascribed to them in this Section, except where the content clearly indicates a different meaning:

**APPLICANT** — A person, firm, corporation, governmental body, or other entity which has applied for water service; two (2) or more applicants may make one (1) application for a main extension.

**AWWA** — American Water Works Association.

**CITY** — The City of Lexington, Missouri.

**CITY SERVICE LINE** — The pipeline connecting the main to the meter setting. The City service line is installed, owned, operated and maintained by the City.

**CUSTOMER** — A person, firm, corporation, governmental body, or other entity which has contracted for water service or is receiving water service from the City, or whose facilities are connected for utilizing such service and is responsible for paying periodic bills. Each customer shall be serviced by a separate water service line and meter setting.

**CUSTOMER SERVICE LINE** — The pipeline connecting the meter setting to the premises, the customer service is installed, owned, operated and maintained by the customer.

**DEVELOPER** — A person, firm, corporation, partnership or any other entity that, directly or indirectly, holds title to, sells or leases, or offers to sell or lease, or advertises for sale or lease any lots in a subdivision.

**DISCONTINUANCE OF SERVICE** — The intentional cessation of service by the City not requested by the customer.

**METER** — The device used to measure and record the quantity of water that flows through the service line, and is installed in the meter setting and is owned and maintained by the City.

**METER SETTING** — The meter box, meter yoke, lid, helmet and all appurtenances necessary to install and operate a meter, all of which is outdoors, located as close to the property line as reasonably possible and shall be owned, operated and maintained by the City.

**MDNR** — Missouri Department of Natural Resources.

**PREMISES** — Each residential dwelling structure, each living unit in multi-tenant building, or structures, whether residential or commercial, leased, rented, or owned.

**TERMINATION OF SERVICE** — The cessation of service requested by the customer.

**WATER DEPARTMENT** — The department of the City of Lexington, Missouri responsible for the operation of the City's water system.

**WATER MAIN** — A pipeline which is owned and maintained by the City, located on public property or in private easement, and used to transport water throughout the service area of the City.

**SECTION 28-153. General Rules and Regulations.** [Ord. No. 2011-30 § 2, 7-26-2011]

- A. Every applicant, upon signing an application for any water service rendered by the City, or any customer upon taking of water service, shall be considered to have expressed consent to be bound by these rules and regulations.
- B. After the effective date of these rules and regulations, all new facilities, construction contracts and written agreements shall conform to these rules and regulations. Pre-existing facilities that do not comply with applicable rules and regulations may remain, provided that their existence does not constitute a service problem or improper use, and reconstruction is not practical.
- C. A written application of service, signed by the applicant, stating the type of service requested and accompanied by any other pertinent information, will be required from each applicant before service is provided to any premises. Every applicant, upon signing an application for any service rendered by the City, or upon taking of service shall be considered to have expressed consent to the City's rules and regulation. The City must be notified immediately if a water bill does not accurately reflect the name of the intended customer.
- D. The City shall have the right to reject any application. The City may further refuse to

provide water service through facilities that do not comply with the City's rules and regulations pertaining to the nature and location of service lines or any other water facilities owned by the customer. Any person or entity requesting water service connection must secure all necessary permits prior to requesting said connection.

- E. If service is requested at a point not already served by a main of adequate capacity, a main of adequate size may be extended as necessary according to the City's rule for extension of water mains.
- F. When an order to provide water service in which a main extension is required, the City will require a written contract. Said contract will include the obligations upon the City and the applicant.

**SECTION 28-154. Water Service Lines.** [Ord. No. 2011-30 § 3, 7-26-2011]

- A. The City will provide water service at the outdoor meter setting, and each premises shall be served through separate service lines and proper meter settings. The City will construct, own, operate and maintain the service line from the main to the meter setting. Applications for service lines larger than one (1) inch must be submitted at least thirty (30) days in advance.
- B. All new or replacement customer service lines shall not be less than three-fourths (3/4) inch nor shall it be constructed of galvanized steel pipe, black iron pipe or black steel pipe. The service must be installed at least forty-two (42) inches below finished grade. City water service lines will be installed at right angles from the main. Every customer water service line must have a brass or bronze stop and waste valve, to be installed by the customer, at the location the service line enters the structure.
- C. Each water service line must be installed in a separate trench. The undisturbed earth between the separate trenches shall not be less in width than the depth of the water service line below finished grade. A shelf cut into the side of a sewer drain trench is not a separate trench within the meaning and requirements of this rule.
- D. A customer's water service line and inside piping will be of material conforming to recognized standards for potable water and AWWA specifications, and shall have a pressure rating of at least one hundred sixty (160) psi working pressure.
- E. Neither water service lines nor service connections may be extended along or across public streets or roadways, or through property of others, when connecting to the City's mains. Service lines may extend through the water main easement and roadway easements, as necessary, in order to be connected to a main located across or adjacent to a street to serve property fronting on either side of the street or roadway.
- F. Any customer having a plumbing arrangement, or a water usage device that could allow backsiphonage of any chemical or water from a questionable supply or other substance that could create a health hazard, or any customer plumbing classified as an actual or potential backflow hazard in the regulations of the Missouri Department of Natural Resources, 10 CSR 60-11 shall be required to install and maintain a backflow prevention device.

**SECTION 28-155. Meters and Meter Installation.** [Ord. No. 2011-30 § 4, 7-26-2011]

- A. All service connections will be metered. The City installed meter will be the standard for measuring water used to determine the bill. Should the meter fail to register the quantity of water used, the amount billed will be the amount of water used during the corresponding period of the preceding six (6) months.
- B. All meters and meter installations shall be furnished, owned, operated and maintained by the City. Customers or their agents shall not remove, operate, turn on or off meters. Any damage to the meter setting by the neglect of the customer will be assessed against the customer and payment for such repairs will be enforced as allowed by these rules and regulations, or by civil suit.
- C. Meter settings will be installed at or near the property at a site determined by the City. Plumbing appurtenances, such as pressure reducing valves, auxiliary shutoff valves, gauges, backflow preventers, etc., or other construction, shall not interfere with the installation, removal, operation, servicing or reading of the meter.
- D. No person except a duly authorized employee of the City shall make any connection or disconnection to a water main, meter or meter attachment.
- E. In the case of an existing indoor meter setting, should the customer fail to cooperate with the City to obtain a meter reading by providing access at scheduled reading times or by paying for and requesting a meter reading appointment, the City may discontinue service.
- F. The Water Department employees shall have access to the premises of any customer at all reasonable times for the purpose of inspecting and testing any water meter and reading the records thereof.

**SECTION 28-156. Extension of Water Mains.** [Ord. No. 2011-30 § 5, 7-26-2011]

- A. Upon receipt of a written application for a main extension, the City will provide the applicant with an itemized estimate of the cost of the proposed extension. Such estimate will include cost of pipe, valves, fittings, blocking, labor, booster station, storage facilities, reconstruction of existing mains and direct cost of supervision, engineering, permits and bookkeeping. All main extensions must be approved by the Missouri Department of Natural Resources, and the associated cost of such approval will be the responsibility of the applicant.
- B. Applicants shall enter into a contract with the City for the installation of said extension and shall tender to the City a contribution in aid of construction equal to the estimated cost of construction.
- C. Should the actual cost of the extension be less than the estimated cost, the City shall refund the difference.
- D. The extensions made under this rule will remain the property of the City and the City reserves the right to further extend the main and to connect mains on intersecting streets and easements.
- E. If easements are required on private roads, streets, through private property, a proper easement must be furnished to the City without cost to the City before an extension will be made.

**SECTION 28-157. Lead Ban Rule/Backflow Prevention Rule.** [Ord. No. 2011-30 § 6, 7-26-2011]

A. *Lead.*

1. All material used by the City or any customer in the construction, expansion, modification, improvements or maintenance of the City's water system shall be free of lead. This section does not apply to leaded joints necessary for the repair of cast-iron pipes. The City reserves the right to remove meters from, or otherwise sever the service to, any customer's water system found to contain materials that are not lead free.
2. It is intended by this rule that the City and all customers be aware of, and governed by, the definitions and restrictions imposed by 10 CSR 60-10.040 of the Missouri Code of State Regulations, and Section 1417 of the Safe Drinking Water Act of United States Code, 42 U.S.C. 300g-6.

B. *Backflow.*

1. The customer shall have the rights, duties and responsibilities set forth in Missouri Code of State Regulation Section 10 CSR 60-11.010(7), subject to the additional provisions of Section 10 CSR 60-11.010 in general.
2. The City shall have the rights, duties and responsibilities set forth in Missouri Code of State Regulation Section 10 CSR 60-11.010(8), subject to the additional provisions of Section 10 CSR 60-11.010 in general.

**SECTION 28-158. Improper or Excessive Use.** [Ord. No. 2011-30 § 7, 7-26-2011]

- A. No customer shall be wasteful of the water supplied to the unit by his willful action or inaction. It shall be the responsibility and duty of each customer to maintain all piping and fixtures at the unit in a good and efficient state of repair at all times.
- B. No customer shall make, or cause to be made, a cross-connection between the potable water supply and any source of chemical or bacterial contamination or any other water supply. The City shall deny or discontinue service where a customer's water service line or inside piping may, in the opinion of the City, cause a cross-connection with non-potable water, or otherwise jeopardize the health and safety of other customers or the City's facilities.
- C. No customer shall make or cause to be made any connection to a device that will result in excessive water demand or excessive shock to the City's distribution system.
- D. No customer shall tamper with, remove, or willfully damage a water meter or attempt to operate the shutoff cock on the meter yoke, or allow any such action. Customers shall not attempt to take unmetered water from the City's water mains, either by an unauthorized tap or direct connection to the service line or connection, nor by connection to a fire hydrant pursuant to Section 28-162.
- E. Customers shall not supply water in any way to premises other than the service address, nor permit others to use their hose or attachments.

**SECTION 28-159. Discontinuance of Service by City.** [Ord. No. 2011-30 § 8, 7-26-2011]

- A. The City may discontinue service for any of the following reasons:
  - 1. Non-payment of a delinquent bill.
  - 2. Failure to post a security deposit at time of reconnection.
  - 3. Unauthorized interference, diversion or use of the utility service.
  - 4. Failure to comply with the terms and conditions of a settlement agreement.
  - 5. Refusal to grant access at reasonable times to equipment installed upon the premises.
- B. In any case of discontinuance of service, all monies due, including turn-on fees, delinquent amounts and additional deposits, shall be paid in full prior to restoration of service.

**SECTION 28-160. Billing for Service.** [Ord. No. 2011-30 § 9, 7-26-2011]

- A. Charges for water service shall be those rates and charges as approved by the City.
- B. Customers who have made application for water service shall be responsible for all charges until service is terminated or discontinued.
- C. Customers are responsible for furnishing the City with a correct address. Failure to receive a bill is not considered an excuse for non-payment, nor reason to request an extension when an account is delinquent.
- D. All payments will be made to City Hall, payments received after 3:00 P.M. will be posted the following day. Employees of the City, other than those authorized collectors at City Hall, are not permitted to accept payments.
- E. Neither the City or the customer shall be bound by a bill rendered by mistake of fact as to the quantity of service rendered or as a result of clerical error.
- F. Bills shall be due on the 25th day of each month, unless such a date falls on a weekend, a holiday or a day when City Hall is closed, in which case the due date shall be extended to the next business day. Bills unpaid after the stated due date will be delinquent and subject to a delinquent fee of fifteen percent (15%).
- G. The City may require a security deposit as a guarantee of payment if the customer has been discontinued for non-payment, or the utility service has been diverted or interfered with.

**SECTION 28-161. Rebates, Adjustments, Payments of Disputed Water Bills.** [Ord. No. 2011-30 § 10, 7-26-2011]

- A. *Adjustments.*
  - 1. No adjustment shall be made for water leaks on the customer service lines without the approval of the majority of the members of the Water Review Board, where all members have been notified of such meeting.
  - 2. Any adjustment for a City water customer and/or City business customer will never be for less than the customer's previous twelve-month average water usage and/or



average monthly usage of record, if less than twelve (12) months' history is available. The adjustment shall not exceed fifty percent (50%) of any amount over the previous twelve-month average, if new copper line is installed.

**B. *Disputed Water Bills — Procedure.***

1. Where the Water Review Board has allowed an adjustment due to a leak, dispute or discrepancy, a homeowner, renter, or business owner may be allowed up to three (3) equal monthly installments to pay the disputed amount, as long as their current water bills during that three-month period are paid in full in accordance with Section 28-160.
2. Any adjustment refunds shall be applied as a credit on future water bills of such customer.

**SECTION 28-162. Unlawful to Tamper with Water Mains or Meters — Make Unauthorized Connections to Water.** [Ord. No. 2011-30 § 11, 7-26-2011]

It shall be unlawful for any person to tamper with any water main, or change any water meter, or to make any connection to the waterworks system without written permission from the City, or to reconnect service when it has been disconnected for non-payment of a bill for service, until such bill has been paid in full, including the shutoff and reconnection fee. Any person violating this Section shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation. Any person violating this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or be imprisoned in jail, or both fine and imprisonment.

Division 3

**Rates For Use And Service Of Water Distribution System**

**SECTION 28-163. Water Rates for User within the City Limits Generally.** [Ord. No. 2011-29 § 1, 7-26-2011; Ord. No. 2013-25 § 1, 8-7-2013; Ord. No. 2015-08 § I, 3-24-2015]

All residents and owners of property within the corporate limits of the City having a connection with any mains or pipes used in connection with the City water system shall pay the following rates per month for water used:

<b>Water Consumed</b>	<b>Meter Size (inches)</b>	<b>Rates</b>					
		<b>4/1/2015 through 3/31/2016</b>	<b>4/1/2016 through 3/31/2017</b>	<b>4/1/2017 through 3/31/2018</b>	<b>4/1/2018 through 3/31/2019</b>	<b>4/1/2019 through 3/31/2020</b>	<b>4/1/2020 through 3/31/2021</b>
First 700 gallons, minimum	5/8	\$15.27	\$19.32	\$23.71	\$27.09	\$30.43	\$31.64
First 700 gallons, minimum	1	\$22.16	\$28.04	\$34.41	\$39.31	\$44.16	\$45.91
First 700 gallons, minimum	1 1/2	\$33.67	\$42.60	\$52.29	\$59.74	\$67.11	\$69.77
First 700 gallons, minimum	2	\$47.46	\$60.05	\$73.71	\$84.22	\$94.61	\$98.36
700-2,000 gallons, per 100 gallons		\$0.450	\$0.540	\$0.648	\$0.713	\$0.791	\$0.823
2,000-7,500 gallons, per 100 gallons		\$0.495	\$0.619	\$0.743	\$0.832	\$0.940	\$0.987
7,500-15,000 gallons, per 100 gallons		\$0.588	\$0.764	\$0.917	\$1.101	\$1.255	\$1.330
Above 15,000 gallons, per 100 gallons		\$0.647	\$0.841	\$1.009	\$1.211	\$1.393	\$1.490
Meter charge (monthly)		\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Fire protection per customer (monthly)		\$1.03	\$1.03	\$1.03	\$1.03	\$1.03	\$1.03

**Sprinkler System Rates (Paid Annually)**

<b>Rate</b>	<b>Tap Size (inches)</b>
\$60.27	4
\$135.60	6

**SECTION 28-163.1. Rates for Water Supplied to Party Outside City.** [Ord. No. 2011-29 § 2, 7-26-2011; Ord. No. 2013-25 § 2, 8-7-2013]

The rate to be charged for water supplied through a meter and water line which furnishes water to a resident, party or any entity outside the City limits shall be in accordance with Section 28-163.

**SECTION 28-163.2. Water Rates for Multiple Dwellings and Mobile Home Units.** [Ord. No. 2011-29 § 3, 7-26-2011; Ord. No. 2013-25 § 3, 8-7-2013]

The rate to be charged for water supplied through a compound meter for water per unit that is supplied in the corporate limits of the City shall be determined by establishing an average usage per unit per month being supplied through the compound meter. After such average consumption per unit is determined, the rates shall be in accordance with Section 28-163 and billed to the party responsible for the water hookup.

**SECTION 28-164. Water Connection Fees.** [Ord. No. 2014-31 § I, 12-9-2014<sup>10</sup>]

All new connections to the City's water lines shall be required to pay the following fees. Approval of the City Administrator and Superintendent is also required.

<b>Size</b>	<b>Fees</b>
3/4 inch tap	\$750
1-inch tap	\$1,500
Over 1-inch up to and including 2-inch tap	\$6,500
Any tap over 2 inches	Shall be at the customer's cost; City will inspect only

**SECTION 28-164.1. Classes of Permits — Application — Fee.** [Ord. No. 2014-31 § I, 12-9-2014]

- A. There shall be two (2) classes of building water permits as follows:
  - 1. For residential service.
  - 2. For commercial service and for service to establishments producing industrial wastes.
- B. In the case of either class of permit, the owner or his agent shall make application on a special form furnished by the City. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit fee of two hundred fifty dollars (\$250.00) per water permit shall be paid to the City at the time the application is filed.

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10. Editor's Note: Section III of this ordinance also provided for the renumbering of former §§ 28-164, 28-165 and 28-166 as §§ 28-163.1, 28-163.2 and 28-165, respectively.

**SECTION 28-164.2. When Consumer Must Run Own Water Line.** [Ord. No. 2014-31 § I, 12-9-2014]

Any person, firm or corporation desiring to connect with said municipal waterworks system whose property within the City limits does not abut on any street or alley where a water line exists, or will exist after said system is fully constructed, may, in discretion of the City of Lexington, Missouri, be required to run their own water line from said premises to a point to be designated by the City.

**SECTION 28-164.3. Supervision of Installation.** [Ord. No. 2014-31 § I, 12-9-2014]

The installation of all water service connections up to two (2) inches shall be made by and under the supervision of such personnel of the City of Lexington, Missouri, and all connections shall be supervised and inspected by City personnel. No dual or interconnections by the water service users shall be, at any time, permitted.

**SECTION 28-165. Review of Rates and Charges.** [Ord. No. 2013-25 § 4, 8-7-2013]

The City will at least on an annual basis review the rates and charges for the use of the water system to determine whether such rates maintain sustainability of operations and compliance with financing documents.

**SECTION 28-166. Penalty.** [Ord. No. 2014-31 § I, 12-9-2014]

Any person, firm or corporation found guilty of violating the provisions of Section 28-164 shall be fined not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00).