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Chapter 1

In General

Sec. 5-1-1 Damaging or tampering with facilities or service; unlawful diversion of service.

- (a) It shall be unlawful for any person intentionally and without authority to injure or destroy any meter, pipe, conduit, wire, line, post, lamp or other apparatus belonging to a company or to any municipality or other political subdivision engaged in the manufacture or sale of electricity, gas, water, telephone or other public services, or intentionally and without authority to prevent a meter from properly registering the quantity of such service supplied, or in any way to interfere with the proper action of such company or any municipality or political subdivision, or intentionally to divert any services of such company, municipality or political subdivision or otherwise intentionally and without authority to use or cause to be used, without the consent of such company, municipality or political subdivision, any service manufactured, sold or distributed by such company, municipality or political subdivision.
- (b) Where there is no evidence to the contrary, both the person performing any of the illegal acts described in this section and the person who with knowledge of such violation receives the benefit of such service without proper charge as a result of such improper action shall be presumed to be responsible for such acts of tampering or diversion.
- (c) Violators of the provisions of this section shall be punished as provided herein.
- (d) In addition to fines, forfeiture and imprisonment, any person convicted for violation of this section shall pay restitution to the city for damage to its equipment at current costs for labor and materials necessary to restore normal service, including the cost of lost services.

Sec. 5-1-2 Responsibility for costs of damage to equipment after disconnection of service.

If utility service provided by the city is disconnected for nonpayment, the meter and other connected utility equipment shall remain in the custody of the utility account holder. Before any utility service is reconnected, the account holder shall, in addition to payment of reconnection fees, reimburse the city for repair of any damage to its equipment necessary to reestablish service, at current costs for materials and labor.

Sec. 5-1-3 Taking water without authority.

It shall be unlawful for any person to install or connect to any hydrant, faucet or other device for the purpose of taking water from the city's mains, pipes or supplies without first obtaining a permit therefore from the proper authority.

Sec. 5-1-4 Access to utility and hydrants.

No person using city utilities, nor owner of property on which utility meters or fire hydrants are situated, shall place or maintain any obstruction to access to any meter or hydrant by city personnel. No tree, shrub or other vegetation nor any structure shall be placed within six feet of any city water or gas meter or fire hydrant. Any tree, shrub or vegetation shall be trimmed and maintained so that no portion of the growth or vegetation is closer than two feet of any portion of a city gas or water meter or fire hydrant. A violation of this section shall result in a fine not to exceed \$100.00. Further, in the event this section is violated, the city may remove, trim or otherwise restrict the obstruction to a point of compliance with this section. The cost of removal of any obstruction of access shall be assessed against the utility consumer/accountholder and added to the next month's bill.

Sec. 5-1-5 Water connection required; private wells.

- (a) The mayor and city council have determined that it is in the best interest of the health, safety and welfare of the citizens of the city that it protect the quality and integrity of the water supplied to its citizens through the city's water system. The mayor and city council's responsibility in this area is further mandated by the Georgia Safe Drinking Water Act of 1977, regulations promulgated therefrom, and state and federal mandates concerning the protection of water resources and the provision of water to its citizens.
- (b) Every residence, institution, business establishment or service agency within the limits of the city and for which water service and/or sewage service is available, within 300 feet to the property line, is required to connect and tap into the city system when a line is available on the street which fronts or is contiguous to the property on which the structure is erected, or is within 300 feet of a line on the system.
- (c) No person, firm, business, institution, corporation, service agency or agents thereof shall drill a potable water well within the city limits without first obtaining a permit from the city.

(d) Private wells.

- (1) No private well shall be constructed without first obtaining a private well permit from the city.
- (2) No private well shall be tied into the city water system.
- (3) Private wells may be drilled for lawn or garden use only; private wells shall not be used for human consumption

Sec. 5-1-6 Outdoor Watering Ordinance *(Amended 8-11-2008)*

(a) Adoption of Restrictions. The City of Pembroke hereby adopts by reference the outdoor water rules mandated by the Georgia Department of Natural Resources Environmental Protection Division (“EPD”), as they from time to time may be amended.

(b) Enforcement. The Code Enforcement Officer or designee shall be authorized and empowered to enforce the provisions of this Ordinance through the issuance of non-criminal or criminal citations. Such officer(s) shall have the authority to enter property for the purpose of inspection for compliance. A record of each citation shall be maintained. If contact is made with the violator, the officer shall require immediate compliance.

1. First Violation. Any person or entity accused of violating any provision of this Ordinance shall, with respect to the first violation, be provided with a written warning. Such warning may be issued directly to the violator or posted at the property where the violation occurred. The notice shall be in writing and it shall include the address of where the violation occurred, and a description of the violation.

2. Second Violation. Any person accused of violating any provision of this Ordinance for a second time shall have an administrative penalty in the amount of \$100.00.

3. Third Violation. Any person accused of violating any provision of this Ordinance for a third time shall have a \$250.00 administrative penalty.

4. Fourth and subsequent violations. Any person accused of violating any provision of this ordinance for a fourth and subsequent times shall have an administrative penalty in the amount of \$500.00.

(c) Notice. In addition to the posting at the property for the first violation, notices of violation for the first and all subsequent violations of the restrictions in this ordinance or issued pursuant to this ordinance shall be sent by regular and certified mail to the customer of record at the customer’s billing address. In the event the certified mail is declined by the customer, proof of this decline shall be maintained and the customer shall be deemed to have received the notice on the date of declination. The notice shall be in writing, include the address of where the violation

occurred, a description of the violation, and the consequences of subsequent violations. The notice may order that the violation be corrected, cure, or abated immediately or within such specified time as the City of Pembroke determines is reasonable under the circumstances. In the case of multi-family residential dwellings where two or more units are served by a single meter, written notice shall be mailed to the person in whose name the water bill is issued and administrative penalties shall be assessed accordingly.

(d) Administrative Penalties. Any administrative penalties imposed pursuant to this section shall be payable to the City of Pembroke and shall not be affected by the filing of any appeal. Failure to remit payment in full as required under this section will subject the violator to legal action.

(e) Appeals. Any customer aggrieved or adversely affected by an administrative penalty imposed pursuant to this ordinance shall have an opportunity to request and be given a hearing before the City of Pembroke Municipal Court, wherein the aggrieved or adversely affected customer shall have an opportunity to show cause as to why an administrative penalty or other enforcement action under this ordinance should not be taken. Such request shall be made in writing and delivered to the Pembroke Municipal Clerk of Court, accompanied by a \$50.00 administrative processing fee, within ten (10) days of the date of receipt of the notice of violation via certified mail; or, in the event that certified mail is declined, within ten (10) days of the date of such declination. If a timely appeal is filed, the penalty shall be stayed until a determination is made by the Court.

(f) Criminal and alternative penalties. Any violation of this ordinance may alternatively be enforced by a citation of accusation returnable to the City of Pembroke Municipal Court. Issuance of a citation or accusation shall be in lieu of the imposition of an administrative penalty. However, in the event the hearing results in a finding of guilty, said finding of guilt shall count against the customer for purposes of assessing cumulative fine during any 24 month period.

Chapter 2
Water and Sewage

Sec. 5-2-1. Prerequisites for receiving water service; deposit.

- (a) Every residence, institution, business establishment or service agency within the limits of the city and for which water service and/or sewage service is available, within 300 feet to the property line, is required to connect and tap into the city system when a line is available on the street which fronts or is contiguous to the property on which the structure is erected, or is within 300 feet of a line on the system.
- (b) Application for service.
 - (1) No water tap shall be made under any circumstances until the person desiring the tap has applied for and received approval and deposited the prescribed amount of money with the city clerk.
 - (2) All persons obtaining water service shall apply to the office of the city clerk, in writing, in forms provided by the city for that purpose, upon making application and before service is connected, shall deposit a sum as set forth in the schedule of fees and charges. All such deposits shall be returned upon discontinuance of service, provided all service charges are paid.
- (c) Refund of deposit. The city clerk is hereby authorized to refund the amount deposited to any person who has made the deposit for water service and has been prompt in payment of the water account for a period of 12 months, if at the expiration of this 12-month period there are no past due water accounts standing against such party. After the deposit has been refunded, should such party become delinquent in payment of the water account for a period of three months, he shall be required to make a new deposit for water service.

Sec. 5-2-2 Water main tapping charge. (Revised 4-11-2011)

- (a) The charge for making a water tap shall be set forth in the schedule of fees and charges.
- (b) The city will furnish a water meter and water meter box and backflow preventer for all individually metered residential services. Equivalent meters only will be furnished on non-residential services. Meter boxes, back-flow preventers and all necessary appurtenances for non-residential services shall be provided by the developer.

Sec. 5-2-3. Sewer tapping charge.

- (a) The charge for making a sewer tap, whether inside the city or outside the city, shall be the amount set forth in the schedule of fees and charges, plus the costs of street repairs.
- (b) If requests are made for a single sewer tap to service more than one residential, apartment, business or commercial unit, an additional fee as set forth in the schedule of fees and charges, per unit outside of the city, shall be charged as sewage system impact fee.

Sec. 5-2-4 Service to multiple dwellings and structures and developments. *(Revised 4-11-2011)*

- (a) All new construction or development in the city consisting of more than one living unit, commercial buildings or structures housing more than one occupant (be it person or entities), and all existing structures or developments which undergo remodeling or redevelopment greater than or equal to 50% of the structure value during a two year period, shall provide for a separate meter at each living unit and/or occupied unit.
- (b) All existing structures and developments that currently provide water service to more than one living unit and/or one non-residential unit (be it person or entity), calculated by one meter, shall be billed at the base rate plus usage in accordance with the current schedule of fees and charges for the installed meter size and application.

Sec. 5-2-5 Water service outside city limits.

- (a) Authorized. Property owners residing outside the corporate limits of the city and desiring to use water to be furnished by the city shall make application to the city on the standard agreement form for water service. Upon consideration of the request, if the request should, in the opinion of the city, be feasible, then the city may approve making water available to the property owners under the terms and conditions of the agreement.
- (b) Payment of costs. The property owners shall pay the costs to make the water available to the property.
- (c) Rates. Water rates to be paid by the property owner for the water shall be based upon factor applied to prevailing rates set by the city.
- (d) Form of agreement. A copy of the form of agreement to be executed between a property owner and the city for water service

outside the corporate limits of the city is on file in the city clerk's office.

Sec. 5-2-6 Sewer service outside city limits.

- (a) Authorized. Property owners residing outside the limits of the city and desiring to use sanitary sewer to be furnished by the city shall make application to the city on the standard agreement form for sanitary sewer service . Upon consideration of the request, if the request should, in the opinion of the city, be feasible, then the city may approve making sanitary sewer service available to property owners under the terms and conditions of the agreement.
- (b) Payment of costs. The property owners shall pay the costs to make the sanitary sewer service available to the property.
- (c) Rate. All water customers connected to the sewer system shall pay a monthly sewer service charge as set forth in the schedule of fees and charges maintained by the City Clerk. This charge shall be billed with the regular monthly water bill and payable each month for sewer service.
- (d) Standards of construction. All connections to the system by property owners must be made by a licensed plumber, who shall secure a city permit and abide by the city plumbing code effective at the time of the work.
- (e) Form of agreement. A copy of the form of agreement to be executed between a property owner and the city for sewer service outside the corporate limits of the city is on file in the city clerk's office.

Sec. 5-2-7 Water service charges.

The rates, fees and charges for the services, facilities and commodities furnished by the city to its water customers within and without the limits of the city shall be as set forth in the schedule of fees and charges. Determination of the number of gallons of water supplied to the user shall be based on a monthly reading of the user's water meter. Each customer will be billed monthly in accordance with the custom prevailing in the city, and the customer must pay the amount of the bill by the 20th day of each month. If the bill is not paid within ten (10) days after the 20th day of each month, water shall be cut off and shall not be reconnected until a reconnection fee as set forth in the schedule of fees and charges, plus the amount represented by the unpaid bill, including penalty, has been paid.

Sec. 5-2-8 Sewer service charges.

Rates, tolls, fees, and charges for the services, facilities and commodities furnished the customers and users of the facilities of the city sewer system are to be set by the city council. Monthly rates for sewage services and the charges to be made and the amount collected therefore shall be set forth in the schedule of fees and charges. Determination of the number of gallons of sewage discharged shall be based on a reading of the user's water meter. If the user is not supplied with water by the city and has no meter, the charge will be calculated according to the schedule of fees and charges maintained by the City Clerk. The charges will be assessed and billed on a monthly basis. The charges will be reviewed by the city council and adjusted as required.

Sec 5-2-9 Payment of sewer charge required when sewer facilities available; time limit for connection to public sewer.

Every customer shall commence paying a sewer charge as provided in this article within 60 days from the 15th day of the next ensuing month after sewer facilities have been made available, within 300 feet of the property line and each customer shall connect to the city sewer system within six months from the date such facilities are made available by the city.

Sec. 5-2-10 Billing; termination of water service for nonpayment of charges.

- (a) Billing frequency. Each customer will be billed monthly for services under this article.
- (b) Contents of bill. The bill shall show the amount due by such customer for water consumed and show the amount due by such customer for sewage services, and the customer shall pay the aggregate amount of the bill.
- (c) Termination of service. If any customer shall not pay his bill for either or both the water facilities or sewage facilities in the full amount thereof within ten (10) days after the due date, the water services, facilities and commodities furnished shall be discontinued and cut off, and the services shall not be renewed, or the water cut back on until such customer has paid the full amount of the bill rendered, together with a reconnection fee as set forth in the schedule of fees and charges.

Sec. 5-2-11 Notification to city clerk of discontinuance of service.

In all cases of discontinuance of water or sewer service, the party discontinuing services shall report such discontinuances to the office of the city clerk.

Sec 5-2-12 Water/Sewer Connection Fee (Revised 4-11-2011)(a) Imposition of Water and/or Wastewater Connection Fees

1. Any person who after the effective date of this Ordinance engages in development activity generating water and/or wastewater treatment demand shall pay a Water and/or Wastewater Connection Fee in the manner set forth in this ordinance.
2. As to any person who after the effective date of this Ordinance engages in development activity generating water and/or wastewater treatment demand, and is thereby required to pay a Water and/or Wastewater Connection Fee pursuant to this ordinance, no Building Permit for the affected property shall be issued to such person by the City unless the required Water and/or Wastewater Connection fee has been paid.

(b) Computation of Water and/or Wastewater Connection Fee

1. The amount of the Water and/or Wastewater Connection Fee may be determined from the fee schedule established by the City, and maintained in the office of the City Clerk, or if a Building Permit is requested for a building with mixed uses, the Water and/or Wastewater Connection fee shall be determined according to the fee schedule established by the City by apportioning the space committed to uses specified on the Water and/or Wastewater Connection Fee schedule. If the type of development activity for which a Building Permit is applied for is not specified on the Water and/or Wastewater Connection Fee schedule, the Director shall be guided in the selection of a comparable type of development activity by the reports and studies done by the United States Environmental Protection Agency and/or the State of Georgia, and/or the City Water Department, and/or professional organizations such as the American Water Works Association, the Water Environment Federation, or the American Society of Civil Engineers. If the Director determines the fee by using water and/or wastewater demands/generation statistics from the above-named sources and applying the formula set forth in Paragraph B of this Section, the Director shall be guided in this determination by the above-named sources. In cases of change of use, redevelopment or modification of an existing use that requires the issuance of a Building Permit, the Water and/or Wastewater Connection Fee shall be based on the net increase in the fee for the new use as compared to the previous use. The developer may elect to have the amount of the Water and/or Wastewater Connection Fee determined as provided in this paragraph 1. If the developer does not so elect, the fee shall be determined as provided in paragraph 2.
2. If a developer shall elect not to have the Water and/or Wastewater Connection Fee determined according to Paragraph 1. of this Section, then the developer may apply for an individual fee determination. A developer

applying for an individual fee determination shall prepare and submit to the Director an individual fee calculation study for the development activity for which a Building Permit is sought. The individual fee calculation study shall follow the prescribed methodologies and formats for the study established by the Director, or subject to the prior approval of the Director, such other professionally accepted methodology shall be binding upon the City unless provided to the Developer in writing. The water and/or wastewater treatment demand engineering documentation submitted shall show the basis upon which the individual fee calculation was made, including but not limited to the following:

- A) Water and/or wastewater treatment demand engineering studies including documentation of water and/or wastewater treatment demand rates appropriate for the development activity;
- B) Cost documentation studies including documentation of the cost per unit of impact for water and/or wastewater treatment construction and documentation credits attributable to the development activity which can be expected to be available to replace the portion of the service volume used by the water and/or wastewater treatment demand generated by the development activity.

This documentation shall be prepared and presented by qualified professionals in their respective fields and shall follow best professional practices and methodologies. The following formula, as explained in the Methodology Report, shall be used by the Director to determine the Water and/or Wastewater Connection Fee per unit of development based on the type of land use:

$$\{(Unit\ Cost\ x\ Demand) - Credit = Proportionate\ Share\}$$

Whereby:

- Unit Cost = The average cost per gallon of capacity to provide water and/or wastewater system facilities within the service district.
- Demand = The average volume/capacity of water and/or wastewater expected to be consumed by a given land use or development activity on a daily basis.
- Credit = The average present value of future payments by a land use towards the retirement of debt incurred to construct water and/or wastewater facilities.

The Director shall provide the developer with a written individual fee determination within thirty (30) days after the presentation of the individual fee calculation study.

3. Upon application to the Director, any person engaging in development activity requiring payment of a Water and/or Wastewater Connection Fee

may apply for and shall receive from the Director a certification of the application of the Water and/or Wastewater Connection Fee Schedule to a particular development activity proposal or a certification of an individual fee determination for a particular development proposal.

4. Applications for certification shall include the following informational items:

- A) A full and complete description of the project;
- B) A full and complete description of the proposed land use and the particular proposed development activity;
- C) A statement as to whether the applicant seeks a certification of the Water and/or Wastewater Connection Fee Schedule as applied to that particular development proposal or a certification of an individual fee determination; and
- D) If the applicant seeks a certification of an individual fee determination, an individual fee calculation study complying with the requirements of Paragraph 2. of this Section.

5. The Director shall provide an applicant with a written certification of the application of the Water and/or Wastewater Connection Fee Schedule to a particular proposed development activity within five (5) days after the Director's receipt of a completed application. The written certification of the Director shall establish the Water and/or Wastewater Connection Fee for a particular proposed development activity for a period of one hundred eighty (180) days from the date of certification. The Director shall provide the applicant with a written certification of an individual fee determination within thirty (30) days after receipt of a completed application. The individual fee determination certified by the Director shall establish the Water and/or Wastewater Connection Fee for the one hundred eighty (180) day period immediately following the date of such certification. Notwithstanding the issuance of any such certification, any changes in or additions to the proposed development activity different from the particular proposed development activity identified in the original application shall be subject to increased or additional Water and/or Wastewater Connection Fees to the extent that such changes or additions require capital improvements or facility expansions. The additional Water and/or Wastewater Connection Fees shall be based upon the most current Water and/or Wastewater Connection Fee Schedule in effect on the date of the issuance of a Building Permit.

Prior to the completion of the project, and as a condition of final inspection, the developer shall re-certify in writing to the Director the actual land use or uses of the project, and for land uses other than residential, shall present an architect's certificate of the actual gross square footage attributable too each use. In the event that the actual use or uses and/or the actual gross square

footage applicable to the actual use or uses differs from that originally certified, and in the event that the Water and/or Wastewater Connection Fee has been previously paid, the developer shall be required to pay the amount of the excess as a condition of final inspection. The amount of the excess shall be based upon the most current Water and/or Wastewater Connection Fee Schedule in effect on the date of final inspection.

(c) Payment of Water and/or Wastewater Connection Fee

Any person required to pay a Water and/or Wastewater Connection Fee pursuant to this Ordinance shall pay such fees to the Director prior to the issuance of a Building Permit. All funds collected pursuant to this Ordinance shall be identified by the Water and/or Wastewater Connection Fee and promptly transferred for deposit into the appropriate Water and/or Wastewater Connection Fee account. Funds shall be used solely for the purpose of water and sewer projects outlined in the Capital Improvement Plan.

(d) Exemptions

1. The following shall be exempted from payment of Water and/or Wastewater Connection Fees:

A) Alteration or expansion of an existing building or use of land where no additional living units are created, where the use is not changed, and whereby no additional water consumption and/or wastewater treatment capacity demands will be created over and above those demands produced by the existing use.

B) The construction of accessory buildings or structures that will not produce additional water consumption and/or wastewater treatment capacity demands over and above those produced by the principal building or the current use of the land.

C) The replacement of a building, mobile home, or structure that was in place on the effective date of this Ordinance, or the replacement of a building, mobile home, or structure that was constructed subsequent thereto and for which appropriate Water and/or Wastewater Connection Fees had been paid or otherwise provided for, with a new building, mobile home, or structure of the same use, provided that no additional water consumption and/or wastewater treatment capacity demands will be produced over and above those produced by the original use of the land.

2. A person claiming exemption(s) pursuant to Paragraph 1.A, 1.B, or 1.C, above shall submit to the Director information and documentation sufficient to permit the director to determine whether such exemption claimed is proper, and, if so, the extent of such exemption.

3. Exemptions must be applied for at the time of the application for a Building Permit. Any exemptions not so applied for shall be deemed waived.

4. The Mayor and City Council, by majority vote may waive any and all provisions of this Ordinance when the waiver of said provisions are deemed in the best interest of the City.

(e) Review of Fee Schedule

The Water and/or Wastewater Connection Fee Schedule shall be reviewed by the Mayor and City Council at least annually; provided, however, the failure to review such fee structure shall not invalidate this Ordinance. Following such review, if changes in the fee schedule are deemed necessary, said changes may be implemented administratively, without formal amendment to this Ordinance.

(f) Penalty and Enforcement Provisions

A violation of this Ordinance shall be a misdemeanor punishable according to the laws of the State of Georgia; however, in addition to or in lieu of criminal prosecution, the City shall have the power to bring a Civil Action against the personal violation in any appropriate civil court of the State of Georgia to enforce the provisions of this Ordinance. Knowingly furnishing false information to the Director on any matter relating to the administration of this Ordinance shall constitute a violation thereof.

Chapter 3
Sewer Service

Sec. 5-3-1 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in these sections, except where the context clearly indicates a different meaning. All other words shall be constructed as having the meaning defined in Glossary of Water and Sewage Control Engineering, published by the Water Pollution Control Federation, Washington D.C., or by their general usage is undefined.

- (a) **Biochemical oxygen demand or BOD** means the quantity of oxygen used in biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Celsius.
- (b) **Building sewer** means the extension from the building drain to the public sewer or other place of disposal.
- (c) **City** means the City of Pembroke, or the governing body thereof.
- (d) **City engineer** means the city engineer of the City of Pembroke, or his or her authorized deputy, agent or representative.
- (e) **Commercial user or contributor** means a premises which, or person who, discharges industrial wastes which are similar to domestic wastes in nature and do not exceed those parameters which define normal sewage, including volume.
- (f) **Easement** means an acquired legal right for specific use of land owned by others.
- (g) **Garbage** means solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- (h) **Grease or oil** means oil, fat or grease in a physical state such that it will separate by gravity from wastewater.
- (i) **Industrial user or contributor** means an industry which discharges wastewater having the characteristics of industrial wastes, as distinct from commercial or domestic wastes, and having a biochemical oxygen demand of 200 milligrams per liter or greater or total suspended solids of 200 milligrams per liter or greater.
- (j) **Normal sewage** means wastewater having characteristics of domestic wastewater such that the biochemical oxygen demand and suspended solids concentration do not exceed 200 milligrams per liter and no other pollutant or chemical constituents are present in amounts which will interfere with the treatment processes.

- (k) **Properly shredded garbage** means waste from the preparation, cooking and dispensing of food that had 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.
- (l) **Public sewer** means a sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.
- (m) **Sewer** means a pipe or conduit for carrying sewage.
- (n) **Sewer surcharge** means a charge for sewer service and treatment service for wastes having characteristics different from normal sewage and for which additional charges must be assessed in order to make compensation for additional expenses incurred.
- (o) **Slug** means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration discharge normal operation.
- (p) **Standard Methods** means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
- (q) **Storm drain or storm sewer** means a sewer which carries stormwater and surface water and drainage but excludes sanitary sewage and industrial wastes other than polluted cooling water.
- (r) **Street** includes the right-of-way of streets, avenues, drives, boulevards, roads, alleys, lanes and viaducts, and all other public highways.
- (s) **Total suspended solids or TSS** means solids that either float on the surface of or are in suspension in water, sewage or other liquids which are removable by laboratory filtering as prescribed in standard methods.
- (t) **Total solids** means the sum of suspended matter, settleable matter and dissolved matter, both volatile and nonvolatile.
- (u) **Watercourse** means a channel in which flow of water occurs, either continuously or intermittently.

Sec. 5-3-2 Violation of article.

- (a) Notice of violation. Any person found to be violating any provision of this article except section 5-3-3 shall be served by the

city with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

- (b) **Penalty.** Any person who shall continue any violation beyond the time limit provided for in subsection (a) of the section shall be guilty of a misdemeanor, and on conviction thereof shall be fined, for each violation as provided in section 1-12. Each day in which such violation shall continue shall be deemed a separate offense.
- (c) **Liability for damage.** Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

Sec. 5-3-3 Authority of inspectors.

- (a) Generally. The duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The authorized employee shall have no authority to inquire into any processes, including those of metallurgical, chemical, oil refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind of source of discharge to the sewers or waterways or facilities for waste treatment.
- (b) Liability of city and sewer user. While performing the necessary work on private properties referred to in subsection (a) of this section, the duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees. The city shall indemnify the company against loss or damage to its property by the city employees and against liability claims and demand for personal injury or property damage asserted against the company and growing out of the gauging or sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- (c) Entry on easements. The duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement, for purposes including but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 5-3-4 Tampering with or damaging facilities.

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 sewage works. Any person violating this section shall be subject to immediate arrest under a charge of disorderly conduct.

Sec. 5-3-5 Unsanitary deposits prohibited.

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

Sec. 5-3-6 Discharge of polluted water to natural outlet.

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

Sec. 5-3-7 Connection to public sewers required when sewer facilities available.

- (a) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage where public sewers are reasonably available.
- (b) The owner of any house, building or property situated within the city or any area under the jurisdiction of the city, and abutting on any street, alley or right-of-way in which there is now or shall be located a public sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after the date of written notice from the city to the property owner requiring such property owner to make connection thereto, provided that the public sewer is within 300 feet of the property line.

Sec. 5-3-8 Connection permit required.

No person shall uncover, make any connections with or opening into, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the city.

Sec. 5-3-9 Payment of costs; indemnification of city.

All costs and expenses incident to the installation and connection of the building sewer to the public 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.

Sec. 5-3-10 Separate connection required for every building; exception.

A separate and independent sewer shall be provided for every building. Where one building stands to the rear of another on a single lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the city may grant permission for the building sewer from the front building to be extended to the rear building and the whole shall be considered as one building sewer, upon a showing by the applicant that it is not feasible that the two buildings so connected will ultimately be on separate building lots.

Sec. 5-3-11 Use of old building sewers.

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

Sec. 5-3-12 Specifications for building sewer.

The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code and 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 ASCE and WPCF Manual of Practice No. 9 shall apply.

Sec. 5-3-13 Location and depth of sewer.

Whenever possible, the building's sewer shall be brought to the building at an elevation below the basement or first floor. No building's sewer shall be made parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from weight loads, such as automobiles and the like, which may be superimposed. The building's sewer shall be made at uniform grade and in straight alignment, as far as possible. The building's sewer shall be constructed to such point as directed by the city.

Sec. 5-3-14 Connection of sources of unpolluted water to sanitary sewer.

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

Sec. 5-3-15 Inspection of building sewer; connection to main.

Before any underground portions thereof are covered, the applicant for a building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection thereof shall be made to the public sewer by an authorized representative of the city and only after inspection.

Sec. 5-3-16 Excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

Sec. 5-3-17 Safety standards.

All work to which this section pertains shall meet pertinent OSHA requirements.

Sec. 5-3-18 Record of connections.

The city shall keep a permanent and accurate record of the location, depth and direction of all new sewer connections, including such landmarks as may be necessary to make an adequate determination of the location.

Sec. 5-3-19 Discharge of unpolluted water.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, private well, or subsurface drainage into the sanitary sewer.

Sec. 5-3-20 Prohibited discharges.

No person shall discharge or cause to be discharged any of the following waters or wastes to any public sewer (refer also to sections 5-3-21 and 5-3-27):

- (a) Any gasoline, benzene, naphtha, fuel oil or other explosive liquid, solid or gas.

- (b) Any waters or wastes containing dangerous, toxic, or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the receiving waters or in the treatment plant.
- (c) Any waters or wastes having a pH less than 6.0 or greater than 9.0 or containing heavy concentrations of salts or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (d) Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow of sewage or other interference to the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper (including paper dishes, cups, milk containers, etc.) either whole or ground by garbage grinders.

Sec. 5-3-21 Restricted discharges.

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

- (a) Any liquid or vapor having a temperature higher than 104 degrees Fahrenheit or 40 degrees Celsius.
- (b) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit or 0 to 65 degrees Celsius.
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the city.

- (d) Any waters and wastes containing strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- (e) Any waters or wastes containing heavy metals in excess of the following:
- | | |
|----------------|----------|
| Chromium (III) | .05 mg/l |
| Lead | .03 mg/l |
| Tin | .05 mg/l |
| Copper | .05 mg/l |
| Nickel | .05 mg/l |
| Cyanide | .05 mg/l |
| Cadmium | .03 mg/l |

A combination of such substances shall not exceed 0.5 milligrams per liter in the effluent, or when blended with the wastes in the interceptor have a combined concentration in excess of 0.1 milligrams per liter when the waste reaches the treatment plant, section 5-3-23 notwithstanding, nor shall such wastes exert an excessive chlorine requirement to such a degree that any such material received in composite sewage at the sewage treatment works exceeds the limits established by the city for such materials. Notwithstanding these upper limits, the city may require pretreatment of such waste discharges in accordance with section 5-3-23 to the lowest practical and reasonable levels to comply with appropriate state or federal regulatory agency requirements, either for the treatment facility influent or effluent, or if otherwise found necessary to provide satisfactory and acceptable treatment of all wastewater.

- (f) Any waters and wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the city at necessary after treatment of the composite sewage to meet requirements of the state, federal or other public agencies having jurisdiction over 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 in compliance with applicable state and federal regulations.
- (h) Any waters or wastes having a pH outside of the range of 6.0 to 9.0.
- (i) Materials which exert or cause:
- (1) Unusual concentration of inert suspended solids, such as

but not limited to fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.

- (2) Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.
 - (3) The admission into the public sewers of any waters having a five-day biochemical oxygen demand greater than 200 milligrams per liter, or containing more than 200 milligrams per liter of suspended solids, or having an average daily flow of 5.0 percent of the average daily sewage flow to the plant. The admission of such waste will be subject to the review and approval of the city. Where necessary in the opinion of the city engineer, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 200 milligrams per liter and the suspended solids to 200 milligrams per liter, or to reduce objectionable characteristics or constituents to within the maximum limits provided, or to control the quantities and rates of discharge of such water or wastes. Plans and specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city, and no construction of such facilities shall be commenced until such approval is obtained in writing.
 - (4) Unusual volumes of flow or concentrations of wastes constituting slugs.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or which are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of state or federal agencies having jurisdiction over discharge to the receiving waters.

Sec. 5-3-22 Acceptance of restricted wastes.

If any waters or wastes are discharged or are proposed to be discharge to the public sewers which contain the substances or possess the characteristics enumerated in section 5-3-21, which in the judgment of the city engineer may have a deleterious effect upon the sewage works, processes, equipment or receiving water or which otherwise may create a hazard to life or constitute a public nuisance, the city may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition before discharge to the public sewers;

- (c) Require control over the quantities and rates of discharge; 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 164.

If the city permits pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the city and subject to the requirements of all applicable codes, ordinances and laws.

Sec. 5-3-23 Grease traps and interceptors for oil and sand.

- (a) All business entities in the city that generate waste water containing oil or sand must collect this waste water before discharging it into the city's sanitary sewer system. A city approved oil/sand interceptor must be installed on the sanitary sewer service line. The location of the oil/sand interceptor must be as per the Standard Plumbing Code.
- (b) All food service operations in the city that discharge waste water containing grease must install a grease trap or interceptor.
- (c) All grease traps and interceptors must be designed using standard engineering principles for sedimentation and floatation in gravity separators. All grease traps and interceptors must be approved by the city.
- (d) All newly constructed food service establishments shall be required to install a grease interceptor sized at 20 gallons per food service seat, but not less than 1,000 gallons capacity.
- (e) All existing food service establishments shall be required to install and establish grease handling traps and interceptors. Existing establishments operating without grease traps and interceptors shall have six months from the date of this section to render their establishment in compliance with this section. If an existing food service establishment cannot meet the outdoor type grease interceptor requirements, an alternate under-the-counter grease trap and interceptor may be used, if approved by the city.
- (f) Each entity or establishment governed by this section shall maintain a service log reflecting the maintenance of their grease trap and interceptor and/oil or sand interceptor. The service log shall be available in a conspicuous location for appropriate review by city personnel.
- (g) Food service operations that do not generate grease will not require a grease trap or interceptor. These facilities include, but are not limited to, the following:

Bagel shops.
Bakeries with no deep frying.
Canteens.
Coffee shops.
Delicatessens that do not require a grease hood.
Fish shops.
Fruit and vegetable markets.
Juice bars.
Meat sales.
Muffin shops.
Pretzel shops.
Sandwich shops that do not deep fry.

Any other establishments not included in the above categories that do not generate waste water containing grease or solids may request an exemption from the city.

- (h) Failure to comply with this section shall result in a penalty of \$100.00 per day, per violation in the municipal court of the city as a code violation.

Sec. 5-3-24. Maintenance of pretreatment facilities.

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.

Sec. 5-3-25. Control manhole.

- (a) It shall be required by the city that the owner of any property serviced by a building sewer carrying industrial wastes install a suitable control manhole through which all industrial plant effluent shall flow. When deemed necessary, the city may require additional meter and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the waste.
- (b) Such manhole shall be accessibly and safely located and shall be constructed in accordance with plans approved by the city. 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.

Sec. 5-3-26. Measurements, tests and analyses.

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

Sec. 5-3-27 Special agreements.

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

Sec. 5-3-28 Compliance with federal regulations.

Industries shall comply with all the requirements of 40 CFR 403.

Sec. 5-3-29 Discharge generally.

The city may require a formal permit for discharge of scavenger wastes after submission of an application on forms supplied by the city. For purposes of this section, scavenger wastes shall mean putrid or offensive matter such as the contents of privies, septic tanks or cesspools. Any other materials and substances, chemicals or chemical compounds or industrial wastes will not be permitted to be discharged into the public sewer system except as provided in this article.

Sec. 5-3-30 Point of discharge.

The discharge of scavenger wastes shall be made only at a location in the sewage treatment plant as shall be designated by the city.

Sec. 5-3-31 Application for permit.

All applicants for a permit under this division shall furnish the following information with each application:

- (a) The name and address of the applicant.
- (b) The volume of scavenger wastes for each numbered vehicle.

- (c) The number of scavenger vehicles in the collection service.

Sec. 5-3-32 Disposal fee.

Scavenger wastes will be admitted into the sewer system only by approval of the city and subject to payment of fees or charges fixed by the city. Such a fee or charge shall be based upon a factor applied to the cost of the full capacity of each scavenger vehicle for each discharge.

Sec. 5-3-33 Right of city to reject waste or terminate discharge.

- (a) The applicant for a permit under this division shall be the owner of the vehicle discharging such wastes. Any false, misleading or untruthful statements as to the nature of material shall be cause for rejection of any further discharge from the applicant.
- (b) Discharges may also be suspended or terminated at any time by the city for willful, continued or persistent violations of this article or upon such grounds as the city may deem proper.

Sec. 5-3-34 Vehicles and equipment.

All equipment such as trucks, tanks, pumps and hoses used in the collection or transportation of scavenger wastes shall be modern equipment in good repair. When more than one vehicle is used by an applicant, each vehicle shall bear an identifying number.

Chapter 4

Protection of Underground Utilities

Sec. 5-4-1 General.

This article shall be known as the underground utility damage prevention ordinance. The City is a member of the Utilities Protection Center as required by Georgia Law (O.C.G.A. §25-9-5), the Georgia Utilities Facilities protection Act.

Sec. 5-4-2 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) **Damage** means the substantial weakening of structural or lateral support of an underground utility, penetration or destruction of any protective coating, housing or other protective device of an underground utility, and the partial or complete severance of an underground utility.
- (b) **Demolish or demolition** means any operation by which a structure or mass of material is wrecked, razed, rendered, moved or removed by means of any tools, equipment or discharge of explosives.
- (c) **Excavate or excavation** means an operation for the purpose of the movement or removal of earth, rock or other materials in or on the ground by use of equipment or by discharge of explosives, including augering, backfilling, digging, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunneling, but not including the tilling of soil for agricultural purposes.
- (d) **Mechanized equipment** means equipment operated by means of mechanical power, including trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills, cable and pipe plows and other equipment used for plowing-in or pulling-in cable or pipe.
- (e) **Operator** means any person who owns or operates a utility.
- (f) **Utility** means any line, system or facility used for producing, storing, conveying, transmitting or distributing communication, electricity, gas, petroleum, petroleum products, hazardous liquids, water, steam or sewage.
- (g) **Working day** means every day except Saturday, Sunday and national and legal state holidays.

Sec. 5-4-3 Penalty for violation of article.

Any person who violates any provision of this article shall be subject to a civil penalty of not to exceed \$1,000.00 for each such violation. Actions to recover the penalty provided for in this section shall be brought by the city attorney at the request of the mayor and city council, in the city or county in which the cause or some part thereof arose or in which the defendant has its principal place of business or resides. All penalties recovered in any such action shall be paid into the general fund of the city. This article does not affect any civil remedies for personal injury or property damage except as otherwise specifically provided in this article.

Sec. 5-4-4 Applicability of article to holders of excavation or demolition permits.

A permit issued pursuant to law authorizing excavation or demolition operations shall not be deemed to relieve a person from the responsibility for complying with the provisions of this article.

Sec. 5-4-5 Duty to determine location of utilities.

Except as provided in section 5-4-9, no person may excavate in a street, highway or public space, in a private easement of an operator, or near the location of a utility installed on the premises of a customer served by such utility, or demolish a building, without having first ascertained in the manner prescribed in sections 5-4-7 and 5-4-8 the location of all underground utilities in the area that would be affected by the proposed excavation or demolition.

Sec. 5-4-6 Filing requirements for utility operators. Revised 4-11-2011)

- (a) No later than 30 days before the effective date of this article, each operator having underground utilities in the city or in areas served by utilities of the city shall file with the city a list containing those utilities that have been abandoned in place by the operator but not yet physically removed, the name of the operator, and the name, title, address and telephone number of its representative designated to receive the written or telephonic notice of intent required by section 5-4-7.
- (b) Changes in any of the information contained in the list filed under subsection (a) of this section shall be filed by the operator with the city within five working days of the change.

Sec. 5-4-7 Notice of intent to excavate or demolish.

- (a) Except as provided in section 5-4-9, before commencing any excavation or demolition operation designated in section 5-4-5,

each person responsible for such excavation or demolition shall serve written or telephonic notice of intent to excavate or demolish, at least three but not more than ten full working days in advance of the proposed excavation or demolition, on each operator which has filed a list required by section 5-4-6 indicating that it has underground utilities located in the proposed area of excavation or demolition.

- (b) The written or telephonic notice required by subsection (a) of this section must contain the name, address and telephone number of the person filing the notice of intent, and, if different, the person responsible for the excavation or demolition, the starting date, anticipated duration and type of excavation or demolition operation to be conducted, the location of the proposed excavation or demolition, and whether or not explosives are to be used.
- (c) If the notification required by this section is made by telephone, an adequate record of such notification shall be maintained by the operators notified to document compliance with the requirements of this article.

Sec. 5-4-8 Response to notice of intent to excavate or demolish.

Each operator or designated representative notified in accordance with section 5-4-7 shall, not less than two working days in advance of the proposed excavation or demolition, unless a shorter period is provided by agreement between the person responsible for the excavation or demolition and the operator or designated representative, supply, by use of maps when appropriate, the following information to the person responsible for the excavation or demolition:

- (a) The approximate location and description of all of its underground utilities which may be damaged as a result of the excavation or demolition;
- (b) The location and description of all utility markers indicating the approximate location of the underground utilities; and
- (c) Any other information that would assist that person in locating and thereby avoiding damage to the underground utilities, including providing adequate temporary markings indicating the approximate location of the underground utility in locations where permanent utility markers do not exist.

For purposes of this section, the approximate location of underground utilities is defined as a strip of land at least three feet wide, or not wider than the width of the utility plus one-half foot on either side of the utility.

Sec. 5-4-9 Emergency excavation or demolition.

Compliance with the notice requirements of section 5-4-7 is not required of persons responsible for emergency excavation or demolition to ameliorate an imminent danger to life, health or property; provided, however, that such persons give, as soon as practicable, oral notice of the emergency excavation or demolition to each operator having underground utilities located in the area where such excavation or demolition is to be performed and request emergency assistance from each operator so identified in locating and providing immediate protection to its underground utilities. For purposes of this section, an imminent danger to life, health or property exists whenever there is a substantial likelihood that loss of life, health or property will result before the procedures required under sections 5-4-7 and 5-4-8 can be fully complied with.

Sec. 5-4-10 Precautions to avoid damage. Revised 4-11-2011)

In addition to the notification requirements of section 5-4-7, each person responsible for any excavation or demolition operation designated in section 5-4-5 shall:

- (a) Plan the excavation or demolition to avoid damage to and minimize interference with underground utilities in and near the construction area;
- (b) Maintain a clearance between an underground utility and the cutting edge or point of any mechanized equipment, taking into account the known limit of control of such cutting edge or point, as may be reasonably necessary to avoid damage to such utility; and
- (c) Provide such support for underground utilities in and near the construction area, including during backfill operations, as may be reasonably necessary for the protection of such utilities.

Sec. 5-4-11 Required actions when work results in damage.

- (a) Except as provided in subsection (b) of this section, each person responsible for any excavation or demolition operation designated in section 5-4-5 that results in any damage to an underground utility shall, immediately upon discovery of such damage, notify the operator of such utility of the location and nature of the damage and shall allow the operator reasonable time to accomplish necessary repairs before completing the excavation or demolition in the immediate area of such utility.
- (b) Each person responsible for any excavation or demolition operation designated in section 5-4-5 that results in damage to an underground utility permitting the escape of any flammable, toxic or corrosive gas or liquid shall, immediately upon discovery of

such damage, notify the operator and the police and fire departments, and take any other action as may be reasonable necessary to protect persons and property and to minimize the hazards until arrival of the operator's personnel or personnel of the police and fire departments. (Ord. 11/10/03)