

# YALE CITY CODE

## Chapter 25

### UTILITIES

#### Article 1. Generally

##### Sec. 25-1. Police powers extended to areas served by city water.

All police powers of the city and all ordinances relating to health and rules and regulations pertaining to sewage, sewage control and water pollution control of the city, together with all laws and regulations of the state relating to health, sewers and sewage control of cities shall apply to all lands within the corporate limits and all lands, properties and parcels which receive, purchase, and are supplied water by the City of Yale.

##### Sec. 25-2. Application for service.

(a) All rules and regulations prescribed in the Terms and Conditions of Service adopted by resolution of the City Commission shall constitute and be considered a part of the contract with every person who is supplied with utilities from the utility system of the city, and every person hereinafter called the customer, who accepts and uses utilities shall be held to have consented to be bound hereby.

(b) All applications for utilities service shall be made by the customer to the City Clerk and upon acceptance of the application, the department shall as promptly as practicable supply the customer with service in accordance with the Terms and Conditions of Service.

(c) All applications for utility service shall be made by and include the names of all unmarried persons residing within such property excepting minors.

##### Sec. 25-3. Right to refuse utility service.

(a) The City of Yale may refuse to provide utility services to an applicant or consumer from whom there remains owing an unpaid billing for utility services supplied to such applicant or consumer at any location with the City of Yale, or any location supplied with any utility by the City of Yale, or from a judgment arising from an unpaid utility account that remains unpaid in the applicant's name.

(b) The City of Yale may not deny service for failure to pay an obligation or debt to the City of Yale except for an amount due on a billing for utility service.

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(c) The City of Yale may refuse to provide utility service to an applicant for misrepresentation of identity or facts for the purpose of obtaining utility service or use of an alias, trade name, business name, relative's name or another person's name as a device to escape payment of an unpaid debt for utility services provided to the consumer.

(d) The City of Yale may refuse to provide service when the applicant is not in compliance with a deferred payment agreement or an extension agreement with the City of Yale entered into with respect to service previously rendered by the City of Yale to the applicant.

(e) The City of Yale may refuse to provide service to an applicant when there is evidence that the applicant is using service in an unauthorized manner or is tampering with the equipment furnished and owned by the City of Yale utility departments.

(f) The City of Yale may refuse to provide service to an applicant when the applicant is not provided an acceptable proof of identity. Acceptable forms of proof of identity may include any of the following:

- (1) Driver's license or state identification card
- (2) Military identification
- (3) Social Security card
- (4) Current student identification card
- (5) Passport
- (6) Any other verifiable proof that would prove identity.

(g) The City of Yale may refuse to provide utility services when:

(1) The applicant is not in compliance with municipal regulations governing the service for which applied.

(2) The service applied for is of such character that it is likely to unfavorably affect the service of other consumers.

(3) The connection of utility services to the applicant's equipment would create a hazard.

(4) The applicant is causing or threatening damage to the City of Yale's property.

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### Sec. 25-4. Charges for utility services; late payment charge; deposit interest rate.

(a) Charges for utility services provided by the city, including but not limited to gas, water, garbage, sewer and electric service, shall be due and payable monthly according to dates to be determined by the city; and each monthly bill shall have stamped thereon the due date. A late payment charge in an amount equal to one and one-half (1.5) percent of the total amount due on each monthly bill may be added in the event the bill is not paid the due date stated on the bill. The due date shall be on the fifteenth (15<sup>th</sup>) day of each month.

### Sec. 25-5. Water emergencies.

(a) Subject to the prior approval of the City Commission, the City Manager is hereby authorized and empowered to make any and all necessary orders and regulations restricting the use of municipal water in order to retain sufficient water for adequate fire protection and for the health of the people, and such orders and regulations shall be made when, in the judgment of the City Manager, the supply of water on hand requires such restrictions, orders, and regulations.

(b) In case of an emergency caused by water shortage, the City Manager shall immediately give notice by publication to the water consumers of the city's water system not to use water from the system for any purpose other than strictly domestic use and such other use as the City Manager may designate so long as the water shortage lasts. The restrictions shall be effective the following day after first publication in the city. The City Manager, upon termination of the emergency conditions, shall notify the public of the termination of the emergency, and the restrictions so imposed shall thereupon terminate.

### Sec. 25-6. Interruption of service.

(a) When it becomes necessary to suspend delivery of water for the purpose of making repairs, connecting extensions, or any other reason, the city will exercise due diligence to notify if practical the customers affected of the fact, but the utilities department is to be held free and not liable for any damages resulting from interruption of service whether notice of such interruption has or has not been given. The city shall be held blameless and free from liability in case of damage to property in the process of manufacture or development because of uncontrollable interruptions of service caused by breakage or restriction of supply lines.

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(b) Should services fail by reason of an act of God or public enemy, accidents, strikes, or their equivalent, legal process, or injury to the equipment of the city or extraordinary repairs, the city shall not be liable in damages for any such interruption of services.

### Sec. 25-7. Resale of water prohibited; use for purposes furnished required.

(a) It shall be unlawful for any person upon whose premises there is water supplied, to install additional fixtures on said premises or to apply the water to purposes other than to those for which the application was made, or to furnish water to additional families or persons, organizations, associations or corporations or premises without the written permission of the city.

(b) Water delivered to consumers from the city water pipes shall be for use upon the premises of the individual consumer only, and shall not be resold or delivered for use off the premises of the consumer, or shared with others. Nothing contained in this subsection shall apply to house trailers or mobile homes, or any water resold under and by virtue of a special contract entered into with the city.

### Sec. 25-8. Rules and Regulations.

(a) The City Manager shall formulate and enforce such additional rules as may be necessary to properly conduct the utility systems of the City of Yale subject to approval of the City Commission.

(b) No person, firm, organization or entity shall install piping, make a connection to or attach pipes to service lines in such a manner that utilities may be secured without being supplied under the terms of this Chapter and the terms and conditions of utility service.

### Sec. 25-9. Guaranteed Flat Rate Utility Billing.

(a) Any customer or consumer of the City of Yale utility system may apply to have a flat rate guaranteed utility bill from the City of Yale. Any person, firm, organization or entity desiring to be billed under a flat rate guaranteed utility bill shall make an application at the Office of the City Clerk on a form to be furnished by the City of Yale. Such application shall contain the description of the premises where such utilities are to be used and shall be signed by the person desiring flat rate utility billing or the duly authorized agent of any such organization or entity.

(b) In order to be eligible for flat rate utility billing the customer must have been at the service address for a period of not less than Twelve (12) months prior to making such

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application, shall have separate utility meters to such address and shall not have been past due on any utility billing for the previous Six (6) months.

(c) The City of Yale shall be the sole judge of eligibility for flat rate utility billing. If the applicant is determined to be eligible for flat rate utility billing, the City of Yale shall commence flat rate utility billing at the next available utility billing cycle. To determine the amount of the flat rate utility billing, the City of Yale shall add together all of the applicant's monthly utility billings for the previous Twelve (12) months and then divide by Twelve (12) to determine the amount of each monthly bill for the next year. Sales taxes and franchise fees shall not be considered in such calculation and shall be added to each month's flat rate bill. Any fuel costs or surcharge costs shall remain in the flat rate utility billing. Such flat rate utility billing shall be recalculated once each Six (6) months for each individual customer or consumer being billed at a guaranteed flat rate. Customers and consumers may select to be billed at a flat guaranteed rate for all of the utility services offered by the City of Yale excepting garbage or trash services.

### Sec. 25-10. Access to customer's premises, etc.

(a) All meters shall remain the property of the city and may be removed from the customer's premises at any time, without notice, for the purpose of testing or repairing same or upon discontinuation of the service.

(b) Employees of the utilities department shall have the right to enter, at any reasonable hour, upon all premises served by the department for the purpose of reading the meters, inspection of the meter, pipes, and valves, and other purposes that may be necessary to maintain proper service.

### Sec. 25-11. Refund of deposit.

The deposit shall be refunded by the City Clerk to the customer upon termination of use of service, provided that the customer has paid all bills due to the department but, if the meter is damaged in any way except by ordinary wear, the whole of such or so much thereof as is necessary to pay the amount due the department shall be deducted from the deposit. The City Clerk may require the identification of the person surrendering the deposit receipt.

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### Sec. 25-12. Disposition of deposits not withdrawn.

All deposits, less any lawful deductions, made by a subscriber with the City of Yale to secure payment for, or any sum paid in advance for utility services to be furnished by the city, that has not been withdrawn by the person appearing on the records of the city entitled thereto for more than one (1) year after the termination of the services for which the deposit or advance payment made, shall become the property of the City of Yale upon the following procedure. The City of Yale shall send written notice to the customer at his last-known address stating that the deposit will be paid over to the City of Yale unless it is claimed by the customer within ninety (90) days of the date the notice is mailed by the City of Yale. The City of Yale shall publish in a newspaper of local circulation a list of names and last-known addresses of customers stating the deposit will be paid over to the City of Yale if not claimed within ninety (90) days. If the money is not claimed or refunded within the ninety (90) days, the amount of the deposit shall be paid into the general fund of the City of Yale. No municipal utility customer shall have a right to any claim or refund on the deposit after written notice or publication and expiration of the ninety-day period in accordance with this section.

### Sec. 25-13. Tampering with meter.

No one except an authorized employee of the utilities department shall be permitted to remove or work on any meter or connection. If at any time the department finds that a meter or other equipment used in furnishing water service to the customer has been tampered with by any one except an employee of the department, it shall be considered, sufficient cause for immediate discontinuation of service.

## Article 2. Water System

### Sec. 25-14. Service rules.

(a) The rates, rules, and regulations hereinafter prescribed shall constitute and be considered a part of the contract with every person, firm, organization or corporation who is supplied with water from the waterworks system of the City of Yale; and every person, firm, organization or corporation, hereinafter called the customer, who accepts and uses water shall be held to have consented to be bound hereby.

(b) All applications for water service shall be made by the customer to the utilities department and upon acceptance of the application, the department shall as promptly as

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practicable supply the customer with service in accordance with rates, rules, terms, regulations, and all provisions of this article.

(c) The applicant agrees to comply with the provisions of this article.

### Sec. 25-15. Water department created, Respective duties.

The water department shall be under the control of the City Manager who may from time to time as he sees fit, appoint certain employees to conduct the duties of that department. The water department shall have charge of the control, operation, repair, maintenance and improvement of the physical plant of the water system, testing, reading, repair and setting of meters, and line extensions. The City Clerk shall be the clerk of the water department and shall have charge of all the ordinary financial operations of the water system as a business enterprise, such as billing for water rents, the collection of fees for taps, materials, line extensions when the cost is born by the consumer, water deposits, water rents, penalties and other money payable to the city for the ordinary financial operations of the water system, and the keeping of proper accounts. The City Clerk shall issue all permits, turn-on orders, cut-off orders, and other orders relative to the ordinary financial operations of the water system. The conduct of the City Clerk's duties under this ordinance are to be always under the supervision of the City Manager.

### Sec. 25-16. Application for water service.

Any person desiring to have a premises connected with the water supply system of the City of Yale, shall make an application therefore at the City Clerk's office on a form furnished by the City of Yale. The application shall contain the description of the premises where such water is to be used and shall be signed by the person desiring water service or by his duly authorized agent. The City of Yale, may if it desires, require that a valid and executed lease agreement be provided to the City to verify the authority to request water service as such premises.

### Sec. 25-17. Deposits.

At the time of making application and signing the contract for water service, the applicant shall pay a deposit to the City Clerk in the sum as required by Sections 25-143 and 25-144 of this chapter.

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### Sec. 25-18. Fees for the installation of water service.

Fees for the installation from the main to the curb lines, hereafter provided, shall be as follows:

- |     |                              |          |
|-----|------------------------------|----------|
| (1) | Three-fourths inch meter:    | \$150.00 |
| (2) | One inch meter:              | \$200.00 |
| (3) | One and one-half inch meter: | \$225.00 |
| (4) | Two inch meter:              | \$250.00 |

For all services larger than 2 inches, the charge will be the actual costs thereof complete in place, plus 15% for supervision, tools and machinery furnished in performance thereof. When services are laid under pavement, an additional charge shall be made to cover costs of cutting, repairing and replacing the pavement:

### Sec. 25-19. Water Rates.

(a) The rates for water used within the corporate limits of the City of Yale shall be as follows:

- (1) Effective the 1<sup>st</sup> day of January, 2021;  
\$22.15 minimum for usage between 0 and 1,000 gallons per month;  
\$12.40 per 1,000 gallons for usage over 1,000 gallons but less than 5,000 gallons per month  
\$12.95 per 1,000 gallons for usage over 5,000 gallons but less than 15,000 gallons per month;  
\$13.50 per 1,000 gallons for usage over 15,000 gallons per month.

(2) Effective July 1, 2021 those rates set in section (a) shall be increased annually on the 1<sup>st</sup> day of July by an amount equal to the increase in the annual CPI index or by three percent (3%) whichever amount is less.

(b) The rates for garden meters shall be those as set by section (a) hereof and shall not include any fee for sanitary sewer. For purposes hereof all garden meters shall be plumbed separately and shall not be connected to the sanitary sewer system.

(c) In the event that the Lone Chimney Water Association or any other wholesale provider of water to the City of Yale declares an emergency, gives notice that a shortage exists by reason of which the Lone Chimney Water Association will not be able to provide minimum



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contracted quantities of water to the City of Yale or imposes a surcharge, additional fee or cost greater than the base water cost amounts established in the Correlative Water Contract dated June 14, 2011 and which fee, surcharge or reduced water sales amount is imposed upon the City of Yale due to drought or emergency conditions, the City of Yale shall automatically at the next monthly billing date impose temporary water rates to encourage the conservation of water during such times of emergency or water shortage. Such temporary water rates shall be as follows:

(1) Precautionary Drought or Emergency Status. For water usage in excess of 3,000 gallons of water use during a billing period in which such temporary water rates are in effect, a surcharge of \$3.35 per thousand gallons used shall be imposed in addition to the base water rates.

(2) Critical Drought or Emergency Status. For water usage between 2,000 and 6,000 gallons of water during a billing period in which such temporary rates are in effect, a surcharge of \$3.35 per thousand gallons used shall be imposed in addition to the base water rates. For water usage in excess of 6,000 gallons of water used during a billing period in which such temporary rates are in effect, a surcharge of \$6.44 per thousand gallons shall be imposed to the base water rates.

(d) In the event that the City of Yale or the Yale Water and Sewer Trust shall receive an increase in the base rate for water sold to the City or to the Trust by its wholesale supplier of water those rates as set in section (a) (1) and (a) (2) above shall automatically be increased by the same amount as the increase in the wholesale base rate charged to the City or to the Trust. Such increased rate to the customers of the City of Yale shall become effective on the next billing cycle immediately following notification by the wholesale supplier of such increased rate for water.

(e) Such rates shall be considered to be temporary due to such emergency or drought conditions and shall terminate on the billing date next following notification by the Lone Chimney Water Association or any subsequent wholesale provider of water that such emergency or drought conditions have concluded.

(f) Bulk water sales shall be metered and charged as follows:  
\$5.00 per 1,000 gallons with a minimum of \$25.00 per load.

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### Sec. 25-20. Construction Rates.

When city water is used for construction, the regular rates shall apply where the water is metered. If unmetered, the following charges will be made:

Brick	\$.07 per 1,000 gallons
Concrete	\$.08 per 1,000 gallons
Plaster	\$.005 per 1,000 gallons

### Sec. 25-21. Delinquency, penalty, water may be cut off, charge.

(a) All bills for water service shall be due on the day of receipt and payable on or before the 15th day of each month for services rendered during the preceding monthly billing period. Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. It is the duty of the customer, whether he be owner or tenant to keep the City Clerk advised in writing of his correct mailing address.

(b) A month shall be considered as that period of approximately thirty (30) days or less, ending when the meter is read.

### Sec. 25-22. Service line; Maintenance.

All service lines between the main and the curb shall be maintained by and at the expense of the city. If a meter is not set at the end of the service lines and connections between the end of the service and the meter shall be maintained by the city, but the actual cost of said maintenance shall be charged to the customer.

### Sec. 25-23. Separate premises.

Every separate premises supplied with water by the city, must have its own separate service connection unless the City Manager grants permission for two or more such premises to receive water from the city through one service connection. The City Manager may withdraw such permission at any time.

### Sec. 25-24. Meter required; Fees.

(a) It shall be unlawful for a plumber or any other person to make a connection to, or use water from the city water system until a meter has been set. All meters installed by the city shall belong to the City of Yale, regardless of size.

(b) The City of Yale shall be responsible for making payment for the purchase of all such meters not exceeding three-fourths inch in size. The purchase of meters exceeding three-

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fourths inch in size shall be paid for by the City of Yale paying an amount equal to the cost of a three-fourths inch meter and the applicant/homeowner paying any and all amounts in excess of the cost equal to the purchase price of a three-fourths inch meter.

### Sec. 25-25. Location and installation.

(a) All meters and meter boxes are to be furnished and installed by the city and the actual cost of same charged to the customer.

(b) All meters are to be located outside of buildings in a suitable place and protected from freezing, and easily accessible for reading, except in those cases where it is deemed more advantageous to the city that the meter be located at a point determined by the division superintendent.

### Sec. 25-26. Size of pipe; laid two feet below surface.

All persons connected with the city water system or laying their own private pipe shall be required to use Type K Copper, Galvanized, or schedule "40" plastic potable water pipe up to and including two inches in size. All pipes shall be laid not less than two feet below the surface of the ground, except in ungraded streets where the grade is already established the pipes shall be laid at least two feet below the established grade.

### Sec. 25-27. Insuring a meter, etc; Estimate of bill.

In all cases where meters or meter boxes are lost, injured broken by willful action or by carelessness or negligence of owners or occupants of premises they shall be replaced or repaired at the expense of the owners or occupants of the premises. In case of non-payment, the water shall be cut off and will not be turned on until such charges are paid. In the event of a meter getting out of order or failing to register properly, the consumer shall be charged on an estimate made by the City Manager of the average monthly consumption during the last three months when the meter was in good condition or from what he may consider to be the most reliable data at his command.

(b) It shall be unlawful for any person, unless duly authorized by the City Manager, to disturb, displace, interfere with, cover up, damage or destroy a water main, water pipe, meter, meter box, machinery, tools, building, fire hydrant, curb cock, curb box or any other property belonging to, connected with or under control of the municipal water supply system of the City of Yale, Oklahoma.

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### Sec. 25-28. Private lines.

All private lines shall be maintained by and at the expense of the owner. When the water department notifies the owner that there is a leak in his private line, the owner shall have the same repaired immediately, and in case of failures to do so, the water will be cut off until the line has been repaired.

### Sec. 25-29. Keys for curb cocks.

The City Manager may permit any licensed plumber to have a service key, which he shall keep in his possession and with which he may shut off the curb cock for the purpose of making repairs on the premises. No person other than a licensed plumber shall use this key, and plumbers shall leave a curb in the condition in which it was found.

### Sec. 25-30. Water turned on only by authority of City Manager.

When water has been shut off from any premises by application and other cause, it shall be unlawful for any person again to connect such premises with water except when authorized to do so by the City Manager. When water is so turned on without such authority the water department may then shut off the water at the main or remove a portion of the service connection at the cock; and if the water was turned on thus by the consumer or by his authority, he shall be charged the actual cost of cutting out and reinstating the water supply.

### Sec. 25-31. City may cut off at any time.

The City reserves the right at any time without notice to cut off the water supply for repairs, extension, non-payment of rents, creating a nuisance, use of such water creating unsafe or unsanitary purposes, use of such water for illegal purposes or any other proper cause; and the city shall not be responsible for any damage such as bursting of boilers supplied by direct pressure, the breaking of any pipes or fixtures, stoppages or interruptions of water supply, or any other damage resulting from the shutting off of water.

### Sec. 25-32. Meter tested.

When the accuracy of record of a water meter is questioned, it shall be removed at the consumer's request and shall be tested and a report thereon shall be duly made. If the test disclosed an error against the consumer of more than 3% in the meter's registry, the excess of the consumption in the three previous readings shall be credited to the entire expense of the test, and

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the deposit required as hereinafter prescribed shall be returned. Where no such error is found, the person who has requested the test shall pay the charge fixed for such test. Before making a test of any meter, the person requesting such test shall at the time of filing such request with the City Manager, make a deposit in the amount of Thirty-five Dollars (\$35.00) with the City Clerk for such test, subject to the conditions herein stated.

No meter shall be removed or in any way be disturbed, nor the seal broken, except in the presence of and under the direction of the City Manager or an officer or employee duly authorized by him.

### Sec. 25-33. Service for fire protection.

Service for fire protection must be fitted for such fixtures only as are needed for fire protection and entirely disconnected from those used for other purposes.

### Sec. 25-34. Use of another water supply; Cross connections prohibited.

No service may be allowed from the city water mains to any premises supplied by water from another source unless the City Manager grants permission; and the City Manager may terminate such permission at any time. The City Manager shall have power to prescribe reasonable regulations for the use of water from another source on premises that have a connection with the city water system.

It shall be unlawful for any person, firm, or corporation to cause a connection to be made or to allow one to exist for any purpose whatsoever between the city water supply and any other source of supply. Every person, firm or corporation having any other source of water supply upon his or its premises is required to make a customer's declaration of nonexistence of cross connection upon a form supplied by the water department before he or it shall be permitted to obtain or continue to use water from the city water system. City water shall be discontinued upon any premises upon which there is found to be a connection between the city water supply and another water supply; and such service shall not be restored until such cross connection has been discontinued.

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### Sec. 25-35. Interference with fire hydrants.

It shall be unlawful for any person except one duly authorized by the City Manager or a member of the fire department in the city to open, turn off or on, interfere with, attach any pipe or hose to, or connect any thing with any fire hydrant or stop cock belonging to the city.

### Sec. 25-36. Fraudulent use of service, penalty.

(a) No person, firm, organization, association or corporation shall, unlawfully use water supplied by the water department of the City of Yale without paying therefore, nor break the seal of any water meter or valve, nor install piping, make connections or attach pipes to service lines in a manner so that water may be secured without being supplied under the terms of this chapter.

(b) It shall be unlawful for any person, firm, organization, association or corporation upon whose premises there is water supplied to install additional fixtures on said premises or to apply the water to purposes other than to those for which the application was made, or to furnish water to additional families, firms, organization or corporation or premises unless said person, firm, organization or corporation or premises shall first make written application to the City of Yale and receive permission for said use. Water delivery to consumers from the water conduit shall be for use upon the individual premises of the consumer only, and shall not be resold or delivered for use off the premises of the consumer. Service is for the exclusive use of the customer, and is not to be resold or shared with others. Provided, however, that nothing contained in this provision shall be construed to cover house trailers or mobile homes, or any water resold under and by virtue of a special contract entered in to the City of Yale and signed by the mayor thereof.

(c) Any person, firm, organization, association or corporation who violates any of the provisions of this section of Chapter 25 of the Yale City Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed Five Hundred Dollars (\$500.00) excluding costs. Each separate day such violation for purposes hereunder.

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## Article 3. Sewer Service Charge

### Sec. 25-37. Declaration of public utility.

The sanitary sewage system of the City of Yale is hereby declared to be a public utility, and a proper source of revenue for the upkeep and maintenance of the system and for other purposes.

### Sec. 25-38. Definitions.

For the purpose of this article, certain items and words are to be used and interpreted as defined hereinafter;

- (1) Sanitary sewage system includes all sanitary sewer trunk lines, main lines, submain lines, lateral lines, and sewage treatment plants, and all sewer lines connected to the city's sewage treatment plants, whether owned by the city or not.
- (2) Sanitary sewage is the liquid waste which may or may not contain solids discharged into the sanitary sewage system from a dwelling, business building, factory, institution, or other property.
- (3) Customer is the owner or property served by the water connection, or tenant, lessee, renter, establishment, institution, or occupant of such property, or the person in or against whose name the water connection for such property is listed on the books and records of the City of Yale and who is responsible to the city for the payment of bills incurred for water furnished to the property, and for by such property of the sanitary sewage system of the city, either or both.
- (4) User is a water customer, as above defined, whose property also discharges sanitation into the sanitary sewage system of the City of Yale.
- (5) Sewer service rate is the charge fixed for the user based upon the gallon amount of sanitary sewage determined to be discharged into the sanitary system of the City of Yale.
- (6) Sewer service charge is the charge fixed for the user based upon the gallon amount of sanitary sewage determined to be discharged into the sanitary system of the city multiplied by the sewer service rate.

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### Sec. 25-39. Sewer service charge.

For purposes of providing funds for the maintenance of the sanitary sewage system and for other purposes, there are hereby fixed and established charges for the use of the sanitary sewage system to be levied against each respective user thereof as follows:

- (1) The amount of sanitary sewage determined to be discharged into the sanitary sewage system of the City of Yale shall be determined by the quantity of water metered to the user, but in cases where such amount cannot be reasonably determined from the water so metered, the amount of sanitary sewage discharged into such sewage system shall be set to be an amount equal to two (2) times the monthly minimum charge levied by Section 2 hereof.
- (2) Each user of the sanitary sewage system of the City of Yale, Oklahoma, is hereby required to pay to the City for each month of use a sewer service charge, such sum to be computed by multiplying the monthly quantity of water metered to such user during the immediately preceding calendar month by the appropriate sewer service rate as set forth in the following rate schedule.
  - (a) Effective on the 1st day of January, 2021.

Monthly Quantity of Water Metered.

For all service, residential, commercial, government or non-profit:

\$19.72 minimum for usage between 0 and 1,000 gallons per month

\$ .25 per 1,000 gallons for usage over 1,000 gallons but less than 5,000 gallons per month.

\$ .30 per 1,000 gallons for usage over 5,000 gallons but less than 10,000 gallons per month.

\$ .36 per 1,000 gallons for usage over 10,000 gallons but less than 15,000 gallons per month.

\$ 1.80 per 1,000 gallons for usage over 15,000 gallons per month.
  - (b) Effective July 1, 2021, those rate set in section (2) (a) of this Section 25-39 shall be increased annually on the 1<sup>st</sup> day of July by an amount equal to the increase in the annual CPI index or by three percent (3%), whichever amount is less.



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- (3) At the time of making application and signing the contract for sewer service the applicant shall pay a connection fee in the sum as required by Sections 25-143 and 25-144 of the Yale City Code which shall amount of Twenty-five Dollars (\$25.00), which fee shall be for the costs of connection by the consumer so the sanitary sewage system.

### Sec. 25-40. Exceptions.

Exceptions to the above sewer service charge are provided as follows:

- (1) In lieu of metering water at its source, any person, firm, corporation, association, institution, or establishment from whose property or premises sanitary sewage is discharged into the sanitary sewage system of the City of Yale, where the charge, based upon the quantity of water metered to such user, does not reasonably determine the amount of sewer discharged by the applicant into the sanitary sewer system under the special facts and conditions shown to exist so that the sewer service charge to the applicant will be just, fair, and equitable. The sewer service rate contained herein, is designed to compensate for the normal discrepancies in water metered and sanitary sewage discharged as a result of summer lawn watering, and no adjustment shall be made for summer lawn watering.
- (2) The City of Yale does not obligate itself to furnish sanitary sewer service to any persons outside the limits of the City of Yale whomsoever, but will furnish such service as is reasonable within its financial ability to do so.
- (3) That where industrial wastes having excessive concentrations of suspended solids or biochemical oxygen demand (BOD) are permitted to be discharged into the City sewer system, a surcharge shall be levied in addition to the charges established under the rate schedule. The surcharge shall be 3.09 cents for each pound of 200 parts per million, and 6.97 cents for each pound of BOD in excess of the normal concentration of 222 parts per million. The sewer inspector shall determine the quantity and strength of the waste, or the user may install measuring devices and perform tests satisfactory to the sewer inspector, and the result thereof may be used to compute the amount of the surcharge.

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### Sec. 25-41. Collections.

The sewer service charge for the use of the sanitary sewer system shall be billed to each user monthly, along with the bill for water and other services, and the City Clerk is hereby directed not to accept payment of the bill for water and other services unless such payment is accompanied with the sewer service charge. The failure to pay a sewer service charge when due shall be cause for discontinuing and disconnecting either the sewer or all of the connections.

### Article 4. Lease of Part of Sanitary Sewer System Authorized.

### Sec. 25-42. Lease authorized.

The City of Yale, Oklahoma, hereby determines to enter into and the mayor and clerk of the city hereby are authorized and directed to execute and affix the seal of the city to a lease to the Yale Water and Sewer Trust, the sanitary sewer system of the City of Yale, Oklahoma, said part of such system being described as follows: All of the sanitary sewer system belonging to the City of Yale, Oklahoma.

### Article 5. Sewers and Sewage Disposal

### Sec. 25-43. Purpose and policy.

This article sets forth uniform requirements for users of the wastewater collection and publicly owned treatment works (POTW) for the city and enables the city to comply with all applicable state and federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 CFR, part 403). The objectives of this article are:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- (2) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- (4) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;

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- (5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
- (7) To enable the city to comply with its NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws to which the POTW is subject.

This article shall apply to all industrial users of the POTW. The article authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. State law reference – Title 11 Section 37-201.

### Sec. 25-44. Administration.

Except as otherwise provided herein, the City Manager shall administer, implement and enforce the provisions of this article. Any powers granted to or duties imposed upon the City Manager may be delegated by the pretreatment coordinator to other city personnel.

### Sec. 25-45. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated. If a term is not defined herein, the most current U.S. EPA definition shall be used.

*Act or the act.* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

*Approval authority.* The appropriate Regional Administrator of the U.S. EPA, or his designee.

*Authorized representative of the industrial user:*

- (1) If the industrial user is a corporation, "authorized representative" shall mean:
  - (a) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;

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(b) The manager of one (1) or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) If the industrial user is a partnership, or sole proprietorship, an "authorized representative" shall mean a general partner or proprietor, respectively;

(3) If the industrial user is a federal, state or local governmental facility, an "authorized representative" shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;

(4) The individuals described in subparagraphs (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

*Biochemical oxygen demand BOD.* The quantity of oxygen in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of mass per unit volume (milligrams per liter (mg/l)).

*Categorical pretreatment standard or categorical standard.* Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with sections 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

*City.* The City of Yale or the City Commission.

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*Color.* The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred (100) percent transmittance is equivalent to zero (0.0) optical density.

*Composite sample.* The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

*Control authority.* The term "control authority" shall refer to the pretreatment coordinator of the city.

*Environmental Protection Agency or EPA.* The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the regional water management division director or other duly authorized official of said agency.

*Existing source.* Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.

*Grab sample.* A sample which is taken from a waste stream on a one (1) time basis without regard to the flow in the waste stream and without consideration of time.

*Indirect discharge or discharge.* The introduction of (non-domestic) pollutants into the POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Act.

*Industrial user or user:* A source of indirect discharge.

*Instantaneous maximum allowable discharge limit.* The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

*Interference.* A discharge which alone or in conjunction with a discharge or discharges from other sources:

(1) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/ regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly

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referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

*Medical waste.* Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

*New source.*

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subparagraph (1) b. or c. above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

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(a) Begun, or caused to begin as part of a continuous on-site construction program:

- (1) Any placement, assembly or installation of facilities or equipment, or
- (2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

*Noncontact cooling water.* Water used for cooling which does not come into direct contact with any raw material intermediate product, waste product, or finished product.

*Pass through.* A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation).

*Person.* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

*pH.* A measure of the relative acidity or alkalinity of a substance, expressed in standard units, based on pH measurement techniques which utilize as a basis for measurement, the negative logarithm of the molar hydrogen ion activity [ $\text{pH} = -\log(\text{H}^+)$ ].

*Pollutant.* Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, odor).

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*Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

*Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment, imposed on an industrial user, other than a pretreatment standard.

*Pretreatment standards or standards.* "Pretreatment standards" shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.

*Process wastewater.* Any water which, during manufacturing or processing, comes into direct contact with and/or directly results from the production of or use of any raw material, intermediate product, finished product, byproduct, or waste product.

*Prohibited discharge standards or prohibited discharges.* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 30-132 of this article.

*Publicly owned treatment works or POTW.* A "treatment works" as defined by section 212 of the Act (33 U.S.C. 1292), which is owned by the city. This definition includes any devices or systems used in the collection, storage treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant, whether owned by the city or not. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

*Reasonable hours.* For the purpose of inspection and sampling, "reasonable hours" includes any time the user is operating any process that results in wastewater or any time the user is discharging to the POTW.

*Septic tank waste.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Sewage.* Human excrement and gray water (household showers, dishwashing operations, etc.).

*Significant industrial user.* Shall apply to:

- (1) Industrial users subject to categorical pretreatment standards; and
- (2) Any other industrial user that:



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(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater,

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or

(c) Is designated as significant by the city on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

*Standard Industrial Classification (SIC).* A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

*Stormwater.* Any flow occurring during or following any form of natural precipitation and resulting therefrom, including snow melt.

*Suspended solids.* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid, and which is removable by laboratory filtering.

*Treatment plant effluent.* Any discharge of pollutants from the POTW into waters of the state.

*Wastewater.* Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

*Wastewater treatment plant or treatment plant.* That portion of the POTW designed to provide treatment of sewage and industrial waste.

*Shall* is mandatory; *may* is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

### Sec. 25-46. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD	-Biochemical oxygen demand.
CFR	-Code of Federal Regulations.
COD	-Chemical oxygen demand.
EPA	-U.S. Environmental Protection Agency.
<i>gpd</i>	-Gallons per day.

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<i>l</i>	-Liter
<i>mg</i>	-Milligrams.
<i>mg/l</i>	-Milligrams per liter.
NPDES	-National Pollutant Discharge Elimination System.
O & M	-Operation and maintenance
POTW	-Publicly owned treatment works.
RCRA	-Resource Conservation and Recovery Act.
SIC	-Standard Industrial Classification.
SWDA	-Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).
TSS	-Total suspended solids.
U.S.C.	-United States Code

### Article 6. General Sewer Use Requirements

#### Sec. 25-47. Prohibited discharge standards.

No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirement. Furthermore, no industrial user may contribute the following substances to the POTW:

- (1) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to wastestreams with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test methods specified in 40 CFR 261.21.
- (2) Any wastewater having a pH less than 5.0 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering city personnel.
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half (0.5) inch or one and twenty-seven hundredths (1.27) centimeters in any dimension.

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- (4) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW, or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.
- (5) Any wastewater having a temperature greater than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius).
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Any trucked or hauled pollutants.
- (9) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
- (10) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the city's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten (10) percent from the seasonably established norm for aquatic life.
- (11) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the pretreatment coordinator in compliance with applicable state or federal regulations.
- (12) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water,

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noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the pretreatment coordinator.

- (13) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (14) Any medical wastes, except as specifically authorized by the pretreatment coordinator in a wastewater discharge permit.
- (15) Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- (16) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

### Sec. 25-48. Federal Categorical Pretreatment Standards.

The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, parts 405 through 471 are hereby incorporated.

### Sec. 25-49. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.

### Sec. 25-50. Specific pollutant limitations.

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following (instantaneous maximum allowable discharge limits):

Local discharge limitations for the Yale POTW:

<i>Pollutant</i>	<i>mg/l</i>
Arsenic	0.07
Cadmium	0.08
Chromium	1.34
Copper	1.71
Cyanide	0.18

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Lead	0.39
Mercury	0.02
Nickel	0.90
Silver	0.92
Zinc	2.08
Molybdenum	0.33
Selenium	0.08

Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. At his/her discretion, the pretreatment coordinator may impose mass limitations in addition to or in place of the concentration based limitations above.

### Sec. 25-51. City's right of revision.

The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in section 25-43 of this article or the general and specific prohibitions in section 25-47 of this article.

### Sec. 25-52. Special agreement.

The city reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

### Sec. 25-53. Dilution.

No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment

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standard or requirement. The pretreatment coordinator may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

### Sec. 25-54. Pretreatment facilities.

Industrial users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in section 25-46 above within the time limitations specified by the EPA, the state, or the pretreatment coordinator, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the city under the provisions of this article.

### Sec. 25-55. Additional pretreatment measures.

(a) Whenever deemed necessary, the pretreatment coordinator may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this article.

(b) Grease, oil and sand interceptors shall be provided when, in the opinion of the pretreatment coordinator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the pretreatment coordinator and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at his expense.

(c) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

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(d) At no time shall two (2) readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.

### Sec. 24-56. Accidental discharge/sludge control plans.

The City Manager may require any industrial a user to develop and implement an accidental discharge/sludge control plan. The City Manager shall evaluate whether each significant industrial user needs a plan or other action to control sludge discharges. For industrial users identified as significant prior to January 1, 2011, this evaluation must have been conducted at least once by January 1, 2012; additional significant industrial users must be evaluated within one (1) year of being designated a significant industrial user. For purposes of this subsection, a sludge discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. The results of such activities shall be available to the approval authority upon request. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a sludge discharge. Any industrial user required to develop and implement an accidental discharge/sludge control plan shall submit a plan which addresses, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges.
- (2) Description of stored chemicals.
- (3) Procedures for immediately notifying the POTW of any accidental or sludge discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in section 30cl32 of this article.
- (4) Procedures to prevent adverse impact from any accidental or sludge discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

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### Sec. 25-57. Tenant responsibility.

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either of both may be held responsible for compliance with the provisions of this article.

### Sec. 25-58. Vandalism

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be guilty of a misdemeanor and fined in an amount not to exceed Five Hundred Dollars (\$500.00) and costs.

### Sec. 25-59. New connections.

Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. Where practical, an application for this wastewater discharge permit must be filed at least one hundred eighty (180) days prior to the date upon which any discharge will begin.

### Sec. 25-60 Application contents

In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required by this article. The pretreatment coordinator shall approve a form to be used as a permit application. In addition, the following information may be requested:

- (1) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- (2) Number and type of employees, hours of operation, and proposed or actual hours of operation of the POTW.
- (3) Each product produced by type, amount, process or processes, and rate of production.
- (4) Type and amount of raw materials processed (average and maximum per day).



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- (5) The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- (6) Time and duration of the discharge.
- (7) Any other information as may be deemed necessary by the pretreatment coordinator to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

### Sec. 25-61. Application signatories and certification.

All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation."

### Sec. 25-62. Duration.

Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the pretreatment coordinator. Each wastewater discharge permit will indicate a specific date upon which it will expire.

### Sec. 25-63. Contents.

(a) Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the pretreatment coordinator to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

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- (b) Wastewater discharge permits must contain the following conditions:
- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.
  - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to, and approval from, the city, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
  - (3) Effluent limits applicable to the user based on applicable standards in federal, state, and local law.
  - (4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.
  - (5) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
- (c) Wastewater discharge permits may contain, but need not be limited to, the following:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
  - (2) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
  - (3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
  - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

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- (5) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.
- (8) Other conditions as deemed appropriate by the pretreatment coordinator to ensure compliance with this article, and state and federal laws, rules, and regulations.

### Sec. 25-64. Appeals.

Any person, including the industrial user, may petition the city to reconsider the terms of a wastewater discharge permit within ninety (90) days of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (4) If the city fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.
- (5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing an action in district court.

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### Sec. 25-65. Transfer.

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least ninety (90) days' advance notice to the pretreatment coordinator and the pretreatment coordinator approves the wastewater discharge permit transfer. The notice to the pretreatment coordinator must include a written certification by the new owner and/or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur;
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

### Sec. 25-66. Revocation.

- (a) Wastewater discharge permits may be revoked for the following reasons:
  - (1) Failure to notify the city of significant changes to the wastewater prior to the changed discharge.
  - (2) Failure to provide prior notification to the city of a changed condition.
  - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
  - (4) Falsifying self-monitoring reports.
  - (5) Tampering with monitoring equipment.
  - (6) Refusing to allow the city timely access to the facility premises and records.
  - (7) Failure to meet effluent limitations.
  - (8) Failure to pay fines.
  - (9) Failure to pay sewer charges.
  - (10) Failure to meet compliance schedules.
  - (11) Failure to complete a wastewater survey or the wastewater discharge permit application.
  - (12) Failure to provide advance notice of the transfer of a permitted facility.

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(13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the article.

- (b) Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

### Sec. 25-67. Reissuance.

(a) A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit reapplication form in accordance with paragraph (b), below, a minimum of ninety (90) days prior to the expiration of the industrial user's existing wastewater discharge permit.

(b) The City Manager shall approve a form to be used as a permit reapplication. The permit reapplication form will, at a minimum, require industrial users to provide information on the following:

- (1) Changes made to operation schedule;
- (2) Changes in raw materials processed;
- (3) Changes in products produced;
- (4) Process changes or modifications;
- (5) Changes made to wastewater producing operation;
- (6) Changes in wastestream pollutant characteristics;
- (7) Pretreatment facility modifications and/or changes; and
- (8) Any other information deemed necessary by the City Manager

### Sec. 25-68. Continuation of expired permits.

An expired permit will continue to be effective and enforceable until the permit is issued

- (1) The industrial user has submitted a complete application at least ninety (90) days prior to the expiration date of the user's existing permit;
- (2) The failure to reissue the permit, prior to the expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

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## Article 7. Reporting Requirements

### Sec. 25-69. Baseline monitoring reports.

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6 (a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the city a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the city a report which contains the information listed in paragraph (b), below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

- (b) The industrial user shall submit the information required by this section including:
- (1) *Identifying information.* The name and address of the facility including the name of the operator and owners.
  - (2) *Wastewater discharge permits.* A list of any environmental control wastewater discharge permits held by or for the facility.
  - (3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - (4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6 (e).

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- (5) *Measurement of pollutants.*
  - (a) Identify the categorical pretreatment standards applicable to each regulated process.
  - (b) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 25-77.
  - (c) Sampling must be performed in accordance with procedures set out herein.
- (6) *Certification.* A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) *Compliance schedule.* If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in this article.
- (8) *Signatory.* All baseline monitoring reports must be signed and certified in accordance with Section 25-61.

### Sec. 25-70. Compliance schedule progress report.

The following conditions shall apply to the schedule required by section 25-69. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components,

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commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the City Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the City Manager.

### Sec. 25-71. Report on compliance with categorical pretreatment standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the city a report containing the information described in section 25-68. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 25-60.

### Sec. 25-72. Periodic compliance reports.

(a) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 25-61.

### Sec. 25-73. Report of changed conditions.

Each industrial user is required to notify the City Manager of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change.



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(1) The City Manager may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 25-60.

(2) The City Manager may issue a wastewater discharge permit under section 25-60 or modify an existing wastewater discharge permit.

(3) No industrial user shall implement the planned changed condition(s) until and unless the City Manager has responded to the industrial user's notice;

(4) For purposes of this requirement flow increases of ten (10) percent or greater, and the discharge of any previously unreported pollutants, which have the potential to affect the POTW, shall be deemed significant.

### Sec. 25-74. Reports of potential problems.

(a) In the case of any discharge including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a sludge load which may cause potential problems for the POTW, it is the responsibility of the industrial user to immediately telephone and notify the city of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

(b) Within five (5) days following such discharge, the industrial user shall, unless waived by the pretreatment coordinator, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this article.

(c) Failure to notify the city of potential problem discharges shall be deemed a separate violation of this article.

(d) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

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### Sec. 25-75. Reports from nonsignificant industrial users.

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the City Manager may require.

### Sec. 25-76. Notification of the discharge of hazardous waste.

(a) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under section 25-72 herein. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements herein.

(b) Dischargers are exempt from the requirements of paragraph (a) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e), requires a one-time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

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(c) In the case of any new regulations under section 3001 of [the] RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

### Sec. 25-77. Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

### Sec. 25-78. Recordkeeping.

(a) For each sample taken to satisfy the requirements of this section, users shall record the following information:

- (1) Date, exact place, method and time of sampling, the names of the person or persons taking the samples;
- (2) The person who performed the analysis and the laboratory where the analysis was done;
- (3) The dates the analyses were performed;
- (4) The analytical techniques/methods used;
- (5) The results of analysis.

(b) Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this article. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this article, or where the industrial user has been specifically notified of a longer retention period by the pretreatment coordinator.

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### Sec. 25-79. Notification of violation.

Whenever the City Manager finds that any user has violated or is violating this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the City Manager or his agent may serve upon said user a written notice of violation. Within fifteen (15) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

### Sec. 25-80. Compliance orders.

When the City Manager finds that a user has violated or continues to violate this article, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, he/she may issue an order to the user responsible for the discharge directing that the user come into compliance within ninety (90) days. If the user does not come into compliance within ninety (90) days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

### Sec. 25-81. Cease and desist orders.

When the City Manager finds that a user is violating this article, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the City Manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements;

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- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

### Sec. 25-82. Emergency suspensions.

The City Manager may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City Manager may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City Manager shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless the termination proceedings set forth in section 25-83 are initiated against the user.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

### Sec. 25-83. Termination of discharge.

Any user that violates the following conditions of this article, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions.
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge.

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- (3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
- (5) Violation of the pretreatment standards in Division 2 of this article.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 25-79 of this article why the proposed action should not be taken.

### Sec. 25-84. Injunctive relief.

Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this article, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the pretreatment coordinator may petition the Payne County Court through the city attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the city, including any action for damages. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

## Article 8. Sewer System Generally

### Sec. 25-85. Use of public sewers required.

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

### Sec. 25-86. Privies, septic tanks, etc., declared unlawful.

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

### Sec. 25-87. Connection to Public Sewer System.

(a) The City of Yale may require that all houses, buildings or properties used for human occupancy, employment, recreation or other purposes within the City of Yale be

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connected directly to the proper public sanitary sewer system in accordance with the provisions of this Section.

(b) Wherever a sewer line for public use exists in the road, right of way or any street or alley which directly adjoins or abuts a property within One Hundred (100) feet of a property, the owner shall at the owner's expense connect any new or substantially improved building or any existing structure to the public sewer system.

(c) Where public sewage disposal systems are not available and it is not economically feasible or legally available and construction or substantial improvements are contemplated for a building or structure for human occupancy, employment, use, recreation or other purpose then and in that event a sewage disposal system may be constructed that does not connect to the public sewage system pursuant to the provisions of Section 25-88 of this Chapter.

### Sec. 25-88. Private sewage disposal.

(a) Where a public sanitary sewer is not available under the provisions of Section 25-86, the house, building or property may be connected to a private sewage disposal system that complies with the provisions of this Chapter.

(b) Where public sanitary sewer is unavailable, all domestic sewage must be disposed of by an approved method of collection and effluent discharge. All water carried sewage must pass through a septic or other approved sedimentation tank prior to its discharge into the soil. No septic tank or other means of private sewage disposal may cause pollution of any ground surface, ground water, bathing area, lake, pond water course, or create a public sewage disposal nuisance.

### Sec. 25-89. Permits required before construction.

Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Payne County Health Department. The application for such permit shall be made on a form furnished by the said health department which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the said health department.

### Sec. 25-90. Permit not effective until inspection and requirements are met.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Payne County Health Department. Representatives shall be allowed to inspect the work at any stage of construction and, in any

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event, the applicant for the permit shall notify the said health department when the work is ready for final inspection, and before any underground portions are covered.

### Sec. 25-91. Department of Public Health, State of Oklahoma.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Oklahoma. No septic tanks or cesspool shall be permitted to discharge to any natural outlet.

### Sec. 25-92. Abandoning private septic tanks, etc., upon connection.

At such time as a public sewer becomes available to a property served by a private disposal system, as provided in Section 25-87, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

### Sec. 25-93. Operation of private sewage facilities.

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

### Sec. 25-94. Additional requirements may be imposed.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

### Sec. 25-95. Filling private sewers.

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

### Sec. 25-96. Unauthorized connections; 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 City Manager.

### Sec. 25-97. Costs borne by owner.

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



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### Sec. 25-98. Separate and independent sewers required; exception.

A separate and independent 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 and the whole considered as one building sewer.

### Sec. 25-99. Old building sewers may be used; when.

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

### Sec. 25-100. Construction shall conform to codes.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the National Plumbing Code.

### Sec. 25-101. Sewer elevation.

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.

### Sec. 25-102. Drain connections not to be made to sewer.

No person shall make connection of roof downspouts, exterior foundation drains, areaways 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.

### Sec. 25-103. Sewer connection to meet specifications.

The connection of the building sewer into the public sewer shall conform to the requirements of the National Plumbing Code.

### Sec. 25-104. Sewer excavation to be guarded.

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

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### Sec. 25-105. Water drainage not to be discharged into sanitary sewer.

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

### Article 9. Sewer Main Extensions

### Sec. 25-106. Sewer main extension; application.

Every person, firm, or corporation desiring a sewer main extension, whether inside or outside the corporate limits of the City of Yale, shall make written application to the City Commission for approval of such extension. The application shall be accompanied by a sketch or drawing of the tract to be served, proposed location of the new main, location of existing sewer mains in close proximity thereto, and the proposed point of connection to the existing sanitary sewer system of the City of Yale.

### Sec. 25-107. City specifications: approved by city engineer and department of health.

All sewer main extensions shall be constructed according to city specifications and approved by the city and department of Health of the State of Oklahoma.

### Sec. 25-108. How costs to be paid.

The costs of sewer main extensions shall be borne as follows:

The developer and/or owner of a tract shall bear the entire cost of a sewer main adequate in size, as determined by the city, to serve the tract that he is developing or desires to serve, provided that in no event shall a main of less than eight (8) inches in diameter be considered adequate. If the city desires that the sewer main be larger than is necessary to serve said tract, the city may, if funds are available, pay the additional cost of said main. All such sewer main extensions upon completion shall become the sole and exclusive property of the city and shall be operated and maintained as a part of the city sanitary sewer system; provided, however, if a main is so located as to render it possible for tracts of land not owned by the developer and/or owner to be served through said main, then and in the event the developer and/or owner shall retain title to said main to the extent of his interest therein based on his participation in the total cost thereof, and shall lease his interest to the city as more particularly set forth in the following section.

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## Article 10. City Electric Service

### Sec. 25-109. Definitions.

(a) The word "department" wherever used in this article shall be held and construed to mean the utility department of the City of Yale, Oklahoma and any act in this article required to be done by the City of Yale shall be done on its behalf by an authorized employee of the utility department.

(b) Person shall mean any natural person of either sex, an association, partnership, trust or corporation acting by themselves or by an agent, servant or employee.

(c) Large Commercial Customer shall mean those commercial customers using and having in excess of 50 K.W. capacity.

(d) Small Commercial Customer shall mean those commercial customers using and having less than or equal to 50 K.W. capacity.

(e) Industrial Customers shall mean those customers using and having in excess of 400 K.W. capacity.

(f) Power Generation Tower or Structure shall mean any tower or structure constructed, erected or set upon the ground or attached to a structure having a permanent location on the ground, the purpose of which is to generate and supply power, through the assistance of a renewable energy source, to be utilized by an existing residential or nonresidential customer for use on the property on which the tower or structure is located. A power generation structure shall be deemed to include all structural and mechanical components of such structure.

(g) As used herein, the singular shall be held to include and construed to mean plural and masculine shall be construed to include the feminine.

### Sec. 25-110. Electric service department created: Respective duties.

(a) There is hereby created an electric service department under the control of the City Manager who may from time to time as he sees fit appoint certain employees to conduct the duties of that department.

(b) The electric service department shall have charge of the control, operation, repair, maintenance, and improvements of the physical plant of the electric service system, testing, reading, repair and setting of meters, and line extensions.

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(c) The City Clerk shall be the clerk of the electric services department and shall have charge of all the ordinary financial operations of the electric service department as a business enterprise, such as billing for electric energy rents, penalties and other money payable to the city for the ordinary financial operations of the electric service department, and the keeping of proper accounts. The City Clerk shall issue all permits, turn-on orders, cutoff orders, and other orders relative to the ordinary financial operations of the electric service department. The conduct of the City Clerk's duties under this ordinance are to be always under the supervision of the City Manager.

### Sec. 25-111. Application for electric service.

(a) Any person desiring to have a premises connected with the electric distribution system of the City of Yale, shall make an application therefore at the City Clerk's office on a form furnished by the City of Yale. The application shall contain the description of the premises where such electricity is to be used and shall be signed by the person desiring electric service or his duly authorized agent. The City of Yale, may if it desires, require that a valid and executed lease agreement be provided to the City to verify the authority to request electric service at such premises.

### Sec. 25-112. Meter to be installed: contract: installation policy.

(a) When the application as required in the preceding section has been made, the City shall cause to be installed a meter and connect the same with the City wires for electrical service. The City at all times shall have the right to enter upon the premises for the purpose of inspections, reading the meters, and repair of adjustments of the electric meter and the wires of the City connection therewith. The application and the installation of a meter on the premises shall constitute a contract and agreement between the City and the persons making the application to pay for the electric service applied for at the rate and manner specified in the ordinances of the City of Yale. The city specifically reserves the right to charge and collect the rate and enforce the penalties in the manner herein provided, to change the rates at any time by ordinance, and to temporarily discontinue the service at any time without notice to the consumer when necessary for repairs or some other emergency at the discretion of the city.

(b) The point of delivery of electrical service shall be the point at which the electric supply system of the City connects to the wiring system of the consumer. The City will be

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responsible for maintenance up to the point of delivery only. For overhead construction, the point of delivery is that point where the City's overhead service drop connects to consumer's service entrance conductors. For underground construction, the point of delivery is that point where the City's service lateral connects to the consumer's service entrance conductors, usually the metering point, and shall be a point outside the building or at the first point of connection inside the building most convenient for connection to the City's facilities.

The consumer shall request the location of the point of delivery which will be designated by an authorized employee of the City, without charge, either before or during construction of the consumer's facilities.

Where a service connection cannot be installed, made, serviced or maintained in a manner acceptable to the City of Yale, it will be the responsibility of the consumer to provide whatever corrective measures are required by the City.

In the case where the customer chooses to take delivery in the easement at a drop or service pole, the meter will be mounted on that pole and the meter-loop (service entrance raceway and conductors) will be supplied by the customer. The City will connect at the weather head and that will be the point-of-delivery.

(c) For light load and/or seasonal installations, such as oil well motors, infrequently used buildings and similar uses, the following procedure will be followed.

- (1) The City shall extend the City service for 300 feet without additional charges.
- (2) All service over 300 feet to the point of connection shall be paid for, in advance, as follows:

Estimated cost of materials plus 20% for labor and equipment. Any cost over the estimated cost shall be billed to the customer. Any cost under the estimated cost shall be refunded to the customer.

- (3) The customer must provide a legal easement or other right-of-way for the city prior to installation.

### Sec. 25-113. Deposit to be made.

Any person making application for electric service with the City of Yale at the time said application is made, shall make a deposit with the City Clerk for purposes of guaranteeing

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payment of the monthly electric bill according to the provisions of section 25-143 and section 25-144 of this Chapter.

### Sec. 25-114. Electric Energy Rates.

(a) The rates for electric energy used within the corporate limits of the City of Yale, and for electric energy used without the corporate limits of the City of Yale shall be as follows:

(1) Effective on the 1<sup>st</sup> day of January, 2021.

For all service, residential, commercial, government and non-profit:

Customer Charge	\$ 16.83 per month
Energy Charge	\$ .103 cents per KWH

(2) Effective July 1, 2021, those rates as set in Section (A) (1) above shall be increased annually on the 1<sup>st</sup> day of July each year by an amount equal to the increase in the annual CPI index or by three percent (3%) whichever amount is less.

(3) In the event that the City of Yale or the Yale Water and Sewer Trust shall receive an increase in the base rate for electrical energy sold to the City or Trust by its wholesale supplier of electrical energy those rates as set in Section (A) (1) and (A) (2) above shall automatically be increased by the same amount as the increase in the wholesale base rate charged to the City or to the Trust. Such increased rate to the customers of the City of Yale shall become effective on the 1<sup>st</sup> day of the month immediately following notification by the wholesale supplier of such increased rate for electrical energy.

(b) If a residential energy consumer permanently installs and uses equipment for electric space heating for human comfort of not less than 5 K.W. capacity and so informs the City of Yale in writing, 2,000 KWH in excess of 500 KWH shall be classified as space heating block for winter season for which the consumer shall be charged 4.6 cents per KWH with the remaining excess at the prevailing rate schedule. Application of this provision shall apply to billings rendered in the months of November through April annually which is hereby interpreted as the winter heating season.

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(c) If an energy consumer permanently installs and uses power generation equipment upon the consumer's premises and after having complied with the provisions of Section 25-116, or any other rule or regulation of the Yale City Code regarding installation of power generation equipment such consumer shall be entitled to a Distributed Generation energy rate. Such Distributed Generation rate shall be as follows:

(1) Effective on the 1<sup>st</sup> day of January, 2021.

For all service, residential, commercial, government and non-profit:

Customer Charge	\$ 60.00 per month
Energy Charge – 1 <sup>st</sup> 1000 KWH	7.50 cents per KWH
Energy Charge – Over 1000 KWH	8.75 cents per KWH

(2) Effective July 1, 2021, those rates as set in Section (A) (1) above all shall be increased annually on the 1<sup>st</sup> day of July each year by an amount equal to the increase in the annual CPI Index or by three percent (3%) whichever amount is less.

(3) In the event that the City of Yale or the Yale Water and Sewer Trust shall receive an increase in the base rate for electrical energy sold to the City or Trust by its wholesale supplier of electrical energy those rates as set in Section (A) (1) and (A) (2) above shall automatically be increased by the same amount as the increase in the wholesale base rate charged to the City or to the Trust. Such increased rate to the customers of the City of Yale shall become effective on the 1<sup>st</sup> day of the next billing cycle immediately following notification by the wholesale supplier of such increased rate for electrical energy.

(4) In the event that the City of Yale receives electricity from the energy customer who utilizes power generation equipment under the terms of this section, the City of Yale shall credit to the bill a sum equal to \$0.0212 cents per KWH for any and all power so received.

(d) Purchased power cost adjustment shall be in addition to the amount computed according to the applicable electric rate schedules created herein. The purchased power cost adjustment shall be calculated by the following formula:

B divided by C minus A equals the power cost adjustment.

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A is the projected average cost per kilowatt hour of energy, calculated periodically by the Oklahoma Municipal Power Authority.

B is the total amount of the monthly invoices from the Oklahoma Municipal Power Authority and the SouthWest Power Authority.

C is the total reported kilowatt hour used as shown from the invoice of the Oklahoma Municipal Power Authority.

(e) In order to facilitate the billing procedure, the kilowatt hour consumption to the customer will be rounded to the nearest number divisible by ten (10). As an example, kilowatt hour consumption of 292 kilowatt hours will be rounded to 290 kilowatt hours, a kilowatt hour consumption of 297 kilowatt hours will be rounded to 300 kilowatt hours.

(f) The City of Yale will provide individual, unmetered electric pole or night lights at the rate of Ten Dollars (\$10.00) per light. A connection fee of Fifteen Dollars (\$15.00) shall be charged for each light installed. For any electrical pole installation there shall be no installation fee for the first pole, should such installation require more than one pole, the fee for the installation of such additional poles shall be equal to the cost incurred by the City of Yale for such pole or poles thus Ten percent (10%). The City shall not be required to install pole or night lights should the City determine that such installation will require the setting of more than two poles.

### Sec. 25-115. Premises to be separate, resale prohibited.

(a) Where electrical service is provided, every separate premises shall have its own service connection and utility meter.

(b) Where electrical service is provided, such service is for the sole use of the applicant and it shall be prohibited and illegal to sell, share or in any manner allow another premises to use such service.

### Sec. 25-116. Power generation structures, rules of construction.

(a) No power generation tower or structure shall be constructed within the City of Yale without first obtaining a construction permit from the City of Yale. The fee for a power



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generation structure permit shall be One Hundred and no/100 Dollars (\$100.00) and shall include the following:

- (1) A legal description of the property where the tower or structure will be located.
- (2) A scaled drawing of appropriate dimensions which shows where the tower or structure will be located on the property.
- (3) A description, to include height, of the tower or structure for which the permit is sought.
- (4) Name and address of the applicant.

(b) No power generation tower or structure shall be constructed so that the height of such structure shall be greater than the distance from the base of the tower or structure to all property lines of the property where such tower or structure is located. For purposes of this section such distance shall be determined by measuring from the base of such tower or structure to its highest point, to include height added by any blade in a vertical position if the power generation power or structure is wind motivated, so that should said structure fall it shall come to rest wholly within the boundaries of the property upon which it is located. It shall be unlawful to any such power generation structure or tower to be attached or affixed to any residential structure.

(c) Prior to issuance of a construction permit, the owner and tenant, if not one and the same, of the property upon which any power generating tower or structure is to be located, shall provide the City of Yale written permission to all City of Yale employees to enter upon the subject property whenever necessary for the City to inspect the tower or structure, its supports and components for structural stability, provided, that any such authority shall not relieve the property owner of any duties or obligations with regard to the safety and lawfulness of such tower or structure.

(d) A property owner or tenant of any property may erect solar panels on the roof of any structure within the City of Yale and such property owner or tenant may use the electrical power generated from such solar panels. No person, firm, entity or corporation may erect or place solar panels on any empty or vacant property, nor the front or side yards of any property visible from the public street within the City of Yale.

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(e) No portion of this Section regarding the placement and construction of a power generation tower or structure shall authorize the construction or use of any such tower or structure in violation of any statute, ordinance, building code, electrical code or any applicable state or federal regulations.

### Sec. 25-117. Use of another electric supply: Cross connections prohibited.

No service may be allowed from the city electrical system to any premises supplied by electricity from other source unless the City Manager grants permission; and the City Manager may terminate such permission at any time.

It shall be unlawful for any person, firm, or corporation to cause a connection to be made or to allow one to exist for any purpose whatsoever between the city electrical supply and any other source of supply. Every person, firm, or corporation having any other source of electricity upon his or its premises is required to make a customer's declaration of nonexistence of cross connection upon a form supplied by the City of Yale before he or it shall be permitted to obtain or continue to use electricity from the city electric system. City electricity shall be discontinued upon any premises upon which there is found to be a connection between the city electrical supply and another electrical supply; and such service shall not be restored until such cross connection has been discontinued.

### Sec. 25-118. Fraudulent use of service, penalty.

(a) No person, firm, organization, association or corporation shall, unlawfully use electricity supplied by the City of Yale without paying therefore.

(b) It shall be unlawful for any person, firm, organization, association or corporation upon whose premises there is electricity supplied to install additional fixtures on said premises or to apply the electricity to purposes other than to those for which the application was made, or to furnish electricity to additional families, firms, organization or corporation or premises unless said person, firm, organization or corporation or premises shall first make written application to the City of Yale and receive permission for said use.

(c) Any person, firm, organization, association or corporation who violates any of the provisions of this section of Chapter 25 of the Yale City Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed Five Hundred Dollars (\$500.00) excluding costs. Each separate day such violation for purposes hereunder.

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### Sec. 25-119. Injuring a meter; estimate of bill.

In all cases where meters are lost, injured or broken by willful action or by carelessness or negligence of owners or occupants of premises, they shall be replaced or repaired at the expense of the owners or occupants of the premises. In case of non-payment, the electric service shall be cutoff and will not be again connected until such charges are paid. In the event of a meter getting out of order, or failing to register properly, or it is discovered that the consumer is receiving electric energy without allowing it to be registered by the meter, the consumer shall be charged on an estimate made by the City Manager of the average monthly consumption during the last three months when the meter was accurately registering the consumer's use, or from what he may consider to be the most reliable data at his command. It shall be unlawful for any person, unless duly authorized by the City Manager, to disturb, displace, interfere with, damage, or destroy any electric wire, meter, machinery, tool, building or any other property belonging to, connected with or under control of the municipal electric service system of the City of Yale, Oklahoma.

### Sec. 25-120. No other service to be used.

No other power service or electric light service shall be used by a consumer in conjunction with, or supplementary to, the city's service, either by throw switch, or parallel circuit, or any other connection or device, except by a special written agreement with the City Manager.

### Sec. 25-121. Stand-by charge.

In those instances where the City Manager approves another power or electric light service to be used, the consumer shall be charged as follows: Primary charges: A charge of \$1.20 per month per kilowatt of capacity, or in the case of motors \$1.20 per month per horsepower capacity will be made. Secondary charge: A minimum charge of \$1.50 for domestic consumers, and \$2.00 for commercial consumers per month will be made. Any usage in any given month shall be charged at the usual rate in effect for that consumer. The Primary Charge and the Secondary Charge shall be added together to arrive at the amount of the bill for the consumer for any month. The City Manager shall re-examine such consumer annually, or at any other time when he may believe that the kilowatt or horsepower capacity has increased or decreased.

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### Sec. 25-122. Electric service turned on only by authority of City Manager.

When electric service has been cut off from any premises by application of the owner thereof or for the non-payment of electric energy bills or for any other cause, it shall be unlawful for any person again to connect such premises with electric service except when authorized to do so by the City Manager. When electric service is so reconnected without such authority, the electric service department may then remove the service wires to the pole; and if the electric service was reconnected by the consumer or by his authority, he shall be charged the actual cost of cutting off and reinstating the electric service.

### Sec. 25-123. City may cut off electricity service at any time.

The city reserves the right at any time without notice to cut off the electric service for repairs, extension, non-payment of bills, or any other proper cause; and the city shall not be responsible for any damage resulting therefrom.

### Sec. 25-124. Access to consumer's premises.

Any authorized employee of the electric service department shall have access at all reasonable times to the consumer's premises to install, remove, test, repair, service, and read the city's meters, appliances, or other city property.

## Article 11. City Gas Service

### Sec. 25-125. Definitions.

(a) The word "department" whenever used in this article shall be held and construed to mean the utilities department of the City of Yale and any act in this article required to be done by the City of Yale shall be done on its behalf by an authorized employee of the utilities department.

(b) The word "person" whenever used in this article includes persons of either sex, or association, co-partnership, expressed trust, or corporation, whether acting by themselves or by a servant, agent, or employee.

(c) The singular person shall be held and construed to include the plural.

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### Sec. 25-126. Gas Service department operated: Respective duties.

There is hereby created a gas service department under the control of the City Manager who may from time to time as he sees fit appoint certain employees to conduct the duties of that department.

The gas service department shall have charge of the control, operation, repair, maintenance, and improvements of the physical plant of the gas service system, testing, reading, repair and setting of meters, and line extensions.

The City Clerk shall be the clerk of the gas services department and shall have charge of all the ordinary financial operations of the gas service department as a business enterprise, such as billing for gas service, penalties and other money payable to the city for the ordinary financial operations of the gas service department, and the keeping of proper accounts. The City Clerk shall issue all permits, turn-on orders, cutoff orders, and other orders relative to the ordinary financial operations of the gas service department. The conduct of the City Clerk's duties under this ordinance are to be always under the supervision of the City Manager.

### Sec. 25-127. Application for gas service.

Any person desiring to have a premises connected with the natural gas system of the City of Yale, shall make application therefore at the City Clerk's office on a form furnished by the City of Yale. The application shall contain the description of the premises where such natural gas is to be used and shall be signed by the person desiring natural gas service or his duly authorized agent. The City of Yale may if it desires, require that a valid and executed lease agreement be provided to the City to verify the authority to request gas service at such premises.

### Sec. 25-128. Meter to be installed: Contract: Installation Policy.

When the application as required in the preceding section has been made, the City shall cause to be installed a meter and connect the same with the City gas lines for gas service. The City at all times shall have the right to enter upon the premises for the purpose of inspections, reading the meters, and repair or adjustments of the gas meter and the gas lines of the City connection therewith. The application and the installation of a meter on the premises shall constitute a contract and agreement between the City and the persons making the application to pay for the gas service applied for at the rate and manner specified in the ordinances of the City of Yale. The city specifically reserves the right to charge and collect the rate and enforce the

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penalties in the manner herein provided, to change the rates at any time by ordinance, and to temporarily discontinue the service at any time without notice to the consumer when necessary for repairs or some other emergency at the discretion of the city.

(b) The point of delivery of gas service shall be the point at which the gas supply system of the City connects to the gas line system of the consumer. The City will be responsible for maintenance up to the point of delivery only.

The consumer shall request the location of the point of delivery which will be designated by an authorized employee of the City, without charge, either before or during construction of the consumer's facilities. Where a service connection cannot be installed, made, serviced or maintained in a manner acceptable to the City of Yale, it will be the responsibility of the consumer to provide whatever corrective measures are required by the City.

### Sec. 25-129. Deposit to be made.

Any person making application for gas utility service with the City of Yale at the time said application is made, shall make a deposit with the City Clerk for purposes of guaranteeing payment of the monthly gas bill according to the provisions of Section 25-143 and Section 25-144 of the Yale City Code.

### Sec. 25-130. Gas Rates.

The rates for gas energy used within the corporate limits of the City of Yale and for gas energy used without the corporate limits of the City of Yale shall be as follows:

(a) Effective on the 1<sup>st</sup> day of January, 2021.

For all service, residential, commercial, government and non-profit:

Customer Charge	\$13.45 per month or part thereof plus
Energy Charge	Actual MCF cost as billed by the supplier plus
Delivery Charge	\$ 5.84 per Thousand Cubic Feet ( MCF) billed in increments of 100 CF

(b) Effective July 1, 2021 those rates set in Section (A) of this Section 25-127 shall be increased annually on the 1<sup>st</sup> day of July by an amount equal to the increase in the annual CPI index or by three percent (3%) whichever amount is less.

(c) In the event that the City of Yale or the Yale Water and Sewer Trust shall receive an increase in the base rate for gas energy charged to the City or Trust by its wholesale supplier of gas energy those rates as set in Section (A) and (B) above

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shall automatically be increased by the same amount as the increase in the wholesale base rate charged to the City or to the Trust. Such increased rate to the customers of the City of Yale shall become effective on the 1<sup>st</sup> day of the billing period immediately following notification by the wholesale supplier of such increased rate for gas energy.

### Sec. 25-131. Use of another gas supply: Cross connections prohibited.

No service may be allowed from the city gas pipelines to any premises supplied by gas from other source unless the City Manager grants permission; and the City Manager may terminate such permission at any time.

It shall be unlawful for any person, firm, or corporation to cause a connection to be made or to allow one to exist for any purpose whatsoever between the city gas system and any other source of supply. Every person, firm, or corporation having any other source of gas supply upon his or its premises is required to make a customer's declaration of nonexistence of cross connection upon a form supplied by the City of Yale before he or it shall be permitted to obtain or continue to use gas from the city gas system. City gas supply shall be discontinued upon any premises upon which there is found to be a connection between the city gas supply and another gas supply; and such service shall not be restored until such cross connection has been discontinued.

### Sec. 25-132. Fraudulent use of service, penalty.

(a) No person, firm, organization, association or corporation shall, unlawfully use gas supplied by the City of Yale without paying therefore, nor break the seal of any gas meter or valve, nor install piping, make connections or attach pipes to service lines in a manner so that gas may be secured without being supplied under the terms of this Chapter.

(b) It shall be unlawful for any person, firm, organization, association or corporation upon whose premises there is gas supplied to install additional fixtures on said premises or to apply the gas to purposes other than to those for which the application was made, or to furnish gas to additional families, firms, organization or corporation or premises unless said person, firm, organization or corporation or premises shall first make written application to the City of Yale and receive permission for said use.

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(c) Any person, firm, organization, association or corporation who violates any of the provisions of this section of Chapter 25 of the Yale City Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed Five Hundred Dollars (\$500.00) excluding costs. Each separate day such violation for purposes hereunder.

### Sec. 25-133. Separate Premises.

Every separate premises supplied with gas energy by the city must have its own service connection and meter.

### Sec. 25-134. Resale of gas energy.

The service furnished is for the sole use of the applicant, who shall not sell any such service to any other person, or permit any other person to use it without the written consent of the City Manager.

### Sec. 25-135. Injuring a meter: Estimate a bill.

In all cases where meters are lost, injured or broken by willful action or by carelessness or negligence or owners or occupants of premises, they shall be replaced or repaired at the expense of the owner or occupants of the premises. In case of non-payment, the gas service shall be cutoff and will not be again connected until such charges are paid. In the event of a meter getting out of order, or failing to register properly, or it is discovered that the consumer is receiving gas energy without allowing it to be registered by the meter, the consumer shall be charged on an estimate made by the City Manager of the average monthly consumption during the last three months when the meter was accurately registering the consumer's use, or from what he may consider to be the most reliable data at his command.

It shall be unlawful for a person, unless duly authorized by the City Manager, to disturb, displace, interfere with, damage or destroy any gas line, meter, machinery, tool, building or any other property belonging to, connected to or under control of the municipal gas service system of the City of Yale, Oklahoma.

### Sec. 25-136. No other service to be used.

No other gas service shall be used by a consumer in conjunction with, or supplementary to, the city's service, either by connection or device, except by a special written agreement with the City Manager.



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### Sec. 25-137. Gas service turned on only by authority of City Manager.

When gas service has been cut off from any premises by application of the owner thereof or for the non-payment of gas energy bills or for any other cause, it shall be unlawful for any person again to connect such premises with gas service except when authorized to do so by the City Manager. When gas service is so reconnected without such authority, the gas service department may then remove the gas service lines; and if the gas service was reconnected by the consumer or by his authority, he shall be charged the actual cost of cutting off, and reinstating the gas service.

### Sec. 25-138. City may interrupt gas service at any time.

The city reserves the right to at any time without notice to interrupt the gas service for repairs, extension, non-payment of bills, or any other proper cause; and the city shall not be responsible for any damage resulting therefrom.

### Sec. 25-139. Access to consumer's premises.

Any authorized employee of the gas service department shall have access at all reasonable times to the consumer's premises to install, remove, test, repair, service and read the city's meters, appliances, or other property.

## Article 12. Deposits

### Sec. 25-140. Utility deposits.

Every potential customer or consumer making an application for utility service with the City of Yale shall make a deposit. There shall be a deposit made for every application for service and for each separate premise except as maybe otherwise specified herein.

### Sec. 25-141. Definitions of commercial and residential customers.

Any business located along Highway 51 and along Main Street, within the corporate limits of the City of Yale, excluding "Home Occupations", will be classified as a commercial customer for the purpose of determining deposit and utility rates. Any house located along this same route that is inhabited as a primary residential dwelling will be classified as a residential customer.

Any business falling under the definition of "Home-occupation" will be classified as residential. All other businesses operating in a residential area will be classified as commercial.

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All beauty shops and barber shops will be classified as residential customers regardless of their location within the city.

Classification of rental property will be determined by its intended use and location. (i.e. A rental unit located downtown with its primary use as a business, will be classified as commercial.

A rental unit downtown with its primary purpose as an apartment for a private dwelling will be classified as residential. The classification of rate will not be determined by who puts up the deposit, property owner, or renter.

(a) Home occupation shall mean any customary occupation or profession conducted for gain or support by a member of the immediate family residing on the premises.

(b) Home occupations shall be subject to the following regulations:

- (1) Permitted in the agricultural and all residential districts.
- (2) No exterior alterations of the structure shall be made which are of a nonresidential nature.
- (3) Except for one (1) non-illuminated name plate attached to the building entrance which is not more than four (4) square feet in area, no evidence of any home occupation shall be perceptible to an observer in the street or on any other property in the immediate area.
- (4) Except as provided for beauty salons and barber shops, no article, product, or service sold in connection with such activity shall be sold other than those produced on the premises.
- (5) Except for beauty salons and barber shops, no mechanical equipment shall be used in connection with such activity other than such equipment as is customary for domestic or household purposes.
- (6) No person shall be employed at any time, other than a member of the immediate family residing on the premises.
- (7) Home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.

(d) Customary Home Occupations do not include the following occupations: Animal hospitals, kennels, or stables; dancing schools; Funeral homes; Interior decoration workshops;

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Medical or Dental offices or clinics or hospitals; Nursery schools; Restaurants; and Tourist Homes.

### Sec. 25-142. Temporary and multiple property service deposits.

(a) The City of Yale may install utility services without requiring a deposit when such service shall be for a limited period of time. Such utility services shall be considered to be temporary in nature, shall be granted for the following described uses and may be maintained without a deposit for a period not longer than the following:

- |     |   |          |
|-----|---|----------|
| (1) | Landlords of vacant premises                | 180 days |
| (2) | Builders, renovators and repair contractors | 180 days |
| (3) | Divorced party as same premises             | 30 days  |

In order to qualify to receive temporary utility services without the posting of a deposit, the customer must first complete a Temporary Utility Service Agreement and pay a nonrefundable processing fee in the amount of Twenty Dollars (\$20.00). Payment for any and all electric, water, gas, wastewater and sanitation fees and usage charges will become the responsibility of the customer making application when temporary service is installed. In order to be eligible for temporary service the customer or consumer shall not have been past due on any utility billing for the previous Six (6) months.

Temporary service will be disconnected on the earlier of (1) the expiration date for temporary service designated in the Temporary Service Agreement, (2) the expiration of the time limitations listed herein above, or upon any utility billing to the customer or consumer becoming more than Thirty (30) days past due. Upon termination of any temporary service, the standard service agreement for the City of Yale must first be completed and a deposit rendered prior to the reconnection of utilities. The customer or consumer shall also be responsible to pay any and all reconnect fees before services will be reconnected. It shall be the duty and responsibility of the customer or consumer to make arrangement for permanent service and the City of Yale shall not be responsible for connecting of permanent services upon such expiration nor shall the City of Yale be responsible for any damages resulting from an authorized disconnection of utility services.

(b) The City of Yale may allow the owners of multiple residential premises, when said premises are under one individual ownership and when said premises are offered to the

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public for rental housing, to post one cumulative deposit in such amounts as are provided for in this Chapter and to cover all of said residential rental properties owned by such property owner. It is provided that such single deposit shall be intended to apply only to such period as the residential premises are vacant and upon being occupied the tenant shall be responsible and liable for the posting of an individual utility deposit as provided for herein.

### Sec. 25-143. Residential Deposits.

For purposes of guaranteeing payment of the monthly utility billing, a residential deposit in accordance with the following schedule shall be made at the time application is made for utility service with the City Clerk.

(1) Other Residential Utility Deposits shall be as follows:

(a) Good credit:

All services	\$150.00
Electric	\$60.00
Water	\$15.00
Gas	\$75.00

(b) Minimum Credit Risk or No Credit discovered:

All services	\$300.00
Electric	\$125.00
Water	\$50.00
Gas	\$125.00

(c) Maximum Credit risk:

All services	\$600.00
Electric	\$250.00
Water	\$100.00
Gas	\$250.00

The definitions of "Good Credit", "Minimum Credit Risk" and "Maximum Credit Risk" are determined according to ratings obtained from credit reports.

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Any applicant may elect to make application without having a credit report done however in those cases, the applicant will be assessed the maximum deposits allowed under this rate schedule.

(2) One time Landlord Utility Deposit Shall be as follows:

(a) Landlord deposit as provided for in section 25-142 shall be \$450.00

### Sec. 25-144. Commercial deposits.

For purposes of guaranteeing payment of the monthly utility bill, a commercial deposit in accordance with the following schedule shall be made at the time application is made with the City Clerk.

(1) Sanitation only: Equal to one month's usage.

(2) Other Commercial Utility Deposits shall be as follows:

(a) Good credit:

All services	\$400.00
Electric:	\$200.00
Water:	\$50.00
Gas	\$150.00

(b) Minimum credit risk or No credit discovered:

All services	\$675.00
Electric:	\$300.00
Water:	\$75.00
Gas	\$300.00

(c) Maximum credit risk:

All services	\$900.00
Electric:	\$400.00
Water:	\$100.00
Gas	\$400.00

The definitions of "Good Credit", "Minimum credit risk" and "Maximum credit risk" are determined according to rating obtained from credit reports.

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The applicant may choose not to have a credit report obtained, but the maximum deposit allowed under this rate schedule shall be required.

### Sec. 25-145. Exemption from utility deposits.

(a) Federal, state, and local governmental agencies shall be exempt from depositing a utility deposit with the City of Yale. Public schools and churches shall also not be required to post a utility deposit.

(b) Notwithstanding the provisions of Chapter 25 of the Yale City Code relating to utility deposits the City of Yale shall waive any initial credit and deposit requirements for a customer or applicant that has been determined to be a victim of domestic violence, stalking, or harassment, as defined by Title 43, Section 109 of the Oklahoma Statutes or by the provisions of Title 21, Section 644 of the Oklahoma Statute. Any such applicant shall be required to provide proof of any of the following:

- (1) An existing protective order.
- (2) Law enforcement personnel statement.
- (3) A statement of a designated representative of a certified domestic violence shelter or certified domestic violence program pursuant to the provisions of Title 74, Section 18p-6 of the Oklahoma Statutes.

A determination shall be evidenced by submission of a certification letter to the City of Yale. The City of Yale may accept the certification letter provided for herein or a certification letter on a form created by the City of Yale. Any certification letter shall expire after ninety (90) days pursuant to the provisions of Title 11, Section 35-107 of the Oklahoma Statutes. The certification letter and the contents thereof shall be confidential and not subject to the provisions of the Oklahoma Open Record Act. (ORD. NO. 408)

### Article 13. Conditions of Service

#### Sec. 25-146. Termination of service, fees.

(a) When a consumer elects to terminate service, the consumer shall promptly notify the City of Yale, in person or in writing, as to the proposed effective date and hour of such desired termination and disconnection in order for the customer to avoid liability for payments

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for subsequent utility services at the service address. The City may disconnect service at any time after 8:00 a.m. on the day for which the termination of service is requested. If service has been disconnected in accordance with the customer's request and the customer then after a period of more than fifteen (15) calendar days requests that the utility service be reconnected a reconnection service call charge will be assessed in the amount of Fifty Dollars (\$50.00)

The City of Yale will read the appropriate meter(s) on the date for which termination is requested, and may, at its option, terminate and disconnect utility services. A final bill will be prepared as a result of the final reading, any deposit posted with the City of Yale will be applied to the final bill. The City of Yale will not be held responsible for an error or omission in termination of service if the request for termination is not made in person.

### Sec. 25-147. Occupancy without application or deposit.

If the city leaves the service connected to vacant premises, it does not constitute consent by the City of Yale for any new occupant of such premises to use the service without making proper application for said service. Occupants using service without a deposit and application shall be liable to the City of Yale for the deposit amount, as well as payment for all services received, which will be billed at the prevailing rates for all services available to the premises. In those cases where the tenant does not place his or her name on the utility billing or make proper

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application and deposit; the owner shall be responsible for the payment of any utility charges upon said property.

Failure to make an application and deposit will result in immediate termination of service.

### Sec. 25-148. Delivery of utility bills.

The City of Yale may mail a bill for service to the consumer at the address at which service is taken or such other address as designated by the customer; however, the city reserves the right to adopt other methods for delivery of bills.

Delivery is deemed to have taken place when, according to the city's records, a bill or any notice containing billing or past due information has been properly delivered to the U.S. Postal System.

Failure to receive a bill shall in no way exempt a customer from liability for payment of services.

### Sec. 25-149. Late payment charge.

A late payment charge in an amount as established by section 25-4 hereof shall be added to the bill in the event that the bill is not paid on or before the 15<sup>th</sup> day of the month.

### Sec. 25-150. Disconnection of utility services.

(a) Charges for utility services shall be due and payable on or before the fifteenth (15<sup>th</sup>) of each month pursuant to Section 25-148 of this Code. Each monthly bill shall have printed thereon the due date. In addition to the assessment of any late payment charge, if a monthly bill is not paid by the due date indicated therein, the account shall be subject to disconnection for nonpayment. Utility services shall be disconnected for any customer who owes any past due amount for utility services or any part of a charge for utility services pursuant to the provisions contained herein.

(b) Disconnection may take place at any time during normal working hours on the day designated for the disconnection. Notification of impending disconnection of utility service shall be given at the premises, either by letter, doorknocker or such other notification as the City of Yale deems necessary and appropriate and shall include notification of the customer's right to request a hearing as provided for in Section 2-151 of this Code. Failure to accept or acknowledge notification shall not be cause for delay of the disconnection.

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(c) The City of Yale may disconnect any utility service to a consumer for any of the following reasons after having provided the notification referred to in (b) above:

(1) Nonpayment of a bill, or any portion of a bill, including any bill for services rendered by the City of Yale to the consumer at any premises for any utility services.

(2) Nonpayment of an account for service of a similar character previously supplied to such consumer by the utility.

(3) Failure to comply with the terms and conditions of a settlement agreement or any type of deferred payment agreement.

(4) Failure to post a deposit.

(5) Failure to make an application for service.

(6) Misrepresentation of any information on the application for service.

(7) Misrepresentation of identity or facts for the purpose of obtaining service or use of an alias, trade name, business name, relative's name or another person's name as a device to escape payment of an unpaid obligation for utility services provided to the customer.

(8) Whenever the City of Yale has reason to believe that continued service will create a condition on the consumer's premises that is dangerous to persons or property.

(9) Refusal to grant access at reasonable times for the purpose of installation, inspection, maintenance, replacement or reading of utility equipment, installed upon the premises of the consumer or maintaining any obstruction that would deny access for these purposes.

(10) Violation of any rule or regulation of the City of Yale or noncompliance with any applicable federal, state, municipal or other local law, rule or regulation.

(11) Abandonment of the premises served.

(12) Potential adverse effect of the service required by the consumer on the service to other consumers of the City of Yale utilities.

(13) Violation of the City of Yale terms and conditions regarding the operation of nonstandard equipment or unauthorized attachments, if the consumer was notified and first provided a reasonable opportunity to comply with the terms and conditions of service.

(14) Causing damage to utility property.

(15) A condition exists which poses a health or safety threat.

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(d) The City of Yale may disconnect utility service without advance notice to a consumer for any of the reasons set forth below. Notice shall however be posted on the premises at the time of the disconnection of service setting forth the reasons for the disconnection.

- (1) Existence of dangerous or defective equipment on consumer's premises.
- (2) Unauthorized use of utilities accomplished through bypassing the City of Yale's measuring equipment or tampering with pipes, meters, wires or other utility equipment.
- (3) Fraudulent use of the City of Yale utility systems.
- (4) Causing injury or threatening to cause injury to an employee of the City of Yale or the property of the City of Yale for the purpose of preventing a City of Yale employee from engaging in activities authorized by law or in retaliation for such activities.

(e) In the event that the City of Yale has disconnected utility services due to any of the reasons as stated in Section 25-150 hereof, then and in that event the City of Yale will charge a reconnection service call charge in the amount of Fifty Dollars (\$50.00) to such customer prior to the reconnection of such utility services.

### Sec. 25-151. Notification of discontinuance of service.

(a) A written notice informing the customer that the customer's utilities will be disconnected and discontinued shall be sent by mail to the address of the customer as shown on the records of the City of Yale. Said notice shall be mailed at least ten (10) days prior to the date shown on the notice as the date on which the utilities will be discontinued and disconnected. The notice shall notify the customer that should the customer disagree with the notice of discontinuance that the customer has the right to meet with the City Clerk and present any reasons that the customer may have that such notice of discontinuance is incorrect or in error. In the case of an error, the City Clerk shall have the right to revoke the notice of discontinuance.

(b) The written notice of discontinuance shall further inform the customer that the customer shall have the right to request a hearing prior to such discontinuance of utilities before a hearing panel consisting of the City Manager, City Clerk and Water and Sewer Trust Director. The request for a hearing shall be in writing and shall be filed with the City Clerk within the ten (10) day notification period referred to in the discontinuance notice. If requested, such hearing

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shall be held as soon as possible but in no event shall such hearing be held more than ten (10) days after receipt of the written request for hearing. Any person aggrieved by the decision of the Hearing Panel shall have the right to appeal the decision to the Yale City Commission at its next regular or special meeting.

(c) At least one (1) day prior to the day that service is actually to be discontinued, a "door-hanger" indicating the specific day that service will be discontinued will be placed or hung on or about the entrance of the structure or facility of the service address where service is about to be disconnected. This notice is as a courtesy and any omission, error, or removal of such "door-hanger" notification shall in no way be construed nor operate as a barrier to delay or revoke the discontinuance.

### Sec. 25-152. Dishonored checks.

In the event any customer should offer payment for any monthly bill, or portion thereof, by means of a check which is not honored on account of insufficient funds of the maker to pay same, or because the check is drawn on a closed account or on a non-existent account, or otherwise dishonored, a check service charge in the amount of Fifteen Dollars (\$15.00) shall be charged and collected as a service charge for proper handling and administration.

Failure to replace the dishonored check with cash or certified check or cashier's check before 3:00 p.m. on the next working day after notification that the check has been returned will result in immediate disconnection of utility service.

In the event that two (2) such dishonored checks are made to the City of Yale for utility service within any last preceding twelve (12) month period, payment of each monthly bill such customer/consumer for the next twelve (12) month period of ensuing service shall be made and accepted only when tendered by certified or cashier's check or cash.

### Sec. 25-153. Deferred payment agreement.

(a) The City of Yale shall offer a deferred payment agreement upon request of the consumer provided that a deferred payment agreement is completed and approved by the City Manager prior to 10:00 a.m. on the day of notification that utility service will be disconnected.

(b) A deferred payment agreement means a just and reasonable agreement for repayment offered by the City of Yale which provides for the payment of all future utility bills

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during the period of the deferred payment agreement by the due date and the payment of the balance of any outstanding utility bills in reasonable and regular installments based upon:

- (1) Consideration of the customer's income.
  - (2) Size of the delinquent account.
  - (3) Customer's payment history with the City of Yale.
  - (4) Loss of income through illness or injury.
- (c) The payments under a deferred payment agreement need not be equal in size.
- (d) If a customer fails to comply with the terms of a deferred payment agreement, the customer will be subject to disconnection without further notice pursuant to the provisions of Section 25-150. Any customer who fails to comply with a deferred payment agreement shall be ineligible for any additional deferred payment agreements for a period of one (1) year from the date of the broken agreement.

(e) A customer shall be entitled to request up to two (2) 30 day extensions to pay current utility billings per year provided that a request for extension is received by the City of Yale prior to notification that service will be cut off and is approved by the City Manager.

(f) In the event that a customer shall have a broken water or gas line, such customer shall be allowed to pay such billing resulting from the broken water or gas line over an extended period of time as follows, provided that the following terms and conditions are met:

- (1) That the amount of such water or gas billings from the broken line shall be greater than Five Hundred Dollars (\$500.00).
- (2) That the City Manager or a representative of the City of Yale shall verify the existence of such broken water or gas line.
- (3) That such broken water or gas line shall have been repaired prior to the extension of payment agreement.

(g) In the vent that the above conditions are satisfied, the customer shall be allowed to liquidate and pay such utility billing on the following schedule:

<u>Amount of Past Due Account</u>	<u>Extension Time Allowed</u>
\$500.00 to \$750.00	Two (2) month extension
\$750.01 to \$1000.00	Three (3) month extension
\$1000.01 to \$1500.00	Four (4) month extension
\$1500.01 to \$2000.00	Five (5) month extension

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Over \$2000.00

Six (6) month extension

Upon completion of any extension period as contained above the customer shall have paid said billing in full. Failure to have such billing paid in full on or before expiration of the extension period shall subject such customer to disconnection pursuant to the section 25-150

### Sec. 25-154. Cut off Policy

The City of Yale reserves the right to disconnect utility services pursuant to the provisions of Section 25-150 hereof under the following conditions:

(a) Payments of all past due accounts made before 12:00 p.m. of the day that a disconnection is scheduled will prevent a disconnection being made.

(b) Redemption of an insufficient check made before 12:00 p.m. of the day prior to a disconnection will prevent the disconnection from being made.

(c) No residential disconnection shall be made on a Friday or on the day prior to a holiday.

(d) No residential disconnection shall be made between December 23<sup>rd</sup> and through January 1<sup>st</sup>.

(e) No residential disconnection shall be made on any day when the high temperature is actually, or predicted to be 32 degrees Fahrenheit or below on the day of disconnection or the nighttime low is predicted to be 20 degrees Fahrenheit or below. Such disconnection shall be suspended until such time as the temperature shall be above such degrees.

(f) Any service disconnection that is delayed beyond the scheduled disconnect date may be rescheduled without further notice to the customer.

(g) No residential disconnection shall be made provided that the customer has completed and filed with the City of Yale an application for an extension of payment time and which form further states that disconnection of utilities will give rise to a life threatening condition for the customer or other permanent resident of the household should utilities be terminated. For purposes of this Section, a life threatening condition is defined as one where the customer or other permanent resident of the household is dependent upon equipment that is prescribed by a physician, operates on electric or gas, and is needed to sustain the person's life. Examples of life sustaining equipment would be: kidney dialysis machine, iron lung, oxygen concentrators and certain other oxygen machines, cardiac monitory, heating and air conditioning

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equipment, or other equipment that is prescribed by a licensed medical doctor. Hot water heaters, refrigerators and ranges are not considered to be life sustaining equipment. A customer shall provide certification by a licensed medical doctor or osteopath which at a minimum shall contain the information required on the medical verification form to be supplied by the City of Yale. Completion and return to the City of Yale of the medical verification form shall suspend disconnection of utility service to the specified residence for a period of thirty (30) days. In the case of an ongoing life threatening situation, the customer shall provide a medical verification form that satisfies the above requirements not less than annually, which medical verification form shall confirm the existence of a continuing life threatening condition. The customer shall pay the account in full or enter into a deferred payment agreement or make alternative arrangements for the person named on the medical form as having the life threatening condition. After such thirty (30) day period normal collection action will resume. The City of Yale is not required to furnish utility service to the customer for more than thirty (30) days for the life threatening condition without full payment of the account or acceptable payment arrangements being made. Verification of the medical condition by the City of Yale may include (1) an employee of the City of Yale making an inspection of the residence to verify that life sustaining equipment is being used, and (2) verification of the signature of the doctor or physician. The collection abeyance does not release the customer from liability for payment of the billing for utility services rendered but is intended for the purpose of providing the customer an opportunity to maintain utility service during the life threatening situation. Failure of any customer to comply with these provisions may result in denial of life threatening status, to include disconnection of services.

(h) Any person or customer who provide false information to the City of Yale in order to qualify for and receive a disconnection delay or assistance or provides false information regarding the life threatening condition shall be guilty of a misdemeanor and upon conviction punished according to the ordinances of the City of Yale. Further such person or customer shall be subject to disconnection.

### Sec. 25-155. Refund of deposit.

(a) The deposit shall be refunded by the City Clerk to the customer upon termination of use of service, provided that customer has paid all bills due to the department but, if the meter

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is damaged in any way except by ordinary wear, the whole of such or so much thereof as is necessary to pay the amount due the department shall be deducted from the deposit. The City Clerk may require the identification of the person surrendering deposit receipt.

(b) The deposit shall be refunded only to the person in whose name appears on the application for utility service. In the event that more than one person is named in the application, even though completed by only one person, the deposit may be refunded to any person named in such application, upon the instructions of any such person so named. If no instructions are given prior to issuance of the refund check, then the refund shall be in the name of all persons named.

### Sec. 25-156. Connection of municipal utilities.

The City of Yale shall charge a connection fee of Fifty Dollars (\$50.00) per trip for connecting of any utility service to the City of Yale utility systems regardless of the reason for the connecting of such utilities.

### Sec. 25-157. Disposition of deposits not withdrawn.

All deposits, less any lawful deductions, made by a subscriber with the Yale Water and Sewage Trust to secure payment for, or any sum paid in advance for utility services to be furnished by the city, that has not been withdrawn by the person appearing on the records of the city entitled thereto for more than one (1) year after the termination of the services for which the deposit or advance payment made, shall become the property of the Yale Water and Sewage Trust upon the following procedure. The Yale Water and Sewage Trust shall send written notice to the customer at his last-known address stating that the deposit will be paid over to the Yale Water and Sewage Trust unless it is claimed by the customer within ninety (90) days of the date the notice is mailed by the Yale Water and Sewage Trust. The Yale Water and Sewage Trust shall publish in a newspaper of local circulation a list of names and last known addresses of customers stating the deposit will be paid over to the Yale Water and Sewage Trust if not claimed within ninety (90) days. If the money is not claimed or refunded within the ninety (90) days, the amount of the deposit shall be paid into the general fund of the Yale Water and Sewage Trust.

No municipal utility customer shall have a right to any claim or refund on the deposit after written notice or publication and expiration of the ninety-day period in accordance with this section.



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### Sec. 25-158. Violations, Penalties.

(a) Any person found to be violating any of the provisions of this chapter shall be served by the City of Yale with a 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 commit any violation beyond the time limit provided for in (a) above shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) excluding costs, for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Any person violating any of the provisions of Chapter 25 of the Yale City Code shall be liable to the City for any expense; loss or damage occasioned to the city by reason of such violation.