

ORDINANCE 314

AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA, AMENDING CITY CODE, <u>CHAPTER 52, SEWERS AND SEWAGE</u>
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WHEREAS, the Common Council previously adopted ordinances which are reflected in City Code Chapter 52, Sewers and Sewage; and

WHEREAS, subsequent to the passage of these ordinances, the Common Council voted to change the Organizational Chart for the various departments within the City; and

WHEREAS, the Common Council voted to take the supervision and management of the sewers, sewer works and sewer treatment out of the Operations Department and place the control under the supervision and management of the Wastewater Superintendent /Chief Operator; and

WHEREAS, Chapter 52: Sewers and Sewage needs to be amended to reflect the changes in the Organizational Chart; and

WHEREAS, the Common Council has determined that by making these amendments it is in the best interest of the citizens of the City.

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Common Council that City Code, Chapter 52, Sewers and Sewage be amended and shall read as follows:

CHAPTER 52: SEWERS AND SEWAGE

Section

General Provisions

- 52.01 Definitions
- 52.02 Unsanitary discharges
- 52.03 Private sewage disposal systems
- 52.04 Building sewer permits
- 52.05 Prohibited discharges
- 52.06 Tampering with equipment
- 52.07 Authorized employees permitted to enter premises
- 52.08 Rates; schedule

Sanitary Board

- 52.25 Established; composition; qualifications, appointment and term of members; vacancies
- 52.26 Eligibility of city personnel
- 52.27 Officers and by-laws
- 52.28 Compensation of members and allowances for expenses; bond of Treasurer
- 52.29 Authority as to supervision and control of sewerage system
- 52.30 Statutory authority of Board
- 52.99 Penalty

Cross-reference:

Garbage, refuse and weeds generally, see Ch. 50

Grades and elevations generally, see §§ 10.08 through 10.12

Obstructing, changing or diverting streams, sewers, drains and the like, see § 130.021

Water generally, see Ch. 51

Statutory reference:

Authority of city to establish and maintain a sewer system and sewage treatment and disposal system and to acquire property necessary therefor, see W.Va. Code §§ 8-12-5(32), (33), 8-18-1, 16-13-1

Authority of city to levy assessments for sewer improvements, and to regulate sewer connections, see W.Va. Code §§ 8-18-1 et seq.

Authority of city to make low cost improvements, including construction, repairing and the like, storm, sanitary and combined sewers, see W.Va. Code §§ 8-17-1 et seq.

Authority of city to require certain properties to be connected to public sewer, see W.Va. Code § 8-18-22

Extraterritorial jurisdiction of city for purposes of this chapter, see W.Va. Code §§ 8-12-5(43) and 8-12-19

Municipal sewage works and sanitary districts, see W.Va. Code §§ 16-13-1 et seq.

GENERAL PROVISIONS

§ 52.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOD (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., 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 feet (one and one-half 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 prepared cooking and dispensing of food, and from the handling, storage and sale.

INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

PERSON. Any individual, firm, company, association, society and corporation.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

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

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

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residents, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWAGE 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 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

STORM DRAIN (STORM SEWER). A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted water.

SUPERINTENDENT. The Wastewater Superintendent/Chief Operator for the city.

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.

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

(Ord. 262, passed 8-15-2019)

§ 52.02 UNSANITARY DISCHARGES.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the city, or in any part under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provision of this chapter.

(C) Except a hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(D) The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or rights-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public service in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

(Ord. 262, passed 8-15-2019) Penalty, see § 52.99

§ 52.03 PRIVATE SEWAGE DISPOSAL SYSTEMS.

(A) Where a public sanitary or combined sewer is not available under the provisions of § 52.02(D) of this chapter, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Wastewater Superintendent/Chief Operator. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Wastewater Superintendent/Chief Operator. A permit and inspection fee shall be paid to the city

at the time the application is filed according to the current fee schedule approved by the Sanitary Board.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Wastewater Superintendent/Chief Operator. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Wastewater Superintendent/Chief Operator when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Wastewater Superintendent/Chief Operator.

(D) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Public Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 14,400 square feet. No septic tank or cesspool shall be permitted to discharge to any outlet.

(E) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 52.02(D) of this chapter, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(F) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

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

(H) When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(Ord. 262, passed 8-15-2019) Penalty, see § 52.99

§ 52.04 BUILDING SEWER PERMITS.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Wastewater Superintendent/Chief Operator.

(B) There shall be two classes of building sewer permits: for residential and commercial service; and for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Wastewater Superintendent/Chief Operator. A permit and inspection fee for a residential or commercial building sewer permit and fee for an industrial building sewer permit shall be paid to the city at the time the application is filed according to the current fee schedule approved by the Sanitary Board.

(C) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(D) A separate and independent building sewer shall be provided for every building; except where one 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 building sewer.

(E) Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Wastewater Superintendent/Chief Operator, to meet all requirements of this chapter.

(F) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and A.S.C.E. Manuals of Practice (MOP) MOP 60/WEF MOP FD-5.

(G) 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.

(H) No permit shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M and A.S.C.E. Manuals of Practice (MOP) MOP 60/WEF MOP FD-5. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Wastewater Superintendent/Chief Operator before installation.

(J) The applicant for the building sewer permit shall notify the Wastewater Superintendent/Chief Operator when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Wastewater Superintendent/Chief Operator or his or her representative.

(K) All excavations for building sewer installation 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.

(Ord. 262, passed 8-15-2019) Penalty, see § 52.99

§ 52.05 PROHIBITED DISCHARGES.

(A) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Wastewater Superintendent/Chief Operator. Industrial cooling water or unpolluted process waters may be discharged on approval of the Wastewater Superintendent/Chief Operator, to a storm sewer, combined sewer, or natural outlet.

(C) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer;

(3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works; or

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

(D) No permit shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Wastewater Superintendent/Chief Operator that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Wastewater Superintendent/Chief Operator will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities, in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid vapor having a temperature higher than one 150° F. (65° C.);

(2) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.);

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Wastewater Superintendent/Chief Operator;

(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 degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Wastewater Superintendent/Chief Operator for such materials;

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Wastewater Superintendent/Chief Operator as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Wastewater Superintendent/Chief Operator in compliance with applicable state and federal regulations;

(8) Any waters or wastes having a pH in excess of 9.5;

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or 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; or

(d) Unusual volume of flow or concentration of wastes constituting SLUGS as defined in this chapter.

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

(11) Any waters or wastes having a five-day BOD greater than 300 parts per million by weight; containing more than 350 parts per million by weight of suspended solids; or having an average daily flow greater than 2% of the average sewage flow of the city, shall be subject to the review of the Wastewater Superintendent/Chief Operator. Where necessary in the opinion of the Wastewater Superintendent/Chief Operator, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 300 parts per million by weight; reduce the suspended solids to 350 parts per million by weight; or control

the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Wastewater Superintendent/Chief Operator and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(E) (1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (D) of this section, and which in the judgement of the Wastewater Superintendent/Chief Operator, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Wastewater Superintendent/Chief Operator may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of division (J) of this section.

(2) If the Wastewater Superintendent/Chief Operator 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 Wastewater Superintendent/Chief Operator, and subject to the requirements of all applicable codes, ordinances and laws.

(F) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Wastewater Superintendent/Chief Operator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Wastewater Superintendent/Chief Operator and shall be located as to be readily and easily accessible for cleaning and inspection.

(G) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective.

(H) When required by the Wastewater Superintendent/Chief Operator, 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 Wastewater Superintendent/Chief Operator. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

(I) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be the nearest downstream manhole in the public sewer to the

point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24 hours composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

(J) No statement contained in this section 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 therefore, by the industrial concern.

(Ord. 262, passed 8-15-2019) Penalty, see § 52.99

§ 52.06 TAMPERING WITH EQUIPMENT.

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

(Ord. 262, passed 8-15-2019) Penalty, see § 52.99

§ 52.07 AUTHORIZED EMPLOYEES PERMITTED TO ENTER PREMISES.

(A) The Wastewater Superintendent/Chief Operator 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 chapter. The Wastewater Superintendent/Chief Operator or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) of this section, the Wastewater Superintendent/Chief Operator or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 52.05(H) of this chapter.

(C) The Wastewater Superintendent/Chief Operator and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not

limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 262, passed 8-15-2019) Penalty, see § 52.99

§ 52.08 RATES; SCHEDULE.

The rates and charges for sewage and sewage disposal service provided by it to customers throughout the territory served, are hereby fixed and determined by the Council pursuant to the sewer tariff, P.S.C. No. 12 and as set forth in schedules of rates on file in the office of the City Clerk.

(1991 Code, § 16-6) (Ord. passed 7-28-1949; Ord. passed 10-5-1953; Ord. passed 8-5-1954; Ord. passed 9-18-1958; Ord. passed 3-17-1966; Ord. passed 3-15-1984; Ord. passed 7-7-1994; Ord. 022, passed 2-6-2006; Ord. 057, passed 10-19-2006; Ord. 155, passed 6-21-2012; Ord. 257, passed 11-1-2018; Ord. 266, passed 11-21-2019)

Statutory reference:

Authority and duty of Council to establish and maintain just and equitable rates or charges for use of and services rendered by municipal sewage works and the like, see W.Va. Code § 16-13-16

City itself being subject to same charges and rates as established for other customers, see W.Va. Code § 16-13-17

SANITARY BOARD

§ 52.25 ESTABLISHED; COMPOSITION; QUALIFICATIONS, APPOINTMENT AND TERM OF MEMBERS; VACANCIES.

There is hereby created a Sanitary Board of the city, which shall be composed of the Mayor and two persons appointed by the Common Council, one of whom, during any construction period, must be a registered professional engineer, and the engineer member of the Board need not be a resident of the city. After the construction of the plant has been completed, the engineer member may be succeeded by a person not an engineer. The appointed members of the Board shall serve their terms subject to the will and pleasure of the Common Council. The appointees shall originally be appointed for terms of two and three years respectively and, upon the expiration of each term and each succeeding term, appointment of a successor shall be made in similar manner for a term of three years. Vacancies shall be filled for an unexpired term and such substitutions shall be made in the same manner as was the original appointment.

(1991 Code, § 16-11) (Ord. passed 7-18-1957)

Statutory reference:

Municipal Sanitary Boards, see W.Va. Code Ch. 16, Art. 13, especially §§ 16-13-18 and 16-13-18a

§ 52.26 ELIGIBILITY OF CITY PERSONNEL.

No officer or employee of the city holding a paid or unpaid office or position shall be eligible to appointment on the Sanitary Board until at least one year from the expiration of the term of his or her public office or employment.

(1991 Code, § 16-12) (Ord. passed 7-18-1957)

§ 52.27 OFFICERS AND BY-LAWS.

The Mayor shall be Chairperson of the Sanitary Board, which shall elect a Vice Chairperson from its members and shall designate a Secretary and Treasurer, though the Secretary and Treasurer may be one and the same person, who need not be members of the Sanitary Board. The Vice Chairperson, Secretary and Treasurer shall hold office, as such, at the will of the Sanitary Board. The Sanitary Board shall have power to establish by-laws, rules and regulations for its own government.

(1991 Code, § 16-13) (Ord. passed 7-18-1957)

§ 52.28 COMPENSATION OF MEMBERS AND ALLOWANCES FOR EXPENSES; BOND OF TREASURER.

(A) Each member of the Sanitary Board shall receive such compensation for his or her services as the Common Council may, from time to time, prescribe, and shall be entitled to payment for his or her reasonable expenses incurred in the performance of his or her duties. The Secretary and Treasurer shall be paid such reasonable compensation for their services as the Council may, from time to time, prescribe, and the Treasurer shall give bond in such amount as the Council may, at any time, require.

(B) All compensation, as well as expenses incurred by the Sanitary Board, its officers and employees, shall be paid solely from funds provided under the authority of W.Va. Code Ch. 16, Art.13.

(1991 Code, § 16-14) (Ord. passed 7-18-1957)

§ 52.29 AUTHORITY AS TO SUPERVISION AND CONTROL OF SEWERAGE SYSTEM.

The construction, acquisition, improvement, equipment, custody, operation and maintenance of all works for the collection, treatment and disposal of sewage within or without the corporate limits of the city, the collection of revenues therefrom for the services rendered thereby and the employment of all engineers, architects, inspectors, superintendents, managers, collectors,

attorneys and other personnel, as, in the judgment of the Sanitary Board, may be necessary to the execution of its powers and duties, shall be under the supervision and control of the Sanitary Board.

(1991 Code, § 16-15) (Ord. passed 7-18-1957)

§ 52.30 STATUTORY AUTHORITY OF BOARD.

The Sanitary Board shall have, in addition to the powers enumerated herein, all other powers provided for such boards by W.Va. Code Ch. 16, Art. 13.

(1991 Code, § 16-16) (Ord. passed 7-18-1957)

§ 52.99 PENALTY.

(A) Any person found to be violating any provision of this chapter except § 52.04 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period stated in such notice, permanently cease all violations.

(B) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$100 for each violation. Each 24-hour period, in which any such violation shall continue shall be deemed a separate offense.

(C) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

(Ord. 262, passed 8-15-2019)

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon the date of its final adoption.

PASSED AND APPROVED ON THE FIRST READING: April 20, 2023.

PASSED AND APPROVED ON THE SECOND AND FINAL READING: May 4, 2023.

Attest: Sutton Stokes, City Clerk

Jerry Marco, Mayor