

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF  
OLIVE BRANCH, MISSISSIPPI ADOPTING THE CITY OF OLIVE BRANCH  
COMPREHENSIVE UTILITY ORDINANCE**

An Ordinance adopting the City of Olive Branch  
Comprehensive Utility Ordinance.

**BE IT ORDAINED** by the Mayor and Board of Aldermen of the  
City of Olive Branch, Mississippi:

**WHEREAS**, pursuant to Section 21-17-5(1) of the Mississippi  
Code (1972) the Mayor and Board of Aldermen have the power to  
adopt any orders, resolutions or ordinances with respect to  
municipal affairs, property and finances which are not  
inconsistent with the Mississippi Constitution of 1890, the  
Mississippi Code of 1972 or any other statute or law of the  
State of Mississippi, and

**WHEREAS**, the Mayor and Board of Aldermen of the City of  
Olive Branch, Mississippi have been granted the authority to  
create, maintain and operate public utility systems within the  
City, and in certain areas outside the City, pursuant to Section  
21-27-23 of the Mississippi Code (1972), and

**WHEREAS**, pursuant to Section 21-27-23(e) of the Mississippi  
Code (1972) the Mayor and Board of Aldermen have the authority  
to establish, maintain and collect rates for the facilities and  
services offered by the systems provided by the City of Olive  
Branch, and

**WHEREAS**, pursuant to Section 21-19-1 and Section 21-19-2 of  
the Mississippi Code (1972) the Mayor and Board of Aldermen have  
the authority to establish, operate, maintain, and charge fees  
for the support of a garbage and rubbish collection and disposal  
system, and

**WHEREAS**, pursuant to the cited authorities, the City of  
Olive Branch has established water, sewer, and natural gas  
utility systems, and other general systems of public utilities  
including sanitation systems, and

**WHEREAS**, the Mayor and Board of Aldermen find that it is in  
the best interest of the citizens of the City of Olive Branch to  
adopt a Comprehensive Utility Ordinance that consolidates into  
one document the various rates, charges, and rules applicable to  
the City's utility systems.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi as follows:

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SECTION I. WATER, SEWER & NATURAL GAS RATES.

A. Water.

Inside City and within one (1) mile:	
Minimum Charge	\$11.60
4,000 - 20,000 Gallon	\$3.131 per thou gal.
Over 20,000 Gallons	\$2.501 per thou gal.

Outside one (1) mile:	
Minimum Charge	\$13.45
4,000 - 20,000 Gallon	\$3.90 per thou gal.
Over 20,000 Gallons	\$2.21 per thou gal.

B. Sewer.

*Each month April through October sewer customers with water usage not requiring sewer treatment may notify the Utility Department of such usage. This notification will allow the customer's sewer bill for the month of said usage to be adjusted to the average winter consumption. Winter consumption will be considered the average consumption for the months of November through March.*

1. SEWER CUSTOMERS RECEIVING WATER FROM THE CITY OF OLIVE BRANCH:

Monthly Base Rate	\$18.00
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Monthly Volume Rate (inside City and within 1 mile)	DCRUA rate plus \$0.392 per 1,000 gal.
outside 1 mile	DCRUA rate plus \$0.392 per 1,000 gal.

**2. SEWER CUSTOMERS RECEIVING WATER FROM SOURCES OTHER THAN THE CITY OF OLIVE BRANCH:**

Monthly Flat Rate	\$36.75
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**3. FIXED OVERHEAD SEWER RATE ADJUSTMENT:**

The Monthly Volume Rate set forth hereinabove contains within it an amount directly attributable to the fixed rate per thousand gallons charged to the City by the Desoto County Regional Utility Authority ("DCRUA rate"). The rate charged by the City of Olive Branch shall be adjusted annually in an amount equal to any increase in the rate charged to the City by DCRUA. The Board of Aldermen does hereby delegate authority to the Mayor, the Director of Administrative Services, and the Utility Manager to implement, on an annual basis, the Fixed Overhead Sewer Rate Adjustment described herein. The intent of the Board is that the sewer rate be adjusted annually, if necessary, to automatically account for any changes in the fixed rate charged to the City by DCRUA, thereby avoiding periods of shortfalls in revenue versus expenses. The Board of Aldermen reserves the right to review and adjust sewer rates in regard to other factors, including other elements of overhead, as necessary and appropriate to meet the needs of the citizens and to comply with State law regarding the establishment of utility rates.

**C. Natural Gas.**

**1. RATE SCHEDULE G-1, RESIDENTIAL GAS SERVICE:**

**a. Availability**

Service under Rate Schedule G-1 is available to residential customers served individually through a separate meter.

b. Rate

For regular monthly billing periods of January through December, inclusive, the rate for service under Schedule G-1 for each monthly billing period shall be the sum of the Customer Charge and the Commodity Charge, each calculated as follows:

Customer Charge:	\$4.29
Commodity Charge:	<p>\$7.335 per thousand cubic feet for the first 2,500 cubic feet.</p> <p>\$5.695 per thousand cubic feet for excess over 2,500 cubic feet.</p>

c. Purchased Gas Adjustment

The commodity charge rate for each Mcf of gas shall be adjusted monthly, up or down by the amount of any corresponding change per MCF of gas delivered to the City of Olive Branch by its principle natural gas supplier and its principle gas transporter. The adjustment shall be calculated by adding all monthly supply charges and then dividing by the quantity of gas purchased in Mcf, rounded to the nearest hundredth of a cent. Each such change shall apply to all billing periods of the City's customers which billing periods begin on or after the date when the corresponding change in the City's cost of gas becomes effective.

d. Rules and Regulations

All service provided hereunder is subject to the Rules and Regulations of the City of Olive Branch Natural Gas Department.

2. RATE SCHEDULE G-2, SMALL COMMERCIAL & INDUSTRIAL GAS SERVICE:

a. Availability

Service under Rate Schedule G-2 is available to any commercial and industrial customers served

individually through a separate meter, with annual consumption of 1,500 Mcf or less. Unless otherwise approved by the City, a customer receiving service under Rate Schedule G-2, after previously receiving service under Rate Schedule G-3, shall not be allowed to return to the Rate Schedule G-3 until at least twelve months have elapsed since service was last received under Rate Schedule G-3.

b. Rate

For regular monthly billing periods of January through December, inclusive, the rate for service under Schedule G-2 for each monthly billing period shall be the sum of the Customer Charge and the Commodity Charge, each calculated as follows:

Customer Charge:	\$10.75
Commodity Charge:	<p>\$6.963 per thousand cubic feet for the first 20,000 cubic feet.</p> <p>\$5.893 per thousand cubic feet for excess over 20,000 cubic feet.</p>

c. Purchased Gas Adjustment

The commodity charge rate for each Mcf of gas shall be adjusted monthly, up or down by the amount of any corresponding change per MCF of gas delivered to the City of Olive Branch by its principle natural gas supplier and its principle gas transporter. The adjustment shall be calculated by adding all monthly supply charges and then dividing by the quantity of gas purchased in Mcf, rounded to the nearest hundredth of a cent. Each such change shall apply to all billing periods of the City's customers which billing periods begin on or after the date when the corresponding change in the City's cost of gas becomes effective.

d. Rules and Regulations

All service provided hereunder is subject to the Rules and Regulations of the City of Olive Branch Natural Gas Department.

3. RATE SCHEDULE G-3, LARGE COMMERCIAL & INDUSTRIAL GAS SERVICE:

a. Availability

Service under Rate Schedule G-3 is available to any commercial and industrial customers served individually through a separate meter, with annual consumption of greater than 1,500 Mcf. Unless otherwise approved by the City, a customer receiving service under Rate Schedule G-3, after previously receiving service under Rate Schedule G-2, shall not be allowed to return to the Rate Schedule G-2 until at least twelve months have elapsed since service was last received under Rate Schedule G-2.

b. Rate

For regular monthly billing periods of January through December, inclusive, the rate for service under the Schedule G-3 for each monthly billing period shall be the sum of the Customer Charge and the Commodity Charge, each calculated as follows:

Customer Charge:	\$31.80
Commodity Charge:	\$5.90 per thousand cubic feet for the first 100,000 cubic feet. \$5.30 per thousand cubic feet for excess over 100,000 cubic feet.

c. Purchased Gas Adjustment

The commodity charge rate for each Mcf of gas shall be adjusted monthly, up or down by the amount of any corresponding change per MCF of gas delivered to the City of Olive Branch by its principle natural gas supplier and its principle gas transporter. The adjustment shall be calculated by adding all monthly supply charges and then

dividing by the quantity of gas purchased in Mcf, rounded to the nearest hundredth of a cent. Each such change shall apply to all billing periods of the City's customers which billing periods begin on or after the date when the corresponding change in the City's cost of gas becomes effective.

d. Rules and Regulations

All service provided hereunder is subject to the Rules and Regulations of the City of Olive Branch Natural Gas Department.

4. RATE SCHEDULE G-4, FIRM INDUSTRIAL POOL PROGRAM:

a. Availability

Service under Rate Schedule G-4 is available to any industrial customers served individually through a separate meter, with annual consumption of greater than 45,000 Mcf. Unless otherwise approved by the City, a customer receiving service under Rate Schedule G-4, after previously receiving service under Rate Schedule G-3, shall not be allowed to return to the Rate Schedule G-3 until at least twelve months have elapsed since service was last received under Rate Schedule G-3.

b. Rate

The rate for the service under Schedule G-4 for each monthly billing period shall be the sum of the Transportation Charge and Commodity Charge, each calculated as follows:

Customer Charge:	\$0.00	
Transportation Charge:	First 2,000,000 cubic feet	\$1.335 per thousand cubic feet
	Next 7,000,000 cubic feet	\$0.847 per thousand cubic feet
	All over 9,000,000 cubic feet	\$0.522 per thousand cubic feet
Commodity Charge:	Price per MMBTU of gas delivered by the City's primary supplier.	

c. Rules and Regulations

All service provided hereunder is subject to the

Rules and Regulations of the City of Olive Branch Natural Gas Department.



5. RATE SCHEUDLE G-5, FIRM INDUSTRIAL  
TRANSPORTATION:

a. Availability

Service under Rate Schedule G-5 is available to industrial customers served individually through a separate meter, with annual consumption of greater than 45,000 Mcf. Unless otherwise approved by the City, a customer receiving service under Rate Schedule G-5, after previously receiving service under Rate Schedule G-4, shall not be allowed to return to the Rate Schedule G-4 until at least twelve months have elapsed since service was last received under Rate Schedule G-4.

b. Rate

The rate for service under Rate Schedule G-5 for each monthly billing period shall be the sum of the Demand Charge & the Transportation Charge, each calculated as follows:

Demand Charge:	\$6.10 per highest daily nominated quantity
Transportation Charge:	\$0.5690 per MMBTU for the first 10,000 MMBTU \$0.4064 per MMBTU for excess over 10,000 MMBTU
Note: BTU content will be the monthly average as established by the City's primary supplier.	

c. Resolution of Monthly Imbalance

All imbalances accrued by customer under Rate Schedule G-5 shall be resolved on a monthly basis pursuant to cash - out provisions herein. At the end of each month, the City of Olive Branch will calculate the customer imbalance. The monthly imbalance shall be calculated by comparing actual consumption to allocated receipts at the City's city gate. If customer has accrued a monthly imbalance such that the total allocated quantities of gas received by the City for Customer's account are less than the total quantities of gas consumed by the Customer, Customer shall pay the City for the Customer's net monthly imbalance (in MMBtu) according to the following:

Index Price (Natural Gas Week, Gas price Report, Delivered to Pipeline, Louisiana-Gulf Coast Onshore, Bid week for month of Deliveries) + \$0.02 + Texas Gas Transmission Zone 1 SGT rate for the month deliveries + Fuel.

If Customer has accrued a monthly imbalance such that the total allocated quantities of gas received by the City for Customer's account are greater than the total quantities of gas consumed by the Customer, City shall pay the Customer for Customer's net monthly imbalance (in MMBtu) according to the following:

0% to 10%	100%
10% to 20%	75%
Greater than 20%	50%

PLUS - Texas Gas Transmission Zone 1 IT rate for the month of deliveries + Fuel.

d. Nominations

Customers must provide written notification of daily-nominated quantity prior to the first day of the month of deliveries. Customer must give written notification of adjustments to the daily-nominated quantity. The minimum daily nomination for any month shall be 200 MMBtu. Unless otherwise approved by the City, the maximum daily nomination shall be the product of the last twelve month's consumption divided by 365 and then multiplied by

1.10.

e. Rules and Regulations

All service provided hereunder is subject to the Rules and Regulations of the City of Olive Branch Natural Gas Department.

**SECTION II. WATER, SEWER, & NATURAL GAS FEES.**

**A. Water and Sewer Fee Schedule.**

		Inside City		Outside City	
		Residential	Commercial	Residential	Commercial
(1)	3/4" Water Connection Fee (Includes Meter Cost)	\$ 600.00	\$ 800.00 *	\$ 600.00	\$ 800.00 *
(2)	1" Water Connection Fee (Includes Meter Cost)	\$ 600.00	\$ 800.00 *	\$ 600.00	\$ 800.00 *
(3)	3/4 or 1" Residential & H. O. A. Water Connection Fee Not Requiring Sewer Treatment (Includes Meter Cost)	\$ 75.00	N/A	\$ 75.00	N/A
(4)	Commercial and Residential Water Connection Fees over 1" (Must Add Meter Cost) *All commercial must be reviewed by Water Dept. before fees are paid	1 1/2"	\$ 850.00	\$ 850.00	\$ 1,050.00
		2"	\$ 900.00	\$ 900.00	\$ 1,150.00
		3"	\$ 1,300.00	\$ 1,300.00	\$ 1,600.00
		4" or Larger	\$ 1,850.00	\$ 1,850.00	\$ 2,150.00
(5)	Water Meter Cost (Includes Setter & Box if Applicable)  *Includes MS Sales Tax	1 1/2"	Actual Cost	Actual Cost *	Actual Cost *
		2"	Actual Cost	Actual Cost *	Actual Cost *
		3"	Actual Cost	Actual Cost *	Actual Cost *
		4" or Larger	Actual Cost	Actual Cost *	Actual Cost *
(6)	Meter Service (Includes repair, replacement , parts and raising or moving)	Actual Cost	Actual Cost	Actual Cost	Actual Cost
(7)	Meter Testing	Actual Cost	Actual Cost	Actual Cost	Actual Cost
(8)	Locate Meter and -or Tap	Actual Cost	Actual Cost	Actual Cost	Actual Cost
(9)	Permit (3 Month Permit)	\$ 26.00	\$ 26.00	\$ 26.00	\$ 26.00
(10)	User Fee	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00
(11)	Unauthorized Turn On	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00
(12)	Tampering and /or Removal	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
(13)	Sewer Connection Fees	\$ 550.00	\$ 700.00 Plus \$100 per Bay if Applicable	\$ 550.00	\$ 700.00 Plus \$100 per Bay if Applicable

**B. Natural Gas Fee Schedule.**

		Inside and Outside City	
		Residential	Commercial
(1)	3/4 Connection Fee	\$ 400.00	\$ 650.00
(2)	1" Connection Fee	\$ 400.00	\$ 650.00
(3)	2" Connection Fee	\$ 400.00	\$ 650.00
(4)	Meters		

	(Includes Meter and Regulator)		
	275 cfh	Actual Cost	Actual Cost*
	415 cfh	Actual Cost	Actual Cost*
	1,200 cfh	Actual Cost	Actual Cost*
	1,600 cfh	Actual Cost	Actual Cost*
	3,000 cfh	Actual Cost	Actual Cost*
	5,000 cfh	Actual Cost	Actual Cost*
	10,000 cfh	Actual Cost	Actual Cost*
	Meter Station	Actual Cost	Actual Cost*
	<i>*Includes MS Sales Tax</i>		
(5)	Meter Service (Includes repair, replacement, parts and raising or moving)	Actual Cost	Actual Cost
(6)	Meter Testing	Actual Cost	Actual Cost
(7)	Locate Meter and -or Tap	Actual Cost	Actual Cost
(8)	Unauthorized Turn On	\$ 300.00	\$ 300.00
(9)	Tampering and /or Removal	\$ 500.00	\$ 500.00
(10)	Gas Service line Extra Footage (Per Running Foot Over 100)	\$ 2.25	N/A

### C. Other fees.

#### Deposits - Water

Residential	\$60.00
Residential (Rental)	\$75.00
Small Commercial/Industrial	\$120.00
Large Commercial/Industrial	Bond or Letter of Credit in an amount as determined by the Utility Manager
Builders/Contractors	\$75.00 per structure

#### Deposits - Hydrant Users

Fire Hydrant Meter 2"	\$2,000.00
Fire Hydrant Meter 3/4"	\$50.00

All hydrant users are required to use a hydrant meter at all times, unless otherwise approved by the Utility Manager. User must provide City with an estimated amount of consumption. All usage will be billed by the City.

Unauthorized users of a fire hydrant will be instructed to apply for a permit from Utility Office. A letter will be issued giving unauthorized user three (3) working days to apply for a permit. If user does not respond a penalty will be imposed. The penalty for unauthorized use of a hydrant is \$150.00 per warning.

Customers using City Fire Hydrant Meter must pay the \$26 permit fee in addition to the deposit. Customer will be billed for all water consumption at applicable water rate plus the user fee. Meter must be returned within 3 months. If not returned a \$10.00 per day penalty will apply. If the meter is damaged, the City will repair the meter and deduct cost from deposit.

A Customer using its own meter must pay the \$26 permit fee. The meter reading must be updated each month. The City MUST see beginning and ending reading and will then bill for consumption at applicable water rate plus the user fee.

<b>Deposits - Gas</b>
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Residential (G-1 Service)	\$120.00
Residential (G-1 Service) (Rental)	\$150.00
Small Commercial/Industrial (G-2 Service)	\$420.00
Large Commercial/Industrial	Bond or Letter of Credit in an amount as determined by the Utility Manager
Builders/Contractors (per structure)	\$75.00

<b>Administrative Fee - Past Due Accounts</b>
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All Users (Gas and Water)	\$40.00
To relight furnace/fireplace heating pilot (free to 62 year old or over/handicapped/disabled)	\$10.00

<b>Returned Checks</b>
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All Users (Gas and Water)	\$30.00
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### **SECTION III. UTILITY SERVICE POLICY.**

Availability: Service from City is available in any area in which the City is authorized to provide service subject to the service extension policy, rates, fees, rules and charges of the City service policy and regulations. Service outside the authorized area is to be negotiated with the City.

Deposits: All users will pay a deposit. Deposits may be waived/transferred due to the following: Move to new home within the City's service area, transferred over to spouse/other, quitclaims, guardianships and deaths, when all balances are paid in full. No deposits on sprinkler meters, Real Estate agencies, HUD agencies or Banks dealing with foreclosed properties. Investment Property owners can either pay a one-time deposit on each property to be put on hold or pay a deposit each time services are put in their name. All others must pay the correct deposit amount.

**Deposits on all meters are payable before service will be connected. All deposits will be applied toward the final bill when service has been cancelled. All bills (accounts) must be current before any other services can be put in customer's name.**

Joint Billing: All bills and statements for water, sewer, gas and garbage service will be billed jointly in one statement.

Delinquency: All bills and statements must be paid in full by due date or a 10% late charge will be assessed on the unpaid balance. An account will be considered delinquent after becoming 10 days past due.

Payment Extension: Extensions may be granted up to 2 weeks only. Balance in full must be paid by promise date. No extension, will be granted if an account is 2 months past due unless approved by the Utility Manager. After two failures of promises to pay, no further extension will be allowed. If balance is not paid by promise date, services will be disconnected the following working day. If customer is under a payment arrangement, customer must pay arrangement amount plus current bills issued by due date. The City will only discuss bills, payment arrangements and disconnection information with the account holder.

Payments: Payment for utility services rendered may be accepted by the City in form of cash, check or money order and credit/debit card. Payment may be accepted by mail, drop box, online or in person at the office. Auto Bank Draft is available; a signed application must be submitted along with a cancelled or voided check. Drafting is usually processed on or before the due date. Bank drafts may be canceled with a 45 day written notice. Information regarding the account will only be discussed with the account holder.

Discontinuation of Service: All services to any customer whose bill has become delinquent may be discontinued by employees of the City 10 days after the bill is due. All accrued charges, penalties and service charges must be paid in full before services will be restored. An administrative fee will apply. No service will be restored after 5:00 pm. If moving from a property, a cancellation form must be filled out by the account holder.

Returned Checks: No check will be re-run through the bank, unless the bank authorizes it. All fees must be paid, unless it's an error by the bank or city. All checks must be paid plus the returned check fee within 15 days of notice, or services will be disconnected. Any customer that has had two or more returned checks may be placed on a cash only status for the duration of the customer's account.

Collections: Any account may be turned over to an agency authorized by the City of Olive Branch to collect any "bad debt" account. A collection fee will be added to the amount due when submitted to the agency.

Unauthorized Connection: If any person connects/disconnects any dwelling or business to the City service system without authority, the City has an option to prosecute such person for tampering with property of the City and theft. A penalty will apply for meter/whip tampering, moving meters from property to property and piping direct.

Separate Customers: Each family dwelling unit shall be serviced by a separate water, sewer and gas line. Each separate business or office shall likewise be serviced by separate service lines. Joint use of water, sewer and gas lines will not be permitted for separate family dwelling or commercial units without the written permission of the City in advance.

Connection Fees Payable: Water, Sewer and Gas connection fees are payable before the meter is set.

Water:       Commercial/Residential Development - must provide drawings to the Public Works Department, make connection, set yolk and meter box/pit. Customer is responsible for own service line.

Residential Not in New Development - the City will make connection, set yolk and meter box. Customer is responsible for own service line.

Gas: Commercial - must provide drawings to the Public Works Department, make connection, and run service lines. The City will inspect gas pressure and set meter.

Residential Development - the City will run service line from tap, inspect gas pressure and set meter. Tap must be located before the City begins. A gas inspection must be performed before meter can be set.

Residential - the City will make connection, run service line and inspect gas pressure and set meter. A gas inspection must be performed before the meter can be connected.

A monthly bill will be collected for each meter after it has been installed. There will be no sewer fee on construction water used by the contractor and/or builder until the structure is sold. Residents building own home will be charged sewer 90 days after connection of City water or 90 days after connection fee is paid. Existing homes connecting to sewer will be charged as of connection date or within 90 days of date connection fee is paid.

Work: The City will perform itself or by contract all work on mains and distribution line extensions. No developer shall be permitted to install mains or distribution lines without the express written permission of the City in advance. If the City must perform work on any customer's property, the customer will assume responsibility of all cost.

Obstruction of Sewer Prohibited: No person shall throw or deposit into the sewer lines or any opening leading thereto, any grease, sticks, cotton, rags, paper (other than toilet tissue) or other substance likely or capable of obstruction of same. Any customer in violation of this regulation shall pay all associated costs due to damages to the City there from.

Leaks: All leaks in any pipe or fixtures on the premises of any customer shall be immediately repaired by the customer. All leaks from the water and/or gas main to the meter will be the responsibility of the City. Generally, with water lines, the customer's responsibility begins at the metal adapter in the yoke; if the meter leak indicator is turning, the problem is the responsibility of the customer. Generally, with sewer lines, the



City is responsible for 21 feet off the curb if the sewer main is in the street and 10 feet off the main if the main is in the yard. If a problem arises in which responsibility cannot be determined by sight, the City will make a dig and repair the problem, but will bill the customer if it is determined by the dig that the problem is on the customer's side of the line. Commercial Property Leaks: On commercial private property, the City is responsible only for leaks at the meter. All other problems, including those on commercial parking lots are the responsibility of the customer.

Damage: The City in no event is responsible for maintaining any service line owned by the customer for any damage done by water, sewer or gas escaping there from. If the City performs any type of work on lines, meters, etc. that do not belong to the City, the City will then bill the customer/developer actual cost of repairs.

1. Water Lines: The City shall maintain the public water lines and the customer will maintain private water lines on their property or structure.
2. Gas Lines: The City shall maintain the public gas lines and the customer will maintain private gas lines on their property or structure. Gas lines located between the main and the meter, and the gas meter, are public. Gas lines beyond the gas meter are a private responsibility.
3. Sewer Lines: The City shall maintain the public sewer lines and the customer will maintain private sewer lines on their property or structure.

Meters: All meters shall be furnished by the City and shall remain City property, and be accessible to and subject to City control. Meters shall be conveniently located at a point-approved by the City and shall be accessible to the City at all times. At the City's discretion, any meter inaccessible to the City may/shall be verified by a City employee on a quarterly basis. Access must be granted by appointment for reading verification and meter equipment inspections.

The quantity of water and/or gas recorded by the meter shall be conclusive on both the customer and the City except where the meter has been found to be registering inaccurately or has ceased to register. In the latter case, the quantity may be determined by the average of the meter when in working order.

In case of a disputed account involving the accuracy of a meter, the meter shall be tested on the request of the customer. A fee applies if the meter is tested accurate or the customer demands a new meter. Once the meter has been set by the City and the service line has been plumbed, any subsequent raising or lowering of the meter becomes the responsibility of the property owner.

Application for Service: All prospective customers shall file an application on forms furnished by the City and pay deposits, tolls or charges prior to connection. Warranty deed and/or Deed of Trust or lease agreement along with valid identification must be provided for new service. Rental customers must have a lease agreement or the application must be signed by the homeowner. All Cancellations/Change of address of services must be in writing by the account holder.

Discontinuation of Service: Service to any customer may be discontinued for any of the following reasons:

1. Misrepresentation in the application as to property or fixtures to be supplied or the use to be made of the water and/or gas supply.
2. For the use of water and gas for any other purpose than that stated in the application.
3. For willful waste of water and/or gas through improper or imperfect pipe fixtures, meters or otherwise.
4. For failure to protect or maintain the connections, service lines or fixtures in good working condition.
5. For failure to pay all rates and charges before they become delinquent.
6. For damaging any service pipe, meter, curb-stop or any other appliance of the City Utility controlling or regulating the water and/or gas supply.
7. In case of vacancy of premises.
8. For violation of policy or regulations of the City Utility Department or any applicable state or federal law.

Services: The City offers a furnace pilot lighting service for an additional fee per unit lighting. If the customer is 62 years of age or older, disabled or handicapped the service is free.

Garbage: All residents within the City limits are required to use the City's garbage service provider.

In Event of Emergency: As necessity may arise, in case of a break, emergency or for unavoidable cause, the City Utility shall have the right to temporarily cut off water and/or gas supply in order to make necessary repairs or connections. The City Utility will use reasonable and practical measures to notify the customer of such discontinuance of service. In such a case, the City Utility shall not be liable for any damage or inconvenience suffered by the customer nor for any claim against it at any time for interruption in service, lessening of the supply, inadequate pressure, a poor quality of water, or for any causes reasonably beyond control.

Reserve for Emergency: The City reserves the right to reserve a sufficient supply of water and/or gas at all times in its reservoirs to provide for fires and other emergencies. The City may restrict or regulate the quantity of water and/or gas used by customers in case of scarcity or whenever the Public Welfare may require it. No Street or lawn sprinkling shall be done at times of water shortage.

Use of Water from Hydrant: No person, except an employee of the City Utility duly authorized, shall take water from any fire hydrant for any purpose except for use by the Fire Department in case of fire. Water shall not be taken from a fire hydrant for sprinkling streets, construction purposes or other purposes without the express written permission of the City Utility and/or the required permit issued. Hydrant meters must be used at all times, unless an exception is approved by the City Utility Department.

Private Fire Lines: Maintenance and repair of private fire lines is the responsibility of the property owner. Fire hydrants must be maintained in good working order. Upon notice from the City, all repairs shall be completed within 90 days. The property owner must make all fire hydrants available to the City for inspection and flushing.

Agreements in Violation of Rules: No agent or employee of the City Utility shall have authority to bind it by any promise,

agreement or representation in violation of these rules and regulations.

Authority of Employees: All employees and agents of the City Utility shall have the authority to enforce all rules and regulations of the City Utility, and with permission of the Mayor, to prosecute any person willfully damaging any property of the City Utility.

#### **SECTION IV. Garbage.**

##### **A. Definitions:**

Bulky Refuse: means discarded appliances such as stoves, water tanks, refrigerators, washing machines and discarded furniture or similar bulky materials having a weight greater than seventy-five (75) pounds and/or volume greater than thirty-five (35) gallons.

Cart: means the wheeled, mechanically dumped, usually plastic container, with a capacity in excess of eighty (80) gallons, as distributed by the City, or its authorized collector for use by the public as a refuse container.

City: means the City of Olive Branch, Mississippi.

Garbage: means every accumulation of both animal and vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruits or vegetables, cans or other containers originally used for foodstuffs.

Hazardous Substance: means any substance which (a) is designated as hazardous, toxic or dangerous or similarly designated under any Environmental Laws, (b) is regulated under any Environmental Laws or by any governmental or quasi-governmental agency, or (c) could be a hazard to health, safety or property values. Without limiting the foregoing, the term "Hazardous Substance" shall also include underground storage tanks, asbestos, urea formaldehyde insulation, polychlorinated biphenyls (PCBs), dioxins and petroleum products. Moreover, the term "Hazardous Substance" also shall mean any form of explosive, radioactive material, hazardous waste, toxic substance, or related material, any material which is in fact hazardous to life or property and any other substances and/or material defined or designated as a hazardous or toxic substance, or waste by any federal, state or local law or environmental statute, regulation, or ordinance.

Industrial Waste: means all such refuse peculiar to industrial, manufacturing or processing plants and shall include hazardous refuse.

Person: means every natural person, firm, partnership, association, limited liability company or corporation.

Public Place: means parks, docks, wharves, water or open adjacent spaces thereto and public yards, grounds and areas and all open spaces between buildings and streets and in view of such streets.

Refuse: is a comprehensive term meaning any worthless material leaving to be discarded, including, but not limited to, garbage, bulky refuse, rubbish and industrial and hazardous substance.

Rubbish/trash: means all non-putrescible solid waste except building material, bulky refuse, hazardous substance and industrial waste.

Public View: means being in view from the front view of the residence.

Environmental Laws: means all law relating to hazardous waste, chemical substances or mixtures or hazardous, toxic, dangerous or unhealthy substances or conditions or relating to the interaction of the use or ownership of property and the environment, whether such law is: (a) criminal or civil, (b) federal, state or local, or (c) statutory, common law or administrative rules, regulations, orders and/or decrees.

## **B. DEPARTMENT OF SANITATION SERVICES ESTABLISHED**

The City Sanitation Department is established under the supervision of the Public Works Director and Utility Manager and functions under the control of the Mayor and Board of Aldermen.

## **C. EXCLUSIVE COLLECTION**

It shall be unlawful for any person other than the City to engage in the business of collecting, removing and disposing of garbage and rubbish in the City, except those private collectors specifically authorized to do so in nonresidential collection and except where the City contracts for disposal of garbage and rubbish.

## **D. JURISDICTION**

The removal and final disposition of all refuse from premises in the City shall be under the jurisdiction of the Public Works Director and Utility Manager, both of whom serve under the control of the Mayor and Board of Aldermen.

**E. PROMULGATION OF RULES AND REGULATIONS**

The Public Works Director and Utility Manager, subject to the approval of the Mayor and Board of Aldermen, may make such rules and regulations as are not inconsistent with the provisions of this Ordinance as may be necessary or desirable to aid in the administration of and securing compliance with the provisions of this Ordinance.

**F. COLLECTION AND DISPOSAL OF INDUSTRIAL WASTE, PATHOGENIC AND RADIOACTIVE WASTE AND SALVAGEABLE MATERIALS**

1. *Industrial and hazardous waste.* All industrial waste and hazardous substance shall be disposed of by the industry, manufacturer or processing plant generating such waste under such methods and conditions as required by federal, state and local regulations.
2. *Pathogenic and radioactive waste.* All pathogenic and radioactive waste shall be disposed of by the hospital or institution generating such waste under such conditions as required by federal, state and local regulations.
3. *Salvageable material for reclamation.* Persons engaged in collecting or purchasing for resale paper, cardboard, rags and scrap metals for reclamation purposes shall be exempted from the provisions of this Ordinance insofar as other more specific regulations of the city, county, or state apply to maintaining standards of health and cleanliness, preventing nuisances, preventing interference with refuse containers and preventing littering.

**G. CONTAINERS REQUIRED; SPECIFICATIONS**

1. *Duty to provide.* It shall be the duty of every person in possession, charge or control of any premises where garbage is created or accumulated and in the case of multiple dwellings or multiple occupancy, the owner of the premises, at all times to keep or cause to be kept a sufficient number of containers for the deposit of garbage generated on the premises. It shall be

incumbent upon every person in possession, charge or control of any premises to which a City-provided cart has been issued to insure the security of such cart from the perils of theft and damage at times other than when the cart is curbside during permitted hours set out in Section IV(S), or at times otherwise established by the Utility Manager or Mayor.

2. *Container requirements.* Lids or covers of such containers shall be tightly closed at all times other than when refuse is being deposited therein or removed therefrom. Containers used for the deposit of refuse for collection by the City shall be in good condition so that collection thereof shall not injure the person collecting the contents. Containers having ragged or sharp edges or other defects must be promptly repaired or replacement requested by the customer.
3. *Fifty-five gallon drums prohibited.* Fifty-five gallon drums are prohibited from use as containers for garbage or other refuse. It shall be the duty of both the person in possession, charge or control of any premises as well as the owner of the premises to comply with the provisions of this section regarding the cleanliness of the premises and keeping containers properly closed.

#### **H. LOCATION OF CONTAINERS**

1. Carts shall be placed immediately adjacent to the curb at least five (5) feet away from any mailbox, light/sign post, hydrant or other structure; if there is no curb, the cart shall be placed adjacent to a paved roadway, but not placed in the street. Carts shall be placed in front of the residence of the cart owner. The Utility Manager may grant waivers as to cart location in the event of a hardship.
2. Where front yards are fenced, the cart must be placed outside area that is fenced, but not in street. Sanitation personnel will not enter fenced area for collection of refuse.
3. The Utility Manager may grant waivers of this section in hardship cases.

4. City collectors shall not enter any structure for the collection of refuse nor shall they accept any gratuities from persons served.
5. Refuse shall not be stored in close proximity to other personal effects which are not desired to be collected, but shall be reasonably separated in order that the collectors can clearly distinguish between what is to be collected and what is not.

**I. COVER OF TRUCKS**

Any vehicle hauling materials for dumping shall be enclosed at the sides and the back and covered with a tarpaulin or other means so as to reasonably avoid spilling refuse, disseminating odors and attracting insects.

**J. LEAVES, LIMBS, ETC.; PLACEMENT FOR COLLECTION; PROHIBITED IN CARTS; MISCELLANEOUS**

1. Leaves, grass cuttings and garden trimmings, weeds and roots from which all dirt has been removed shall be deposited in disposable containers, not placed in carts, and placed adjacent to the front property line (curb) at least five (5) feet away from any mailbox, light/sign post, hydrant or other structure. Disposable containers for such rubbish shall be cardboard cartons or plastic bags or moisture-resistant paper bags and such containers shall have tops, ties or other means of preventing spillage, scattering or blowing away of the rubbish and be moistureproof or kept dry and be of sufficient strength to contain the refuse without spillage during handling. They shall not exceed in size the approximate capacity of a thirty-gallon regulation garbage container, which is considered the maximum size for manual lifting by a collector.
2. Accumulation of magazines, newspapers, glass and plastic products shall be placed in City-provided recycling bins and positioned adjacent to curb at least five (5) feet away from any mailbox, light/sign post, hydrant or other structure for collection.
3. Bulky refuse and tree trimmings shall be separated from other refuse and neatly placed adjacent to the front property line immediately behind the curb at



least five (5) feet away from any mailbox, light/sign post, hydrant or other structure.

4. Limbs or logs shall be no larger in diameter than four (4) inches and no longer in length than six (6) feet.
5. All garbage shall be drained of liquids before being placed in the cart.
6. Gasoline, solvents, hot ashes, dirt, bricks, concrete, leaves, limbs, grass cuttings or garden trimmings are strictly prohibited from being placed in the cart.

#### **K. SERVICE FEES FOR COLLECTION**

The following monthly fees are established for the collection, removal and/or disposal of garbage and rubbish. Fees are established on the basis of one (1) cart per customer per address.

Residential Customers	\$8.63
Nonresidential (small commercial) Customers	\$8.63

#### **L. SPECIAL COLLECTION SERVICES**

The Utility Manager may provide for the collection and removal of refuse at times in addition to those when regular collection service is provided.

#### **M. NURSERYMEN, CONTRACTORS TO REMOVE REFUSE**

Every nurseryman or other person who cuts trees or trims shrubs or grass as an independent contractor and not as a regular employee of the occupant of the premises shall remove or cause to be removed all refuse from the premises serviced by him. If the contractor fails to remove the cuttings, the owner, occupant or person in charge or control of the premises shall cause the refuse to be privately removed. In cases where the owner, occupant or person in charge of the premises fails to remove or cause to be removed the refuse, the City may initiate the necessary action to have refuse removed. If the City initiates action to remove refuse, the City may proceed under Miss. Code Ann. Section 21-19-11 to consider whether the conditions of the property constitute a menace to the health and welfare of the community, and if so, the City may proceed pursuant to said statute and assess costs against the property owner as provided by law.

**N. RESPONSIBILITY FOR REMOVAL OF BUILDING DEBRIS, RESTRICTIONS FOR WASTE AT CONSTRUCTION SITES**

1. Building debris including, but not limited to, scrap lumber, plaster, carpet, roofing, concrete, brickbats and other types of construction debris generated as a result of construction, repair, remodeling or demolition of any building on private property will be the responsibility of the contractor to remove and dispose in an approved landfill. If contractor fails to remove or cause to be removed, the owner, occupant or person in charge of the premises shall remove or cause removal of such refuse.
2. It shall be unlawful for any construction and/or demolition contractor to fail to provide an on-site enclosed container or an on-site enclosed area for loose debris, paper, building material waste, scrap building material, and other trash on the site. All such materials shall be containerized by the end of each day, and the site shall be kept in a litter-free condition. The number and/or size of enclosed containers or enclosed areas shall be adequate to contain debris generated on site. Dirt, mud, construction materials or other debris deposited upon any public right-of-way or street as a result of construction or demolition shall be removed by contractor by the end of each day. Dirt, mud, construction materials or other debris deposited upon any private property (aside from dirt used as fill material) as a result of construction or demolition shall be confined to the site and removed by contractor upon completion of the job.
3. All refuse or other such material generated at loading dock sites or other commercial sites on private property must be collected in an enclosed container or in an enclosed area. The number and size of such containers must be adequate for such collection. Preparation of such materials for collection shall be as required elsewhere in this Ordinance. The tops, lids, doors or openings to any dumpster or other container or enclosed area shall be closed and tightly secured except when such material is being loaded or unloaded, so that littering or scattering of such debris outside the confines of such site is prevented.

**O. NUISANCES; INSPECTION OF PREMISES**

It shall be unlawful for any person in possession, charge or control of any premises to keep, cause to be kept or allow the keeping on any premises within the corporate limits of the City any refuse in such manner that it will become offensive or deleterious to health or likely to cause disease, and the same is hereby declared a public nuisance. City representatives are hereby authorized to inspect any premises in the City for the purpose of seeing that the requirements of this Ordinance are being complied with.

**P. INTERFERENCE WITH CONTAINERS; SCAVENGING**

1. No person, other than the owner or person lawfully in control of any premises, or any authorized employee or collector of the City shall interfere in any manner with a container used for the accumulation or handling or refuse or remove any such container from the location where it shall have been placed; nor shall any such person pilfer or remove the contents from any such container.
2. It shall be unlawful for any person, firm or corporation to deposit or permit or suffer its agents, servants or employees to deposit household or commercial waste in or about the anti-litter cans or like receptacles provided by the City in various public places in the City.
3. It shall be unlawful for any person, firm or corporation to engage in the business of scavenging garbage or refuse and/or disposing of the same within the City corporate limits.

**Q. UNLAWFUL DISPOSAL**

It shall be unlawful for any person to dispose of or cause to be disposed any refuse or other waste materials upon any property other than a permitted disposal site as designated by the City.

**R. LITTERING**

It shall be a misdemeanor for any person to place any garbage, straw, dirt, chips, shells, nails, iron, glass, fruit peelings, melon rinds, paper, shavings, rags, gravel, brick, building debris or other refuse or other obnoxious substance on any street, sidewalk, alley, public park, parkway, square or other

place in the City or on the property of another person, or to violate any of the requirements of this Ordinance.

**S. HOURS DURING WHICH CARTS MAY BE PLACED AT CURBSIDE**

1. It shall be unlawful for any person in possession, charge of or control of any premises to allow the cart and/or recycling bin assigned to or used by that premises to remain in public view at any time other than between the hours of 6:30 p.m. of the day preceding the scheduled collection day and 11:59 p.m. on the scheduled collection day.
2. The Utility Manager or Mayor may, during inclement weather and other extreme circumstances, extend or otherwise modify the above-stated hours in order to perfect the completion of a collection route.

**T. PENALTY**

Violation of any section of this Ordinance shall constitute a misdemeanor and shall be punishable by fine not to exceed Five Hundred Dollars (\$500.00) or up to thirty (30) days in jail or up to thirty (30) days of community service or a combination of each. Each day of violation shall constitute a separate offense.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed as separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION V. SEWER USE.**

**A. Definitions:**

BOD: (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of the sample under standard laboratory procedure in 5 days at 20 degree 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 5 feet (1.5 meters) outside the outer 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. Combined sewers shall not be allowed.

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, trade, or business as distinct from sanitary sewage as defined in 40 CFR 35.905.

Natural Outlet: any outlet into a watercourse, pond ditch, lake or other body of surface or groundwater.

Person: any individual, firm, company, association, society, corporation or group.

ph: the negative of the logarithm of the concentration of hydrogen ions in moles 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  $\frac{1}{2}$  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 residences, 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, transporting, pumping, treating, and disposing of sewage.

Sewer: a pipe or conduit for carrying sewage.

"Shall" is mandatory; "May" is permissive.

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 5 times the average 24 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 water.

Superintendent: the City Engineer of the City of Olive Branch or his authorized deputy, agent, or representative, or independent contractor duly authorized to perform the functions of the Superintendent.

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.

City: the City of Olive Branch, Mississippi, or, when appropriate the context, its duly authorized representative.

Watercourse: a channel in which a flow of water occurs, either continuously or intermittently.

## **B. Use of Public Sewers Required**

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Olive Branch, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the City of Olive Branch, or any area under the jurisdiction of said City, any sewage or polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, unless approved by the City

and/or the Department of Health and subject to Section V(C) of this Ordinance.

4. 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 or combined 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 if reasonably available, or an approved private sewage disposal system if such public sewer is not reasonably available, in accordance with the provisions of this ordinance. If an onsite pressure system is required for a new service connection to the public sewer, through no fault (as determined by the Superintendent and/or City Building Official) of the owner or owner's contractor, the City shall provide such facility and service at the City's expense. If an onsite pressure system is required for a new service connection to the public sewer due to construction or site selection errors committed by an owner or owner's contractor, then operation and maintenance costs for any such facility shall be the responsibility of the owner or user.
5. It shall be unlawful for any person, establishment or corporation to discharge to the sewer system any pollutant except in compliance with Federal standards promulgated pursuant to the Clean Water Act, and any more stringent State and Local Standards.

#### **C. Private Sewage Disposal**

1. Where a public sanitary or combined sewer is not available under the provisions of Section V (B)(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this ordinance.
2. Before commencement of construction of a private sewage disposal system the owner shall first obtain approval from the Department of Public Health.

3. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Mississippi. No building permit shall be issued for any property utilizing a private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than one (1) acre. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
4. At such time as a public sewer becomes reasonably available to a property served by a private sewage disposal system, as provided in Section V (B)(4), a direct connection shall be made to the public sewer in compliance with this ordinance upon the failure or malfunction of the private sewage disposal system and the failure of the owner or user of such system to remedy the failure in accordance with applicable Department of Health and Department of Environmental Quality standards. It shall be a violation of this ordinance for a new private sewage disposal system to be installed after such time as the public sewer, in the opinion of the Superintendent, becomes reasonably available to a property. Upon the discontinuation of use of any private sewage disposal system, including but not limited to any septic tanks, cesspools, and similar private sewage treatment systems, said system shall be filled with suitable material and cleaned, or removed in its entirety.
5. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
6. No statement contained in this ordinance shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

**D. Building Sewers and Connections**

1. 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 Superintendent.



2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his 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 judgment of the City Engineer. Permit and inspection fees shall be paid to the City at the time the application is filed.

As a condition for authorization to dispose of industrial wastes through the municipal system, the industrial applicant for a sewer permit shall provide the City with information describing wastewater constituents and characteristics, and the type of activity and quantity of production.

3. 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.
4. 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 and the whole considered as one building sewer.
5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Engineer to meet all requirements of this ordinance.
6. 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 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 American Society for Testing and Materials (ASTM) shall apply.

7. 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.
8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials shall be approved by the Building Official before installation.
10. The applicant for the building sewer permit shall notify the Building Official when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Building Official or his representative.
11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to prevent the public from hazard. Streets, sidewalks, parkway, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

#### **E. Use of the Public Sewers**

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling

water, or unpolluted industrial process waters to any sanitary sewer.

2. Stormwater and all other unpolluted drainage shall be discharged to such sewers, as are specifically designated as storm-sewers, or to a natural outlet approved by the City Engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Engineer, to a storm sewer or natural outlet.
3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either single 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 0.05 mg/l as CN in the wastes as discharged to the public sewer.
  - c. Any waters or wastes having a ph lower than 6.0, or greater than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
  - d. 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, etc. either whole or ground by garbage grinders.

4. 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. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in 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:
  - a. Any liquid or vapor having a temperature higher than 120 degrees F, (49 degrees C).
  - b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 150 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F and (0 and 65 degrees C).
  - c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the City Engineer.
  - d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
  - e. Any water 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 City Engineer for such materials. (For Industrial Processes Wastes, see Section V (E)(5).

- f. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the City Engineer as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
  - g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Engineer in compliance with applicable State or Federal regulations.
  - h. Any waste prohibited by Environmental Protection Agency standards 40 CFR 403 or other applicable regulations.
5. All industrial and commercial process wastewater shall be pretreated prior to discharge to the public sewer, if necessary, in accordance with the provisions of the United States Environmental Protection Agency, the Mississippi Department of Environmental Quality, and/or the City, whichever is more stringent. The minimum pretreatment requirements are as follows:

Parameter	Maximum Concentration (mg/l)
BOD	300
Oil or Grease	150
Arsenic	0.05
Barium	5
Boron	1
Cadmium	0.05
Chromium	0.1
Copper	0.05
Cyanide	0.05
Lead	0.1
Manganese	1
Mercury	0.05
Nickel	0.1
Selenium	0.05
Silver	0.1
Zinc	0.1
TSS	300

\*Any non-conventional parameter that is specific to an industrial process that results in a discharge BOD5, SS and TKN may be increased by written approval of City Engineer for limited periods of time.

- a. The determination of limits for these parameters shall be based on any applicable EPA categorical industrial guidelines, receiving stream quality standards/criteria, biological process threshold inhibition levels and sludge quality criteria.

As a condition for authorization to dispose of industrial wastes through the municipal system, the industrial applicant for a sewer permit shall provide the City with information describing wastewater constituents and characteristics, and the type of activity and quantity of production.

6. 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 Section V (E)(4 and 5) of this Ordinance, and which in the judgment of the City Engineer may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City Engineer 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 provisions of Section V (E)(10).

If the Superintendent permits the pretreatment or equalization of wastes 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.

7. Grease, oil, and sand interceptors/separators shall be provided when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any 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 City Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.
8. 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.
9. When required by the City Engineer, 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 City Engineer. The manhole shall be maintained by the owner so as to be safe and accessible at all times.
10. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association, Methods for Chemical Analysis of Water and Wastes published by EPA, and 40 CFR 136 or other applicable regulations and shall be determined at the control manhole provided, or upon suitable samples taken at said 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 effluent of constituents upon the sewage

works and determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 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 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples).

11. No statement contained in this Ordinance shall be construed as preventing any industrial waste of unusual strength or character from being accepted by the City for treatment, subject to payment therefore by the industrial concern and approval by the City Engineer.

#### **F. Protection from Damage**

1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to arrest and prosecution pursuant to applicable law.

#### **G. Powers and Authority of Inspections**

1. The Superintendent and other duly authorized employees of the City, State, and Federal Government, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The 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 point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
2. While performing the necessary work on private properties referred to in Section V (G)(1) above, the Superintendent or duly authorized employees of the City, State, and Federal Government shall observe all safety rules applicable to the premises established by



the company. The company is responsible for providing access as required in Section V (E)(9).

3. The Superintendent and other duly authorized employees of the City, State, and Federal Government 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 sewage work 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.

#### **H. Penalties**

1. Any person found to be violating any provision of this ordinance (except Section V (F) which shall be punished as provided by law) 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 of time stated in such notice, permanently cease all violations.
2. Any person who shall remain in violation of the ordinance beyond the time limit provided for in Section V (H)(1), shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding the maximum jurisdiction of the court for each violation. Each day in which any such violation continues, shall be deemed a separate offense. Additionally, chronic violation of the terms of this ordinance may result in discontinuation of City sewer service and other related services as well as referral to the proper environmental and public health authorities
3. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

#### **I. Validity.**

1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

## **SECTION VI. Cross Connection**

### **A. Purpose.**

As required by applicable Mississippi law and the regulations of the Mississippi State Department of Health, this Cross Connection Control Ordinance has been officially adopted by the Mayor and Board of Aldermen of the City of Olive Branch, owner of the public water system within the City and within the City's certificated areas, to protect the drinking water from possible contamination.

## **B. Definitions:**

1. Water System: Whenever this term is used in this document it shall mean the public water system of the City of Olive Branch, Mississippi.
2. Potable Water: Water that is acceptable for human consumption.
3. Non-Potable Water: Water not acceptable for human consumption or of unknown quality.
4. Cross Connection: Any arrangement of piping where a potable water line is connected to non-potable water; it may be a pipe-to-pipe connection where potable and non-potable water lines are directly connected, or a pipe-to-water connection where the potable water outlet is submerged in non-potable water. If the potable and non-potable source are separated by gate valves, check valves or devices other than the appropriate backflow preventer as outlined by this ordinance, a cross connection exists. By-pass arrangements, jumper connections, swivel or change over assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross connections.
5. Backflow: The reversal of normal flow direction where water flows from the intended point of delivery towards the supply.
6. Back Pressure Backflow: Backflow caused by a lower pressure in the potable supply than at the point of delivery.
7. Back Siphonage Backflow: Backflow caused by a negative pressure in the potable supply line.
8. Health Hazard, (High Hazard): Contamination with the potential to endanger the health and well-being of the consumer.
9. Non-Health Hazard (Low Hazard): Contamination that will not endanger the health of the consumer, but does not meet established water quality standards for public water systems.

10. Flushing Program: Customer may establish a Flushing Program, approved by the City, that provides for flushing the Water System frequently enough to maintain the water in a potable condition.

**C. Backflow Preventions Assembly Requirement.**

1. Elimination and Protection of Cross Connections. Cross connections occurring within the Water System shall be eliminated or protected with the appropriate backflow preventer. Cross connections are eliminated by establishing an air gap between the potable and non-potable sources. Cross connections are protected by installing the appropriate backflow preventer. It shall be the responsibility of the owner of the cross connection to eliminate the cross connection or protect the cross connection with a backflow preventer approved by the Water System.
2. Connections to Sewer. Direct connections, permanent or temporary, between the Water System and a sanitary or storm sewer are prohibited.
3. Home Wells. Connection to any City source of water other than that provided by the Water System including home wells, is prohibited unless a backflow preventer approved by the Water System is installed.
4. Approved Backflow Prevention Assemblies. Only backflow prevention assemblies approved by the Mississippi State Department of Health shall be installed on this Water System to comply with this ordinance.
5. Installation Requirements. Reduced pressure principle assemblies, double check valve assemblies, and pressure vacuum breakers shall be installed in a manner and location that provides adequate access for testing and repair of the assembly. Reduced pressure principle assemblies and double check valve assemblies shall not be subject to possible flooding. Reduced pressure principle assemblies and double check valve assemblies shall not be installed in a pit or enclosure below ground level.

**D. Responsibility of Water System.**

1. Surveys. An authorized agent of the Water System, utilizing written guidelines published by the Mississippi State Department of Health, shall conduct surveys and on-site visits as necessary to locate existing cross connections. Single family dwellings and multi-family dwellings designed to house no more than eight families shall not be included in this survey unless the officials of the Water System have reason to believe a cross connection exists. The survey of the Water System shall be completed by an individual approved by the Water System. Upon completion of this survey, the responsible official of the Water System shall certify to the Mississippi State Department of Health, on forms provided by the Department, that the required survey has been properly performed and completed in accordance with the written guidelines published by the Department.
2. Right of Entry. The Water System, acting through its authorized agent, shall have the right to enter any non-residential building, during reasonable hours, to inspect the plumbing system installed in any such building or premises provided prior notification of the inspection is given. The authorized agent shall first obtain consent of the owner to enter any single family dwelling.
3. Classification of Hazard. Each cross connection found will be classified as High Hazard or Low Hazard by the authorized agent of the Water System. If a connection is found to be a high hazard cross connection, the owner of the connection shall be notified in writing within ten (10) days, that the cross connection must be eliminated or protected by the installation of a backflow preventer approved by the Water System within 90 days of notification. If the connection is found to be a low hazard cross connection, the owner of the connection shall be notified in writing within 10 days, that the connection shall be eliminated or protected by a backflow preventer approved by the Water System within one year of notification. An additional option, an approved Flushing Program, is also available to Customers who have Low Hazard Class 1 Fire Sprinkler Systems.

4. Selecting the Appropriate Backflow Preventer. It shall be the responsibility of the Water System, acting through its agent, to determine the type of backflow preventer required at each cross connection and the location where the backflow preventer will be installed. The type of backflow preventer and the required installation location will be selected by the Water System utilizing guidelines published by the Mississippi State Department of Health.
5. Existing Backflow Preventers. Any backflow prevention device or assembly installed on the Water System to protect the Water System against the possibility of backflow from a customer's water service prior to the adoption of this ordinance shall be governed by this ordinance. Existing backflow preventers shall be inspected and tested within 90 days of identification.
6. Review of Meter Applications. The Water System, acting through its authorized agent, shall review all applications for new meters to determine if a cross connection will be created. The Water System shall require the installation of an approved backflow preventer at all new connections where a cross connection will be created.
7. Inspections. The Water System, acting through its authorized agent, will periodically inspect any connection to the water system as deemed necessary to insure cross connections have not been created. These inspections may be conducted without prior notice to the customer.
8. Record Keeping. The Water System shall maintain records of the type, size and location of each backflow preventer installed in the system, when each backflow preventer is due to be tested, and the results of each test. Records shall be maintained for five (5) years from date of test and inspection.

**E. Testing of Backflow Preventions Devices.**

1. Tests Required. Each reduced pressure principle backflow prevention assembly, double check valve assembly, and pressure vacuum breaker shall be tested immediately after installation, after repairs of any kind, and annually. Any backflow preventer found to be

non-functional shall be repaired and re-tested within 14 days of the initial test.

2. Certified Testers. Only backflow preventer testers certified by the Mississippi State Department of Health shall test backflow preventers located in the Water System.
3. Notification. The Water System shall notify the owner of each backflow preventer 60 days prior to the date that the backflow preventer is scheduled to be tested.

**F. Violation and Penalties.**

1. Refusal of Inspection. If the owner refuses to let the authorized agent of the Water System perform the necessary inspections to determine if a cross connection exists, the Water System shall require that a reduced pressure principle backflow prevention assembly be installed at that service connection.
2. Maintaining a Cross Connection. If the owner, after having been informed that a cross connection exists at his property, refuses to eliminate or protect the cross connection through the use of the appropriate backflow preventer, water service to the connection shall be terminated until such time as the owner complies with Mississippi State Department of Health regulations.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi:

1. This Ordinance shall be effective March 1, 2020. To the extent required, City staff is hereby authorized to petition the Public Service Commission for approval of any provisions applicable to areas subject to the jurisdiction of the Commission.
2. Chapter 42, Articles I, II, III, V, VI and VII of the City of Olive Branch codified Code of Ordinances as maintained by Municode are repealed in their entirety, and replaced by the contents of the City of Olive Branch Comprehensive Utility Ordinance set forth herein. The City Clerk is hereby directed to coordinate with Municode for the proper deletions, additions, and revisions to the codified Code of

Ordinances. It is the intent of the Board of Alderman that all prior Ordinances governing water, sewer, gas, and garbage utilities and the topics covered herein be repealed and replaced by this Comprehensive Utility Ordinance.

Passage of this Ordinance is now official and the same shall take effect and be enforced as set forth above and as provided by law.

**ADOPTED, ORDAINED AND APPROVED,** this 21<sup>st</sup> day of January, 2020.

**/s/ SCOTT B. PHILLIPS, MAYOR**

**ATTEST:**

**/s/ TINA R. GRIFFITH, CITY CLERK**

The foregoing Ordinance was presented in written form, discussed and voted upon in a public meeting, section by section, and as a whole, and whereas a motion was duly made by Alderman Earhart and seconded by Alderman Collins, with the following results:

Alderman Janet Aldridge	<b>AYE</b>
Alderman George Collins	<b>AYE</b>
Alderman Dale Dickerson	<b>AYE</b>
Alderman Pat Hamilton	<b>AYE</b>
Alderman Joy Henderson	<b>AYE</b>
Alderman Gil Earhart	<b>AYE</b>
Alderman David Wallace	<b>AYE</b>

The foregoing Ordinance was passed, adopted and approved on the 21<sup>st</sup> day of January, 2020.

**/s/ SCOTT B. PHILLIPS, MAYOR**

**ATTEST:**

**/s/ TINA R. GRIFFITH, CITY CLERK**