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Title 23 - Sewer Ordinance

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23-10 DEFINITIONS - In this chapter unless the context requires otherwise:

- 23-10-010 B.O.D. - Denoting biochemical oxygen demand, means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade expressed in parts per million (P.P.M.) in weight.
- 23-10-020 Branch Sewer - Means a sewer which receives sewage from lateral sewers from a relatively small area.
- 23-10-030 Building - Means by structure used for human habitation or a place or business, recreation, or other purpose containing sanitary facilities.
- 23-10-040 Building Sewer - And "House Sewer" mean the extension from the building drain to the building connection or other place of disposal.
- 23-10-050 Combined Sewer - Means a sewer receiving both surface runoff and sewage.
- 23-10-060 Consumer - Means the recipient of wastewater treatment services.
- 23-10-070 Contractor - Means an individual, firm, corporation, partnership, or association duly licensed by the State of Arizona to perform the type of work to be done under the permit.
- 23-10-080 Developer - Means any person or persons engaged in the organizing and financing of a sewage collecting system within an area tributary to a trunk sewer of the (city) sewer system. Such may be either a subdivider or a legally constituted improvement district.
- 23-10-090 Garbage - Means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

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- 23-10-100 Industrial wastes - Means all wastewaters of the community excluding sanitary sewage and uncontaminated water.
- 23-10-110 Lateral sewer - Means a sewer which discharges into a branch or other sewer and has no other common sewer tributary to it.
- 23-10-120 Main sewer - Means a sewer which receives sewage from one or more branch sewers as tributaries.
- 23-10-130 Natural outlet - Means any outlet into a watercourse, ditch, or other body of surface or ground water.
- 23-10-140 Permit - Means any written authorization required pursuant to this or any other regulation of (city) for the installation of any sewage works.
- 23-10-150 pH - Means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- 23-10-160 Properly shredded garbage - Means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.
- 23-10-170 Public sewer - Means a sewer controlled by public authority.
- 23-10-180 Sanitary sewer - Means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- 23-10-190 Sewage - or "Sanitary sewage" means any and all waste substances, liquids or solids associated with human habitation, but excluding storm, surface and groundwaters, and industrial waste.
- 23-10-200 Sewage works - Means all facilities for collecting, pumping, treating, and disposing of sewage.

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- 23-10-210 Sewage treatment plant - Means any arrangement of devices and structures used for treating sewage.
- 23-10-220 Sewer connection - Means the connection to the public sewer and the extension therefor of the sewer to the public property line at the alley or the curb line of the street, which ever is applicable, depending on the location of the public sewer.
- 23-10-230 Sewer connection fee - Means the initial sewer connection charge as set forth in Article 2 of this chapter and shall apply to all sewer connections to the public sewer after the effective date of this code.
- 23-10-240 Sewer department - Means those officers and agents of the Tribe supervising sewer operations for the Tribe.
- 23-10-250 Shall - Means mandatory.
- 23-10-260 Storm sewer - Or "Storm drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- 23-10-270 Street - Means any public highway, road, street, avenue, alleyway, place, easement, or right-of-way.
- 23-10-280 Suspended solids - Means solids that either float on the surface of, or are in suspension in, water sewage, or other liquids and which ^{are} ~~are~~ removable by laboratory filtering.
- 23-10-290 Trunk sewer - Means a sewer which receives sewage from may tributary main sewers, and serves as an outlet for a large territory.

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- 23-10-300 User charge - Means the charge made to the recipient of sanitary sewer services by (city) to defray the costs of operation, maintenance and replacement of the sewage collection and treatment facilities of (city).
- 23-10-310 Watercourse - Means a channel in which a flow of water occurs either continuously or intermittently.
- 23-10-320 Tribe - Means the Walker River Paiute Tribe.
- 23-20 SEWER SERVICE -
- 23-20-010 Application for Service - No sewer connection connecting the Tribal sanitary sewer to any consumer shall be made or used by any person or the city except upon written application furnished to the Tribe by the owner, or his authorized agent, of the premises to which sanitary sewer service is to be furnished. An initial sewer connection fee shall be required in addition to a quarterly rental charge for such sanitary sewer connection according to the rates fixed by the Tribe until the service is discontinued by order of the owner or his authorized agent. A charge of \$25.00 shall be made for re-application of service to an existing connection. The initial sewer connection fee is non-refundable.
- 23-20-020 Minimum Charges, Rates, and Payments - The initial sewer connection fee and user charge shall be as determined by the council, by resolution, and shall be reviewed no less often than annually.

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23-30 EXTENSION POLICY -

23-30-010 Plans, Specifications, and Construction - A developer who wishes to extend sewer facilities must employ a civil engineer registered in Nevada to perform the field engineering and prepare detailed plans and specifications for the sewer extension. The final detailed plans and specifications for the main sewer extension must be approved by the Indian Health Services and by the council before construction begins. The design and engineering will be in accordance with the specifications of the Indian Health Services and the Tribe prior to construction. The constructions shall meet the Tribe's specifications, requirements and approval, and will be subject to inspection by the Tribe agents during construction. Subject to the provisions of this chapter, the Tribe agrees to permit the developer to connect into the Tribes existing trunk sewer lines and main sewer line to be constructed by the developer herein provided. Maximum allowable infiltration/exfiltration rate for sewer lines shall be 200 gallons per day per inch diameter of sewer per mile.

23-30-020 Area to be Served - The maximum area to be served by the proposed main sewer line and its ultimate branches and laterals shall be determined by the Tribe's engineer based on local drainage conditions. In the event that the area to be serviced by the developer is lesser in size than the maximum area to be serviced by the proposed main sewer line and its ultimate laterals, the aforesaid main sewer line shall be designed, engineered and constructed to serve the maximum area described heretofore. Should other

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23-30-020cont. parties in the service area desire to join with the developer in constructing the proposed main sewer line, this agreement will be considered as including such additional parties.

23-30-030 Cost of Extension - The developer shall pay the costs for utility extension using one of the following two options:

(a) Option I - The developer shall pay in full for the rights of way, the construction and installation of the lines, pipes and mains, and all other features for the extension.

(b) Option II -

(1) The construction cost of the extension shall be determined and agreed upon prior to the commencement of construction after the developer has submitted a cost breakdown to the Tribe's engineer. The developer for the preparation of plans and staking of the main sewer only, may be included in the agreed construction cost. Costs of lateral and branch sewers and their appurtenances will not be included in the agreed construction cost or in the main sewer project agreement. The Tribe reserves the right to reject the developer's cost breakdown they ^{are} (ate) in appreciable variance with the (city's) estimate.

(2) In the event that the area to be serviced by the developer is the entire area described herein as the maximum service area, then the developer will pay in full for the construction cost and will not be eligible for repayment. In the event that the area to be serviced by

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23-30-030cont. the developer is lesser in size than the maximum area to be serviced by the proposed main sewer line and its ultimate branches and laterals, the Tribe agrees to enter into an agreement with any party desirous of obtaining a connection to said main sewer line. Such agreement will establish a just, equitable and reasonable charge to permit such a connection, such charge to be made, on a cost per acre basis of the area to be served, using the heretofore agreed main sewer line construction cost and maximum service area acreage to determine the cost per acre. The amount of the connection charged will be paid to the Tribe who agrees to repay said amount to the developer, the total of such repayments not exceed that portion of the agreed construction cost of the main sewer line allotted to acreage outside the service area of the developer.

(3) In no way is any such agreement to be construed as including any branch or lateral sewer within the service area.

23-30-040 Charges - Any connection charge shall not affect the right of the Tribe to assess its regular tax charges and sewer user charges against the owners of property within the developer's area. Building or house connection charges shall be paid to the Tribe at the prevailing rate and are not refundable.

23-30-050 Ownership - The Tribe shall have exclusive control of connections to the proposed main sewer line and upon its completion, the aforesaid main line shall become and be the property of the Tribe. Except as otherwise

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23-30-050cont. herein provided, all provisions of the Tribe's code and ordinances or amendments thereto applicable to sewer services including all charges therefore shall apply to services in the proposed area.

23-40 DEPARTMENT AND CONSUMER RESPONSIBILITIES -

23-40-010 Sewer Department Responsibilities and Liabilities -

- (a) The sewer department shall not be responsible for the installation, maintenance or inspection of the consumer's service line piping or apparatus or for any defects therein.
- (b) The sewer department shall have the right to refuse service unless the consumer's lines or piping are installed in such manner as to prevent cross connections or backflow.
- (c) Under normal conditions, the consumer shall be notified of any anticipated interruption of service.
- (d) The sewer department shall not be responsible for the negligence of third persons or forces beyond the control of the sewer department resulting in any interruption of services or damage to the property of the consumer.
- (e) The sewer department may refuse service to any prospective consumer when the capacity of the sewer system will not permit additional loads being placed thereon.
- (f) The sewer department may discontinue its service without notice for the following reasons:
 - (1) To prevent fraud or abuse.

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23-40-010cont. (2) The consumer's willful disregard of or refusal to comply with this chapter or other rules as may be adopted by the council.

23-40-020 Consumer Responsibility -

- (a) Building or house sewer connections on the consumer's premises shall be so arranged as to provide service to one lot. If additional service is required it will be considered as a separate and individual account.
- (b) The consumer's house or building service line, sewer connection and apparatus shall be installed and maintained by the consumer, at the consumer's expense, in a safe and efficient manner and in accordance with the sewer department's rules and regulations and in full compliance with the regulations of the Indian Health Service.
- (c) The consumer shall safeguard the sewer department's property placed on the consumer's premises and shall permit access to it only by the authorized representatives of the sewer department.
- (d) In the event that any loss or damage to the property of the sewer department or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the consumer, his agents or ^{employees} ~~employees~~, the cost of necessary repairs or replacements shall be paid by the consumer to the sewer department and any liability otherwise resulting shall be assumed by the consumer. The amount of such loss or damage or the cost of repairs may be added to the consumer's bill and if not paid, service may be discontinued by the sewer department.

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23-40-020cont. (e) When service to a consumer shall require the laying of any (city) sewer lines or the installation of any other (city) property on, under, across, or over the consumer's property, the consumer will grant to the (city) an easement, right of way, or license for such installation.

23-40-030 Interference with Water Department, Sewer Department or Building Inspector, Digging up Streets without Permit - It is unlawful for any person:

- (a) To interfere in any way with the officers of the Tribal water department, sewer department or building inspector in the discharge of any of their duties, either in the tapping of any sewer pipe, main or lateral belonging to the Tribe or in the laying or connecting of such pipe, main or lateral.
- (b) To dig up or cause to be dug up any street or alley in the Tribe for the purpose of connection with the sewer system of the Tribe without first obtaining a permit from the sewer department.

23-40-040 Unsanitary Disposal of Excrement Prohibited - It is unlawful for any person to deposit in an unsanitary manner upon public or private property within the Reservation or in any area under the jurisdiction of the Tribe any human or animal excrement or other objectionable waste.

23-40-050 Private Sewage System -

- (a) Compliance with Article - Except as provided in this article it is unlawful to construct or maintain within the reservation any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

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23-40-050cont. (b) When Permitted; Sanitation - Where a public sanitary or combined sewer is not available within the reservation or in any area under the jurisdiction of the Tribe the building sewer shall be connected to a private sewage disposal system, which complies with the regulations of the State Department of Health Services. Such private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner.

(c) Discontinuance - Within ninety days after a public sewer becomes available within three hundred feet of any property served by a private sewage disposal system, a direct connection shall be made to the public sewer in accordance with the provisions of this chapter and any septic tanks, cesspools, and similar private sewage facilities shall be abandoned and filled with suitable material.

23-40-060 Tampering with Equipment Prohibited - No 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 municipal sewage works.

23-40-070 Permit Required - 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 form the sewer department.

23-40-080 Application - Upon issuance of a required permit to any person each and every permit issued shall be presented by the person to the sewer department and application made for the building connection.

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23-40-090 Inspection and Approval by Sewer Department or Building Official - No building sewer will be connected to the building connection until it has been inspected and approved by the sewer department or building official.

23-40-100 Records to be Kept by the Sewer Department - The sewer department shall keep a record of all building connections made, the purpose for which they are to be used, together with the name of the owner of the property, his agent or representative.

23-50 USE OF PUBLIC SEWERS -

23-50-010 Prohibited Substances -

- (a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers or drains as are specifically designated as such, or to a natural outlet approved by the Tribe.
- (b) Except as provided in this section no person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:
 - (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit.
 - (2) Any water or waste which may contain more than fifty parts per million by weight or fat, oil or grease.
 - (3) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

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- 23-50-010cont. (4) Any garbage that has not been properly shredded.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grits such as brick, cement, onyx, carbide or any other solid or viscous substance capable of causing interference with the proper operation of the sewer works.
- (6) Any waters or wastes having a pH lower than five and one-half or higher than nine or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitutes a hazard in the receiving waters of the sewage treatment plant.
- (8) Any waters or wastes containing suspended solids of such character and quantity that usual attention or expense is required to handle such materials at the sewage treatment plant.
- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance.

23-50-020 Interceptors Required -

- (a) Grease, oil, and sand interceptors shall be provided when, in the opinion of the sewer department, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any

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23-50-020cont. flammable wastes, sand, and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Grease traps shall be required at all public premises where food is served, such as restaurants, cafeterias, and boarding houses.

- (b) Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- (c) Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

23-50-030 Authority of Sewer Department - The admission into the public sewers of any waters or wastes having any of the following characteristics shall be subject to the review and approval of the sewer department:

- (a) A five day biochemical oxygen demand greater than three hundred parts ~~parts~~ per million weight.
- (b) Containing more than three hundred fifty parts per million by weight of suspended solids.
- (c) Containing any quantity of substance having the characteristics described in Section 23-50-010.
- (d) Having an average daily flow of greater than two percent of the average daily sewage flow of the reservation.

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23-50-040 Preliminary Treatment -

- (a) Federal Pretreatment Regulations - Shall be enforced as applicable.
- (b) Required - Where necessary in the opinion of the sewer department, or for any industrial wastes, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:
 - (1) Reduce the B.O.D. to three hundred parts per million and the suspended solids to three hundred fifty parts per million by weight.
 - (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 23-50-030.
 - (3) Control the quantities and rates of discharge of such waters or wastes.
- (c) Approval - Plans and specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be in accordance with the most recent edition of the Uniform Plumbing Code in effect, and shall be submitted for approval of the sewer department and the engineering division of the Indian Health Services. No construction of such facilities shall be commenced until such approvals are obtained in writing.
- (d) Maintenance of Facilities - Where preliminary treatment facilities are provided for any waters or wastes; they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

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- 23-50-050 Manholes - When required by the sewer department, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation and sampling of wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the sewer department. 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.
- 23-50-060 Tests and Analyses - All tests and analyses of the characteristics of waters and wastes to which reference is made in Sections 23-50-010, 23-50-030, and 23-50-050, shall be determined in accordance with standard methods for examination of water and sewage, and shall be determined at the control manhole provided for in the preceding section or upon suitable samples taken at such control manhole.
- 23-50-070 Special Agreements with Industrial Concerns - No statement contained in this article shall be construed preventing any special agreement or arrangement between the Tribe and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Tribe for treatment, subject to payment therefor by the industrial concern. All industries and entities subject to the Federal Industrial Cost Recovery Regulations shall enter into an agreement with the Tribe in accordance with U.S. EPA regulations.

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23-60 PENALTIES - Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not to exceed \$100.00 and cost of repairs or by imprisonment in jail for not more than 90 days, or both. Each and every day any such violation continues shall be deemed and considered a separate offense. Any person, firm, or corporation violating any provision of this chapter shall become liable to the Tribe for any expense, loss, or damage occasioned the Tribe by reason of such violation.