

Title 13

PUBLIC SERVICES

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Chapter 13.04

WATER SERVICE SYSTEM

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13.04.010 Ownership and control. The system of waterworks of the town shall be owned, maintained, controlled and managed exclusively by the town council and mayor of the

town. (Prior code §4 - 501)

13.04.020 Purpose of System. The objective and purpose of the waterworks system shall be to supply the town with water for the extinguishment of fires and for the supplying of the inhabitants thereof with suitable water for domestic, manufacturing, irrigation and other purposes. (Prior code §4-502)

13.04.030 Mandatory hookups. It being deemed essential to the public health and welfare of the inhabitants of the town to have maximum participation in the waterworks system, it is required that all water consumers within the town hook into the system or in lieu thereof to pay the monthly rate established for their class of user. (Prior code §4-503)

13.04.040 Separate hookups-Required. Each consumer is to have separate hookups with no extensions allowed. In the event of two dwellings on the same lot, each will be required to have a separate water line and will be obligated to pay a separate water fee. (Prior code §4-504)

13.04.050 Water user rates. Users of the municipal water system shall pay a monthly rate to be set by Resolution of the Town Council.
(Ord. 2011-6; 2/13/2012)

13.04.055 Water from Town Supply.

(a) For purposes of this section, a bulk user of water is a user authorized to utilize the Town key system or other Town-approved facilities for access to water.

(b) It shall be unlawful for any person to take any water from any fire hydrant or any other municipal water outlet, other than from a proper bulk or consumer hookup to the municipal water supply, without first obtaining permission from the town and paying a fee for the water used. Rates for bulk water users shall be set by Resolution of the Town Council.

(c) Any user wishing to have access to bulk water supply may make application for a metered account and access keys, which application must be accompanied by a deposit in the amount to be determined by Resolution of the Town Council. If the application is approved, the user will be allowed use of two access keys which shall remain the property of the town. Additional keys will require a deposit for each additional key in an amount to be determined by Resolution of the Town Council. Keys which are lost or not returned on the closing of the metered account will be assessed a charge in an amount to be determined by Resolution of the Town Council for each lost or unreturned key, which may be taken out of the deposit at the sole discretion of the Town Council.

(d) The taking of water from the town supply in violation of this section is a misdemeanor punishable by a fine of not more than \$750.00 for each violation.
(Ord. 2011-6; 2/13/2012)

13.04.060 Billing Procedure. The town treasurer shall issue a monthly billing for at least

the minimum rate to each consumer where it shall be deposited in the water works account. (Prior code (4-506))

13.04.070 Liability for water tariff. Billings for water supplied shall be in the name of the property owner, who shall be responsible for payment of all charges. (Prior code §4-507)

13.04.080 Delinquent accounts. All bills for use of water furnished shall be due and payable when received by the property owner or his agent. If any person neglects, refuses, or fails to pay his water bill within thirty days after the same becomes due, the water may be shut off from the premises. Before the water is again turned on, the total delinquent amount, together with a penalty, and expenses of in an amount to be set by Resolution of the Town Council shall be paid. The set penalty and costs set by Resolution may be graduated for frequent or repeated delinquent accounts. In the event the town elects to sue in a civil court of competent jurisdiction for recovery of the delinquent water tariff, costs of court, sheriffs fees, a reasonable attorney's fee and interest at the rate of ten percent per annum on the said delinquent account shall be assessed to the defendant and become part of the claim of the town. (Ord. 2011-6; 2/13/2012)

13.04.090 Lien against property. Delinquent water tariffs shall constitute a lien against the property furnished with water. The town is empowered to use any legal means necessary to foreclose on said lien or otherwise collect the delinquent amount. Additional expenses incurred by reason of such legal action shall be added to the amount due by the consumer. (Prior code §4-509)

13.04.100 Turning water back on. After water has been turned off for a violation of this chapter, no person shall turn the water back on without the written consent of the town. (Prior code §4-510)

13.04.110 Notice of no-use. Upon receipt of written notice from a consumer expressing an intent to temporarily vacate a residence for a period of more than thirty days and asserting that no water will flow through said consumer's line for any purpose, the town treasurer shall issue a bill for the month in which notice was received and then place the account in a non-use status. The town shall then turn off the water unless such action would increase the possibility of freezing within the pipes, or otherwise endanger the water system. (Prior code §4-511)

13.04.120 Town may shut off water. The town reserves the right to shut off the water from the mains for the purpose of making repairs or extensions, or for any other purpose without incurring liability for any damage that may result therefrom. (Prior code §4-512)

13.04.130 Town may restrict usage. If at any time there shall be a scarcity of water, the town council may, by majority vote, order such restrictions regarding the use of water as it deems necessary to conserve the supply, which order shall become effective twenty-four hours after posting at three prominent places within the town. It is unlawful for any person to violate such order as the town council may make pursuant hereto. (Prior code §4-513)

13.04.140 Tapping applications and fees. All persons tapping into the waterworks distribution system shall first make application to the town. No person shall be allowed to tap into the system for a vacant lot unless construction is to be commenced thereon within 90 days. All tapping applications shall be accompanied by a per unit tapping fee to be set by Resolution of the Town Council, which is in addition to the requirements that consumers provide material to the curb stop, the Town of Marbleton will supply curb stop and materials to the main water line. All persons who tapped into the system shall be liable for a monthly water fee, whether or not water is actually used. (Ord. 2011-6; 2/13/2012)

13.04.150 Consumer to supply materials and excavation. Any person tapping into the waterworks distribution system shall be required to furnish all materials and excavations from the town mains. Actual tapping of the main shall be done by the town or under its supervision and no tapping shall be allowed until a thorough inspection of the consumer's line has been made. (Prior code §4-515)

13.04.160 Materials required to be used. Water consumers must lay Type K copper water pipe from the city main to the curb box and from the curb box to the consumer either Type K copper or galvanized water pipe may be used. All pipe from the city main to the consumer must be not less than one inch in diameter. Consumers must provide a Mueller Corporation valve and Mueller curb cock and curb box. All plastic water lines shall require a bronze clog saddle, model 3401, or its equivalent. Consumers that have a private water supply must disconnect the same completely to prevent entry of said private water supply into the municipal system. (Ord. 91-1 §1, 1991: prior code §4-516)

13.04.170 Service pipe maintenance. All consumers shall keep their service pipes, connections and other apparatus in good repair and protected from frost at their own expense. (Prior code §4-517)

13.04.180 Town to have free access. Free access shall, at all ordinary hours allowed to the town to all places supplied with water from the waterworks system, to examine the apparatus, the amount of water used, the manner of its use, and to make all necessary shut-offs for vacancy, delinquency or violation of this chapter. (Prior code §4-518).

13.04.190 Permit to alter system. No person shall make any connection to, or in any manner perform any work upon, any of the mains, connections or appliances pertaining to the waterworks of the town without a written permit from the town. (Prior code §4-519)

13.04.200 Permit to extend lines. No person shall extend water lines from one consumer to another without a special permit granted by the town. (Prior code §4-520)

13.04.210 Report of permittee. Every plumber, consumer or person who, after obtaining a permit from the town shall install, any pipes, fixtures or appliances for persons desiring water use, or who shall make repairs upon, additions or extensions to, pipes or fixtures already installed, shall, within twenty-four hours after the same shall be completed, make a full report thereof to the town. (Prior code §4-521)

13.04.220 Sanitary regulations. It is unlawful for any person to pollute or befoul the

waterworks system. Upon discovery of any connection or practice which causes contamination of the system in any degree, the town shall shut off the particular connection until the practice or condition is corrected. (Prior code §4-522)

13.04.230 Violation; penalty. Any person violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction be fined not more than seven hundred fifty dollars. (Prior code §4 - 524)

Chapter 13.08

SEWER SERVICE SYSTEM

Sections:

- 13.08.010 Definition.
- 13.04.020 Purpose.
- 13.08.030 Determination of cost.
- 13.08.040 Determination of volume.
- 13.08.050 Determination of TSS and BOD.
- 13.08.060 Determination of cost to user.
- 13.08.070 Payment of the user's sewer service charge; penalties and liability of property owner for service.
- 13.08.080 Review of charges
- 13.08.090 Sewer system user rates.
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- 13.08.130 Permit required.
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13.08.010 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

"BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees celsius expressed in milligrams per liter.

"Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from oil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 m) outside the inner face of the building.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

"Combined sewer" means a sewer receiving both surface runoff and sewage.

"Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from sanitary sewage.

"Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

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

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

"PH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried easily under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 cm) in any dimension.

"Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

"Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

"Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, stormwaters as may be present.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sewage, as well as the entire sewage system if the context so requires.

"Shall" is mandatory; "may" is permissive.

"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 fifteen minutes, more than five times the average twenty-four hour concentration or flows during normal operation.

"Storm drain" (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"Town" or "town of Marbleton" means the town of Marbleton, Wyoming or its authorized representative as the context may require.

"Engineer" or "town engineer" means the town engineer of the town of Marbleton.

"Total suspended solids")at on the surface of, or
rage, or other liquids I
)oratory filtering.

“Total suspended solids” (TSS) means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 85-1 part), 1985)

13.08.020 Purpose. The purpose of the user charge system shall be to generate sufficient revenue to pay all ts for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the wastewater system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume, and, delivery flow rate characteristics shall be considered and included as basis for the user's contribution to ensure a proportional contribution of operation and maintenance costs to each user (or user class). The user charge system may also be used to defray the town's share of capital costs incurred for construction of the sewage facilities. These costs would be amortized and added to the annual costs for operation and maintenance. Distribution of these costs to users would be the same as the distribution of operation and maintenance costs as described herein. (Ord. 85-1 §2(part), 1985)

13.08.030 Determination of cost. The town or its engineer, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include but need not be limited to, labor, repairs, equipment replacements, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund. (Ord. 85-1 §2(part), 1985)

13.08.040 Determination of volume. The town or its engineer, shall estimate each user's average monthly volume of wastewater based upon a publication of the State Health Department entitled, "Minimum Standards for Private Sewage Disposal Systems," and/or Metcalf and Eddy's, "Wastewater Engineering," and/or field measurement of flows, and/or any other published data on flow contributions from various users deemed applicable by the town or its engineer. The town or its engineer may determine each user's average monthly poundage of five-day twenty degrees celsius BOD and average monthly poundage of suspended solids (TSS) for the same

period used to determine the average monthly volume of wastewater. (Ord. 85-1 §2(part) , 1985)

13.08.050 Determination of TSS and BOD. The town or its engineer may determine the average TSS and BOD monthly loadings for the average residential user. The town or its engineer shall assess a surcharge rate for all nonresidential users discharging wastes with BOD and TSS strengths greater than the average residential users. Such users shall be assessed a surcharge, sufficient to cover the costs of treating such users' above normal strength wastes. Normal strength wastes are considered to be two hundred p.p.m. BOD and two hundred fifty p.p.m. TSS. The following formula shall be applied for calculating the amount of each individual surcharge to be added to the normal user class charge:

$$\text{Surcharge} = (Bc(B-200) + Sc(S-250) + pc(p-pave))Q \text{ where}$$

Bc = O&M cost for treatment of a unit of biochemical oxygen demand (BOD5) in \$/MG.

B = Concentration of BOD5 from the user in ppm.

Sc = O&M cost for treatment of a unit of suspended solids (SS) in \$/MG.

S = Concentration of (SS) from the user in ppm.

Pc = O&M cost of treatment of a unit of any pollutant in \$/MG.

P = Concentration of any pollutant from the user in ppm.

Pave = Average normal domestic concentration of any pollutant, as determined by the engineer or other authorized town representative, in ppm. = User flow contribution in MGD.

Q = User flow contribution in MGD.

(Ord. 85-1 §2(part) , 1985)

13.08.060 Determination of cost to user. Each user or user class shall pay its fair share of the operation and maintenance costs of the wastewater treatment system and its fair share of the capital debt if so determined by the town. The town or its engineer shall determine the average residential monthly winter volume contribution which shall be used as a base. Each nonresidential user's average monthly volume will be divided by the average residential monthly winter volume contribution to determine the number of equivalent residential contributions for each user or user class. The total number of equivalent residential contributions plus the total number of actual residential users will be divided into the total annual cost of operation and maintenance, plus any amortized capital debt to be included, to determine the charge to a residential user. The number of equivalent residential contributions for each user, or user class, shall be multiplied by the charge to a residential user to determine the charge for each user or user class. Industrial and commercial establishments may be classified as residential provided

their contributions are less than or equal to the waste from an average residential user with respect to volume, SS and BOD. The burden of proof shall be on the establishment at their cost. Each user's user charge will be assessed in accordance with a rate schedule as determined by the town. (Ord. 85-1 §2 (part) 1985)

13.08.070 Payment of the user's sewer service charge--Penalties and liability of property owner for service. The town shall submit a monthly statement to the user for the user's monthly sewer service charge. If payment is not received by the town by the end of the month, the town shall add a penalty equal to one and one-half percent of the outstanding balance per month for every month the payment is not received. Should any user fail to pay the user sewer service charge and penalty within fifteen days after the due date (end the month) of the bill, the town may shut off the sewer service to the property. In order to accomplish the disconnection of the sewer service, the town shall shut off the water service to the property regardless of whether the water service charges are current.

A. In the event the town elects to sue in a civil court of competent jurisdiction for recovery of the delinquent sewer charges, court costs, sheriff's fees, a reasonable attorney's fee and interest of eighteen percent per annum on the said delinquent account, shall be assessed to the defendant and become part of the claim of the town.

B. Delinquent sewer charges shall constitute a lien against the real property furnished with sewer services. The town is empowered to record a lien in the public records of Sublette County and to use any legal means necessary to foreclose on said lien or otherwise collect the delinquent amount. Additional costs and expenses including reasonable attorney's fees incurred by reason of such legal action shall be added to the amount due by the consumer/defendant. The lien may also provide that the amount thereof shall automatically increase each month as services are provided.

C. The owner of every building, premises, lot or house (including the owner of mobile home parks/trailer courts) shall be liable for all charges for sewer taken from the property, which liability may be enforced by the town as provided in this chapter or by any other action at law or equity to enforce payment. In case the tenant in possession of any premises or buildings shall pay the sewer charges, it shall relieve the landowner from such obligations, but the town shall not be required to look to any person whatsoever other than the owner for the payment of the sewer charges. No change in ownership or occupation shall affect the application of this section. (Ord. 85-1 §2(part), 1985)

13.08.080 Review of charges. The town shall review the total annual cost of operation and maintenance as well as each user's wastewater contribution when determined to be necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. If a significant user, such as an industry, has completed in-plant modifications which would change that user's wastewater contribution, the user can present at a regularly scheduled meeting of the governing body such factual, information and the town shall then determine if the user's wastewater contribution is to be changed. The town shall notify the user of its findings as soon as possible. Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater services. (Ord. 85-1 §2(part), 1985)

13.08.090 Sewer system user rates. Users of the municipal sewer system shall pay a monthly rate to be set by Resolution of the Town Council. (Ord. 2011-6; 2/13/2012)

13.08.100 Prohibited acts.

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

B. It is unlawful to discharge to any natural outlet within the town or in any area under the jurisdiction of said town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this section.

C. Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (Ord. 85-1 §2 (part), 1985)

13.08.110 Connection required. The owner of all houses, buildings, mobile home parks or other properties used for human occupancy, employment, recreation or other purposes, situated within the town 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 of combined sewer of the town, is 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 chapter, within ninety days after date of official notice to do so; provided, that said public sewer is within one hundred feet of the property line. (Ord. 85 -1 §2 (part), 1985)

13.08.120 Where public sewer not available.

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

B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the town engineer or other authorized town representative. The application for such permit shall be made on a form furnished by the town which the applicant shall supplement by any plans or specifications submitted to the Wyoming Department of Environmental Quality (DEQ) and other information as may be deemed necessary by the town.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the town. A town representative shall be allowed to inspect the work at any stage of construction and, in any event, the application for the permit shall notify the town when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two hours of the receipt of notice by the town.

D. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the DEQ.

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

F. The owner shall operate and maintain any existing private sewage disposal facilities in

a sanitary manner at all times, at no expense to the town, until connection to the town's sewer system is required by the terms of this chapter.

G. No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the DEQ. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. 85-1 §2 (part), 1985).

13.08.130 Permit required. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the town. (Ord. 85-1 §2(part), 1985)

13.08.140 Types of permit.

A. There shall be two classes of building sewer permits:

1. For residential and commercial service; and
2. For service to establishments producing industrial wastes.

B. In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in judgment of the town engineer or other authorized town representative. (Ord. 85-1 §2 (PART), 1985)

13.08.150 Tap fee. The fee for the connection permit for residential or commercial sewer shall be set by Resolution of the Town Council (Ord. 2011-6; 2/13/2012)

13.08.160 Tap fee--Industrial. The fee for the connection permit for industrial sewer shall be determined on a case-by-case basis. Pretreatment requirements by the applicant and the need for an industrial cost recovery ordinance shall be considered for all industrial waste applications. (Ord. 85-1 §2(part), 1985)

13.08.170 Owner's expense. 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 town from any loss or damage that may directly or indirectly be occasioned by the installation 'of the building sewer. (Ord. 85-1 §2(part), 1985)

13.08.180 Individual sewer required. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; provided, that each unit or store within a single building shall be required to pay a tap fee. (Ord. 85-1 §2(part), 1985)

13.08.190 Existing sewer. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the town engineer or other authorized town representative, to meet all requirements of this chapter. (Ord. 85-1 §2(part), 1985)

13.08.200 Construction requirements. A. The size, slope, alignment, materials of construction of all sewers, including building sewers and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town and the state of Wyoming.

B. 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.

C. 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 town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.E. Manual of Practice No.9, as amended. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the engineer or other authorized town representative before installation.

D. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (Ord. 85-1 §2(part), 1985)

13.08.210 Prohibited connection. No person shall make connection of roof downspouts, exterior foundation drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 85-1 §2(part), 1985)

13.08.220 Inspection. The applicant for the building sewer permit shall notify the town when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of a representative of the town. (Ord. 85-1 §2(part), 1985)

13.08.230 Prohibited discharge. A. 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.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the engineer or other authorized town representative. Industrial cooking water or unpolluted process waters may be discharged, on approval of the town, to a storm sewer, combined sewer, or natural outlet.

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

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

2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, constitute a

hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer;

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

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

D. 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 town that such wastes can harm either the sewers, sewage treatment process or equipment, having an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees fahrenheit (60 C);

2. Any water or waste containing fats, wax, grease or oils} whether emulsified or not, in excess of one hundred or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees fahrenheit (0 and 65 C).

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

4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the town for such materials;

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

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the town in compliance with applicable state or federal regulations;

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

9. Materials which exert or cause:

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

b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning

solutions),

c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works,

d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein;

10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 85-1 §2(part), 1985)

13.08.240 Town may reject substances. A. 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 this chapter, and which in the judgment of the town 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 town may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this chapter. If the town permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the town and subject to the requirements of all applicable codes, ordinances and laws. (Ord. 85-1 §2(part) I 1985) 13.08.250--13.08.280

13.08.250 Interceptors, etc., required. Grease, oil sand interceptors shall be provided when, in the opinion of the town, they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the town, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 85-1 §2(part), 1985)

13.08.260 Preliminary maintenance. 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. (Ord. 85-1 §2(part), 1985)

13.08.270 Manhole installation. When required by the town, 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 accessible and safely located and shall be constructed in accordance with plans approved by the town. 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. (Ord. 85-1 §2(part) , 1985)

13.08.280 Methods for examination. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods' to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four hour composite of all out-falls of a premise is appropriate or whether a grab sample or samples should be taken. Normally but not always, BOD and suspended solids analyses are obtained from twenty-four hour composites of all out-falls whereas, pH's are determined from periodic grab samples. (Ord. 85-1 §2(part), 1985)

13.08.290 Treatment of industrial waste. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor, by the industrial concern. (Ord. 85-1 §2(part), 1985)

13.08.300 'Malicious activities prohibited. No unauthorized person shall maliciously, wilfully, or negligently break, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. (Ord. 85-1 §2(part),1985)

13.08.310 Access to property. A. The town or any of its duly authorized representatives 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 chapter. The town or its 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 of facilities for waste treatment.

B. The town or any of its authorized employees bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved. (Ord. 85-1 §2 (part), 1985)

13.08.320 Hold harmless. While performing any necessary work on private properties referred to in this chapter, the town 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 town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain

safe conditions. (Ord. 85-1 §2 (part), 1985)

13.08.330 Violation--Penalty. A. Any person found to be violating any provision of this chapter except Sections 13.08.300--13.08.320 shall be served by the town 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.

B. Any person who shall violate any provision of this chapter or continue any violation beyond any time limit provided for in accordance with subsection A of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding seven hundred fifty dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. The imposition of any fine shall not bar institution of appropriate legal actions or proceedings by the town to restrain, correct or abate the violations through injunctions, mandamus or otherwise, nor shall the institution of such legal actions or proceedings be deemed a bar to the imposition of such fine.

D. Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss or damage occasioned the town by reason of such violation. (Ord. 85-1 §2 (part), 1985)

5.15.010 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Pawn transaction" means the act of lending money on the security of pledged goods, or the act of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller at a stipulated price, within a fixed period of time.

B. "Pawnbroker" means a person engaged in the business of making pawn transactions.

C. "Person" means an individual person, partnership, corporation or association.

D. "Pledged goods" means tangible personal property other than securities or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his business in connection with a pawn transaction.

E. "Secondhand dealer" means anyone or more natural persons, partnership or corporation, either as principal or agent or employee thereof licensed under this ordinance whose regular business includes selling or receiving secondhand property, excluding flea markets, antique dealers, used furniture dealers, used car

dealers, nonprofit organizations, auction houses, used clothing dealers, property being sold by consignment by the owner thereof or otherwise being traded by any such owner for other property through any such secondhand dealer.

(Ord. 2012-2; 12/10/2012)

5.15.015 License.

A. It is unlawful for any person at any time to engage in the business of pawnbroker/secondhand dealer within the Town of Marbleton without first having obtained a business license from the Town.

B. Any person who shall violate or fail to comply with any of the provisions of this chapter may have his/her license revoked at the sole discretion of the Town Council. The decision of the city council may be appealed to the District Court in the same manner as the decision of an agency may be appealed under the Wyoming Administrative Procedures Act

(Ord. 2012-2; 12/10/2012)

5.15.020 Record Keeping

A. Every person licensed as a pawnbroker/secondhand dealer shall keep at each location specified in the license a record as required by Wyoming Statute § 33-6-106, including:

i. The name of each person pawning/selling property, along with a record of a photo identification consisting of a valid Wyoming driver's license with picture of the licensee, Wyoming identification card with picture of the licensee, or valid driver's license issued by another state with a picture of the licensee, or current military identification card with picture of the identified individual, or a valid passport with picture of the individual named therein, or in lieu thereof, at least two of the following forms of identification: Social Security card, valid temporary driver's license, immigration papers, or major credit card. The pawnbroker/secondhand dealer is required to record any identifying numbers of such identification, a current residence, and an accurate description with an approximate height, weight, hair and eye color, race and gender of said person;

ii. The date and time of the transaction, and the number of the property identification ticket for each transaction.

iii. For each item reasonably valued at more than five (5) dollars, the person shall also include an accurate, detailed description of all pledged, purchased or traded goods at the location, particularly describing any identifying marks, including, but not limited to, any and all trademarks, identification numbers, serial numbers, model numbers, owner-applied numbers, brand names or other identifying marks

or characteristics that may be on such property, bonds, notes or other securities. The description of multiple similar or identical items that are part of a simultaneous transaction shall have the total number of items listed.

iv. The pawnbroker/secondhand dealer shall require the customer to sign his or her name, in the presence of the pawnbroker/secondhand dealer, on a Declaration of Ownership stating that the pledged item(s) are owned by said customer or, if jointly owned or owned by another, a statement that said customer is authorized to engage in such a transaction. Each such Declaration shall be signed as witness by the pawnbroker/secondhand dealer at the time of the transaction.

B. Such information shall be kept in a substantial, well-organized notebook. All entries shall be made within twenty-four hours of the transaction. All entries shall be made either in ink or indelible pen, and no entry shall be erased, obliterated, deleted, altered or defaced. The book herein shall be kept in a clean and legible condition.

C. Every person licensed as a pawnbroker/secondhand dealer shall make available for inspection the book mentioned in this Ordinance when requested to do so by law enforcement or other officer of the city, and permit such officer to make a copy thereof, and shall also exhibit any personal property, bonds, notes or other securities that may be left with such licensed person for the inspection of any of the above-named officers when requested to do so.

(Ord. 2012-2; 12/10/2012)

5.15.030 Hold orders and surrender of property.

A. Any peace officer may order a pawnbroker/secondhand dealer to hold any tangible personal property deposited with or in the custody of any pawnbroker/secondhand dealer, if the officer has reasonable suspicion to believe that such property is connected with criminal activity, for purposes of further investigation. No sale or disposition may be made of such property held by any pawnbroker/secondhand dealer while the hold order remains outstanding. Any such hold order shall be effective for ninety days only, unless a criminal prosecution is undertaken with regard to any such property within such ninety-day period, in which event the hold order shall remain in effect until the prosecuting agency has notified the pawnbroker/secondhand dealer that the prosecution has been completed or dismissed.

B. If any peace officer determines, after investigation, that any article of personal property held by a pawnbroker/secondhand dealer is stolen or illegally obtained property, such officer may take such property into evidence.

(Ord. 2012-2; 12/10/2012)

5.15.040 Unlawful pawnbroker/secondhand dealer practices designated. No pawnbroker/secondhand dealer, or the employee thereof, shall:

A. Enter into a pawn transaction, accept pledged goods, or make a purchase from any person under the age of eighteen years, unless a parent or legal guardian is on scene when the transaction takes place;

B. Accept in pawn or acquire, by purchase or trade any property normally manufactured with a permanently embossed or attached serial number, on which the serial number is missing, obliterated, defaced or otherwise altered; provided, however, this provision shall not apply to sticker-type serial numbers which were affixed to the property by the manufacturer with glue only, and which are missing at the time of the pawn or purchase transaction;

C. Knowingly or willfully make any false representation upon, or in any way falsify any property identification ticket, receipt, pawn/secondhand document or business record;

D. Knowingly enter into any transaction, accept pledged goods or make a purchase from any person under the influence of alcohol, narcotics or stimulants;

(Ord. 2012-2; 12/10/2012)

5.15.050 Unlawful pawn/secondhand customer practices. It is unlawful for any person to:

A. Give false information to any pawnbroker/secondhand dealer regarding either themselves or the property being pledged or disposed of by sale or trade.

B. Alter the appearance of or conceal the true identity of any item being pledged or disposed of by sale or trade.

a.

C. To knowingly pledge, or dispose of by sale or trade any item where a serial number has been altered, defaced or removed.

D. To pledge or dispose for sale or trade any item which is or a reasonable person would believe is stolen.

(Ord. 2012-2; 12/10/2012)

5.15.060 Penalty. Any person who violates the provisions of this chapter is guilty of a misdemeanor, and shall be punished by a fine not more than \$750.00. Additionally, the license to operate such a Pawn or Secondhand dealer's license may be revoked.

(Ord. 2012-2; 12/10/2012)

5.15.070 Applicability of State Law.

A. Nothing in this Chapter shall be construed to limit or restrict the lawful exercise of any authority or privilege or the imposition of any penalties or controls permitted by the Wyoming State Statutes pertaining to pawnbrokers or the operation of Pawn Shops and otherwise applicable to the town.

B. All Wyoming State regulations and Statutes regarding pawnbrokers and pawn shops are expressly adopted by the Town as if set out in full herein, including any amendment thereto, and any violation of such shall be deemed a violation of Town Ordinance whether or not prosecution or complaint is initiated by the State.

(Ord. 2012-2; 12/10/2012)