

ARTICLE 25
SEWERS

(As Last Amended by Ord. 16-523)

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SUBTITLE 1
DEFINITIONS; GENERAL PROVISIONS

§ 1-1. Definitions.

(a) *In general.*

Whenever the following words or phrases appear in this article, they shall have the following meanings.

(b) *Biochemical oxygen demand; BOD.*

“Biochemical oxygen demand” or “BOD” means the quantity of oxygen, expressed in mg/l or ppm, utilized in the biochemical oxidation of organic matter during incubation at 20° C. for a period of 5 days. The test shall be made in accordance with "Guidelines Establishing Test Procedures for the Analysis of Pollutants", 40 CFR Part 136.

(c) *Bypass.*

“Bypass” means the intentional diversion of wastestreams from any portion of an industrial user’s treatment facility.

(d) *City.*

“City” means the Mayor and City Council of Baltimore acting as the legal entity known as the City of Baltimore.

(e) *Combined sewer.*

“Combined sewer” means a pipe or sewer the purpose of which is to carry both:

- (1) sanitary wastewater or mixtures of sanitary and industrial wastewaters; and
- (2) storm and surface waters, ground drainage, and street washings.

(f) *Director.*

“Director” or “Director of Public Works” means the Director of Public Works of the City of Baltimore or his delegated representative.

(g) *Environmental Protection Agency.*

“Environmental Protection Agency” (“EPA”) means:

- (1) the U.S. Environmental Protection Agency or its successor agency; or
- (2) where appropriate, the administrator or other duly authorized official of that agency.

(h) *Industrial wastewater.*

“Industrial wastewater” means all water-carried solid, liquid, or gaseous wastes or a combination thereof, resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resource.

(i) *Interference.*

“Interference” means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) inhibits or disrupts the publicly owned treatment works, its treatment processes or operations, or its sludge processes, use, or disposal; and
- (2) therefore is a cause of:
 - (i) a violation of any requirement of the POTW’s National Pollutant Discharge Elimination System permit (including an increase in the magnitude or duration of a violation); or
 - (ii) the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations):
 - (A) § 405 of the Clean Water Act;
 - (B) the Solid Waste Disposal Act (“SWDA”) (including Title II, commonly referred to as the Resource Conservation and Recovery Act (“RCRA”), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA);
 - (C) the Clean Air Act;
 - (D) the Toxic Substances Control Act; and
 - (E) the Marine Protection, Research and Sanctuaries Act.

(j) *mg/l.*

“mg/l” means milligrams per liter, sometimes referred to as parts per million (“ppm”).

(k) *Pass-through.*

“Pass-through” means a discharge which exits the treatment plant into waters of the United States 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 treatment plant’s NPDES permit (including an increase in the magnitude or duration of a violation).

(l) *Person, etc.*

- (1) “Person”, “establishment”, “user”, “industrial user” (“IU”), “commercial user”, “discharger”, or “owner” means any individual, partnership, corporation, fiduciary, association, or other entity who or which discharges wastewaters to the municipal sanitary sewerage system.
- (2) Whenever used in any clause prescribing and imposing a penalty, the term “person” as applied to any partnership or association shall mean the partners or members thereof, and as applied to any corporation shall include the officers thereof.

(m) *Pretreatment.*

- (1) “Pretreatment” means the reduction of the amount of pollutant, the elimination of pollutants, or the attenuation of the nature of pollutant properties in wastewater to a less harmful state prior or in lieu of discharging or otherwise introducing these pollutants into the system.
- (2) The reduction or alteration can be obtained by any means except as prohibited by federal, state, or local law.

(n) *Private sewer; private drain.*

“Private sewer” or “private drain” means a sewer or drain, either on public or private property, not owned by the City.

(o) *Public sewer; public drain.*

“Public sewer” or “public drain” means a sewer or drain owned and controlled by the City.

(p) *Publicly owned treatment works or POTW; wastewater treatment plant.*

“Publicly owned treatment works” (“POTW”) or “wastewater treatment plant” means any arrangement of structures and devices for:

- (1) treating wastewaters or industrial wastewater; and
- (2) handling the sludge resulting from such treatment.

(q) *Sanitary sewer.*

“Sanitary sewer” means a sewer or drain the specific purpose of which is to carry sanitary wastewater or mixtures of sanitary and industrial wastewaters, as herein defined.

(r) *Sanitary wastewater.*

“Sanitary wastewater” means a combination of water-carried wastes:

- (1) discharged from the sanitary conveniences of:

- (i) dwellings, including apartment houses and hotels;
- (ii) business buildings;
- (iii) institutions; and
- (iv) industrial establishments; and

(2) free from stormwater, surface water, and industrial wastewater.

(s) *Sewer system.*

(1) “Sewer system” means the combination of the City’s sewers, pumping stations, force mains, and appurtenant structures or devices used for collecting wastewater.

(2) “Sewer system” includes the wastewater treatment plant.

(t) *Significant industrial user.*

(1) “Significant industrial user” (“SIU”) shall mean:

(i) any industrial user who, except as provided by paragraph (2) of this subsection:

(A) is subject to federal categorical pretreatment standards;

(B) discharges an average of 25,000 gallons or more per average work day of process wastewater (excluding non-contact cooling water, boiler blowdown, and sanitary wastestreams); or

(C) has a flow greater than 5% of the average dry weather flow or organic capacity of the POTW; or

(ii) any user who is found by the Director of Public Works, the State, or EPA to have significant impact, either singly or in combination with other contributing industries to the POTW, the quality of the sludge, the treatment plant’s effluent quality, or air emissions generated by the system.

(2) Upon finding that any non-categorical industrial user meeting the criteria in paragraph (1) of this subsection has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

(u) *Storm sewer; storm drain.*

(1) “Storm sewer” or “storm drain” means a pipe or sewer the purpose of which is to carry storm and surface waters, ground drainage, and street washings.

(2) It may, however, carry cooling waters, water condensates, unpolluted waters from any source, or wastewater permitted under the national pollutant discharge elimination system.

(v) *Stormwater.*

“Stormwater” means the excess water running off from the surface of a drainage area during and immediately following rain or as a result of other precipitation.

(w) *Suspended solids; SS.*

“Suspended solids” or “SS” means the laboratory determination of the dry weight, expressed in mg/l, of solids that either float on the surface or are in suspension and which can be removed from the wastewater in accordance with procedures given in 40 CFR 136, “Guidelines Establishing Test Procedures for the Analysis of Pollutants”.

(x) *Total phosphorus; TP.*

“Total phosphorus” (“TP”) means the sum of the concentrations of various forms of phosphorus classified as orthophosphates, condensed phosphates, and organophosphates, expressed in mg/l, as determined by laboratory tests performed in accordance with 40 CFR Part 136, “Guidelines Establishing Test Procedures for the Analysis of Pollutants”.

(y) *Toxic substance.*

“Toxic substance” means any substance, gaseous, liquid, or solid, which when discharged to a sewer or drain, may tend to:

- (1) interfere with any waste treatment process;
- (2) constitute a hazard to human beings or animals;
- (3) inhibit aquatic life; or
- (4) create a hazard to recreation,

in the receiving water of the effluent from the wastewater treatment plant or from the storm sewer into which wastes are discharged.

(z) *Upset.*

- (1) “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or local limits because of factors beyond the reasonable control of the industrial user.
- (2) “Upset” does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(aa) *Wastewater.*

“Wastewater” means any combination of sanitary and industrial wastewaters and such ground water and surface water as may be present.

(City Code, 1976/83, art. 25, §1(a) - (g), (k) - (l), (n), (p), (q), (s) - (x), (aa), (bb), (ee) - (jj), (ll).) (Ord. 75-914; Ord. 91-775; Ord. 99-526.)

§ 1-2. Rules and regulations.

(a) *Director may adopt.*

In order to properly carry out and enforce the provisions of this article, the Director of Public Works is hereby authorized to make, adopt, promulgate, and amend from time to time rules and regulations and operating procedures as he may deem necessary or proper to carry out and enforce the provisions of this article and which are not inconsistent therewith.

(b) *To be filed with Legislative Reference.*

Copies of said rules and regulations and procedures shall be filed with the City Department of Legislative Reference.

(City Code, 1976/83, art. 25, §28(d).) (Ord. 91-775.)

§ 1-3. Authorized representatives; certifications.

(a) *In general.*

All applications, reports, or other information submitted to the Director shall be signed by an authorized representative.

(b) *Permitted representatives.*

(1) “Authorized representative” means:

(i) *{for a corporation:}*

(A) a responsible corporate officer such as a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function;

(B) any other person who performs similar policy- or decision- making functions for the corporation; or

(C) the manager of 1 or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25-million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

- (ii) a general partner or proprietor, if the industrial user is a partnership or sole proprietorship, respectively; or
 - (iii) by a duly authorized representative of the individual designated in paragraph (i) or (ii) above if:
 - (A) the authorization is made in writing by the individual described in paragraph (i) or (ii);
 - (B) the authorization specifies either an individual or a position having:
 1. responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or a position of equivalent responsibility; or
 2. overall responsibility for environmental matters for the company; and
 - (C) the written authorization is submitted to the Director.
- (2) If authorization under item (iii) is no longer accurate because a different individual or position has responsibility, a new authorization must be submitted to the Director prior to or together with any reports to be signed by an authorized representative.

(c) *Required certifications.*

With each submittal, the industrial user must provide to the Director, a certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my action 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 violations.”

(City Code, 1976/83, art. 25, §7(l).) (Ord. 91-775.)

§ 1-4. Falsifying information.

Any person who knowingly makes any false statement, representation, record, report, plan, or other document filed with the Director of Public Works, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall be subject to a fine, imprisonment, or both as provided in § 23-4.

(City Code, 1976/83, art. 25, §7(k).) (Ord. 84-129; Ord. 91-775.)

§ 1-5 . {Reserved}

§ 1-6. Revision of article.

The City reserves the right to amend this article in any manner and to establish more stringent limitations or regulations where deemed necessary to comply with the objectives of this article. *(City Code, 1976/83, art. 25, §28(a).) (Ord. 84-129; Ord. 91-775.)*

§ 1-7. Repeal of inconsistent provisions.

This article regulating sewer construction, sewer use, wastewater discharges, and waste haulers shall supersede all previous regulations and policies of the City governing items covered in this article. All other articles and regulations, or parts thereof, inconsistent or conflicting with any part of this article are hereby repealed to the extent of such inconsistency or conflict. *(City Code, 1976/83, art. 25, §28(b).) (Ord. 84-129; Ord. 91-775.)*

§ 1-8. Severability.

The invalidity of any section, clause, sentence, or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts. *(City Code, 1976/83, art. 25, §28(c).) (Ord. 84-129; Ord. 91-775.)*

SUBTITLE 2
CONTROL OF SANITARY AND STORM SEWERS

§ 2-1. Definitions.(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Free-floating oil.*

“Free-floating oil” means oil that can be removed in adequate facilities for gravity separation.

(c) *Slug.*

“Slug” means any discharge of significant quantities of water, sewage, or industrial waste which, in concentration of any given constituent or quantity of flow, could:

(1) cause interference of the treatment works;

(2) pass-through the POTW;

(3) endanger sewer worker safety;

(4) contaminate the sludge; or

(5) cause a violation of any permit issued to the treatment plant.

(*City Code, 1976/83, art. 25, §1(h), (dd).*) (*Ord. 75-914; Ord. 84-129; Ord. 91-775.*)

§ 2-2. Scope of subtitle.

The following restrictions are applicable to users of all sewers which are part of or tributary to the Baltimore City sewer system.

(*City Code, 1976/83, art. 25, §6(a)(intro).*) (*Ord. 84-129; Ord. 91-775.*)

§ 2-3. Prohibited discharges into sanitary sewers.(a) *Prohibited discharges.*

No person shall discharge or cause to be discharged any stormwater, ground water, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted water in any sanitary sewer.

(b) *Exceptions.*

(1) Stormwater runoff from limited areas which is likely to be polluted at times may be admitted to the system by a permit from the Director of Public Works.

- (2) Where storm sewers or drains are not or cannot be made available, limited quantities of approved water from installations such as swimming pools may be admitted to the sanitary sewers by a permit from the Director of Public Works.

(City Code, 1976/83, art. 25, §6(a)(1).) (Ord. 75-914; Ord. 84-129; Ord. 91-775.)

§ 2-4. Prohibited discharges into sanitary or storm sewers.

(a) *In general.*

No person shall discharge or cause to be discharged into any sanitary or storm sewer any of the following described substances, materials, liquids, or wastes.

(b) *Flammable or explosive substances.*

- (1) No person may discharge or cause to be discharged any flammable or explosive liquid, solid, or gaseous material or other substance which may be injurious to the system, including but not limited to any pollutant causing the wastestream to have a closed cup flashpoint of less than 140°F. or 60°C., using the test methods specified in the 40 CFR 261.21.
- (2) However, segregated solvents or quantities of solvents which can be separated from the wastestream through best management practices are strictly prohibited from discharge to the sanitary sewerage system. These materials are to be strictly controlled, and industries discharging detectable levels of these materials must have a solvent management plan, approved by the Director, in full force and effect. At no time shall the reading on an explosion hazard meter, at the point of the user's discharge into the system, be greater than the level established by the Director.

(c) *Hot liquids or vapors.*

No person may discharge or cause to be discharged liquids or vapors having a temperature sufficiently high:

- (1) to cause damage to the public sewers;
- (2) to cause vapors hazardous to personnel working in the sewers; or
- (3) causing the temperature of the influent at a wastewater treatment plant to exceed 104°F. or 40°C.;

such temperatures unless otherwise noted to be 150°F. or 65°C.

(d) *Obstructionist solids or viscous substances.*

- (1) No person may discharge or cause to be discharged any solid or viscous substance in quantities capable of causing obstruction to the flow in sewers or interference with the operation of the sewer system.

(2) Such materials include, but are not limited to, ashes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, paunch manure, hair, fleshings, entrails, lime slurries, concentrated distillery slops, chemical or plant residues, paraffins, bulk solids, and free floating oil.

(e) *Noxious or malodorous substances.*

No person may discharge or cause to be discharged any noxious or malodorous solid, liquid, or gas which, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entrance into sewers for their maintenance and repair.

(f) *Pollutants creating toxic gases, etc.*

No person may discharge or cause to be discharged 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.

(g) *Radioactive materials.*

(1) Radioactive materials shall be discharged only after a permit is issued by the City of Baltimore.

(2) The issuance of said permit shall be contingent upon the person being authorized to use radioactive materials by the State Department of the Environment, its successor, or other governmental agency empowered to regulate the use of radioactive materials.

(3) In addition, the waste shall be discharged in strict conformity with current state and federal regulations and recommendations for safe disposal.

(h) *Wastewater from hydraulic fracturing.*

(1) *Definitions.*

In this subsection, “flow back” and “hydraulic fracturing” have the meanings stated in City Health Article § 7-501.

(2) *Discharge prohibited.*

No person may discharge or cause to be discharged into any sanitary or storm sewer any flow back or other wastewater resulting from hydraulic fracturing.

(City Code, 1976/83, art. 25, §6(a)(2).) (Ord. 84-129; Ord. 91-775; Ord. 13-113; Ord. 13-175.)

§ 2-5. Limitations on discharges into sanitary sewers.

(a) *In general.*

No discharge of the following materials shall be made into the sanitary sewers beyond the limits or conditions hereafter stipulated, or to be established by the Director of Public Works.

(b) *Oils.*

- (1) No discharge may be made of petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through. These materials shall be limited on analysis to the concentration set by the wastewater discharge permit.
- (2) Where oils or greases, including those of animal and vegetable origin, are of the nature that they will solidify at temperatures of normal sewage and it is probable that they will collect in the sewer lines and contribute to clogging or, if non-petroleum oils and greases, can overload skimming and grease handling equipment or interfere with the treatment process, restrictions on discharge concentrations may be required.

(c) *Garbage.*

- (1) "Garbage" means solid waste:
 - (i) from domestic and commercial preparation, cooking, and dispensing of food; and
 - (ii) from the handling, storage, and sale of food products.
- (2) No discharge may be made of any garbage that has not been properly comminuted or shredded, as determined by the Director of Public Works.

(d) *Acids or alkalies.*

- (1) "pH" means the logarithm of the reciprocal of the hydrogen ion concentration of a solution. It indicates the intensity of acidity and alkalinity on a scale running from 0 to 14. A pH of 7.0 represents neutrality, values above 7.0 alkalinity, and below 7.0 acidity.
- (2) No discharge may be made of acids or alkalies:
 - (i) having pH values, upon dilution in the immediate public sewer, lower than 6.0 or higher than 12.0; or
 - (ii) which would in any way attack or corrode sewers or waste treatment equipment.
- (3) At no time shall the pH measured at the point of discharge be less than 5.0. Where concrete sewers without special protection are involved, a more neutral discharge may be required.

(e) *Toxic pollutants.*

No discharge may be made of any wastewater containing toxic pollutants in sufficient quantity which, either alone or by interaction with other pollutants:

- (1) injure or interfere with any wastewater treatment process;
- (2) constitute a hazard to humans or animals;
- (3) create a toxic effect in the receiving waters of the system; or

(4) cause the system to violate:

- (i) its national pollutant discharge elimination system permit or the state disposal system permit or both; or
- (ii) the receiving water quality standards.

(f) *Substances affecting reclamation.*

No discharge may be made of any substance which may:

- (1) cause the treatment plant's effluent or any other product of the treatment plant to be unsuitable for reclamation and reuse; or
- (2) interfere with reclamation process where the system is pursuing a reuse and reclamation program.

(g) *Dye wastes.*

No discharge may be made of concentrated dye waste or other wastes high in color which are sufficiently strong to affect the color of the treatment plant effluent.

(h) *Wastes needing disinfection, etc.*

No discharge may be made of any wastes requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes or for neutralizing said wastes.

(i) *Excessive amounts of certain waters.*

(1) No discharge may be made of any excessive amounts of :

- (i) deionized water;
- (ii) steam condensate;
- (iii) distilled water; or
- (iv) single pass cooling water.

(2) "Excess amounts" will be determined by the hydraulic loading on the sewer and POTW and the ability of each to handle the discharge.

(j) *Hauled pollutants.*

No discharge may be made of any trucked or hauled pollutants, except at discharge points designated by the POTW.

(City Code, 1976/83, art. 25, §1(i), (r), §6(a)(3).) (Ord. 75-914; Ord. 84-129; Ord. 91-775.)

§ 2-6. Prohibited discharges into storm drains.

No person shall discharge into any storm drain any of the following materials:

(1) free floating oil or emulsified oils which:

- (i) will accumulate in the drains or along banks of streams into which discharge is made; and
- (ii) will result in a readily discernable film on the receiving water or will accumulate on facilities or structures alongside or in the receiving waters;

(2) acids or alkalis in concentrations sufficient to damage the drainage system or the waters into which the drains discharge; or

(3) organic, chemical, or other pollutants that will deleteriously affect the water quality, as defined by the State Water Quality Standards, of the waters into which the drain will ultimately discharge.

(City Code, 1976/83, art. 25, §6(a)(4).) (Ord. 75-914; Ord. 84-129; Ord. 91-775.)

§ 2-7. Excessive concentrations.

Wastes containing permissible constituents, with BOD, suspended solids, total phosphorus, and, if so established, other concentrations greater than that set by the Director of Public Works:

(1) will be subject to a sewer service surcharge, which is to be based upon the unit cost of handling and of treating the wastes at the receiving treatment plant; and

(2) may be subject to discharge limitations.

(City Code, 1976/83, art. 25, §6(a)(5).) (Ord. 75-914; Ord. 84-129; Ord. 91-775.)

§ 2-8. Special approval required for certain flows.

Where average daily flows into the sanitary sewers are greater than 2% of the average daily flow at the wastewater treatment plant, or where flow occurs in slugs, the discharge shall be subject to review and special regulation or approval of the Director of Public Works before discharge is permitted.

(City Code, 1976/83, art. 25, §6(a)(6).) (Ord. 91-775.)

§ 2-9. Required notices.

(a) *Problem discharge.*

All users of the municipal sewer system shall immediately notify the Director and the POTW of all discharges that could cause problems within the sewer system or POTW, including any slug loadings that would violate any of the specific prohibitions of this subtitle or 40 CFR 403.5(b).

(b) *Substantial change in discharge.*

All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

(City Code, 1976/83, art. 25, §6(a)(7), (8).) (Ord. 91-775.)

§ 2-10. Measurement of discharges to sanitary sewers.

(a) *Submission of information.*

All persons who:

- (1) discharge or desire to discharge to the sanitary sewers, industrial wastes or wastewaters other than sanitary, or
- (2) store, use, or generate toxic or prohibited substances and have access to the sewer system,

shall furnish the City with data covering quantity and variations of flow and concentrations of constituents to be discharged, including averages and peaks or slugs, and volumes of toxic or prohibited substances stored and/or generated.

(b) *Director to determine required regulation, etc.*

After the Director of Public Works has satisfied himself of the accuracy and completeness of the information provided, he shall determine what regulation of discharge is required and what permits, if any, are necessary.

(c) *Installation of measuring facilities.*

Where the required data and information cannot be provided, the Director of Public Works:

- (1) may require installation of facilities for measuring flow and concentration of the discharge, at the expense of the user; and
- (2) will establish regulations, agreements, and charges based upon the results of these measurements.

(d) *Additional information for discharge of industrial wastes.*

- (1) Upon request of the City, any discharger or potential discharger of industrial wastes into the treatment plant may be required to submit plans, reports, questionnaires, notices, or analytical data to evaluate waste discharge characteristics and ensure compliance with this article.

- (2) These required documents may include baseline monitoring reports, compliance reports, periodic self-monitoring reports, compliance schedule progress reports, violation reports, and notice of slug loadings, upset, bypass, or any other reporting requirement specified in 40 CFR 403.12.

(City Code, 1976/83, art. 25, §6(b).) (Ord. 75-914; Ord. 84-129; Ord. 91-775.)

**SUBTITLE 3
WASTEWATER DISCHARGE PERMITS**

§ 3-1. Permit required.

(a) *In general.*

- (1) All industrial/commercial users proposing to connect or to discharge, directly or indirectly, into a public sanitary or combined sewer must apply for a wastewater discharge permit before connecting to or discharging into a public sanitary or combined sewer.
- (2) All industrial or commercial users connected to or discharging into a public sewer after June 28, 1984, must apply for a permit.
- (3) The discharge of industrial or commercial wastewater to the public sewer without having applied for a permit shall result in the assessment of penalties as provided by §§ 3-2 and 23-4.

(b) *Users included.*

These users include:

- (1) any user who is subject to national categorical pretreatment standards;
- (2) any significant industrial user;
- (3) any user whose discharge would be in violation of Subtitle 2 {"Control of Sanitary and Storm Sewers"} of this article;
- (4) any user regulated by state pretreatment requirements;
- (5) any user using, storing, or generating prohibited, toxic, or priority pollutants; and
- (6) any other user as required by the Director.

(c) *Compliance with permit required.*

No industrial/commercial user shall discharge wastewater directly or indirectly into a public sewer except pursuant to and in accordance with a wastewater discharge permit, when determined by the Director that a permit is required.

(City Code, 1976/83, art. 25, §7(a)(1).) (Ord. 84-129; Ord. 91-775.)

§ 3-2. Applications.

(a) *In general.*

Users seeking a wastewater discharge permit shall complete and file with the Director of Public Works an application in the form prescribed by the Director.

(b) *Required information.*

The applicant shall be required to submit, in units and terms appropriate for evaluation, the following information, if applicable:

- (1) name, address, and standard industrial classification (“SIC”) number of applicant;
- (2) nature of process;
- (3) volume and rate of flow of wastewater to be discharged;
- (4) wastewater constituents and characteristics, including but not limited to those mentioned in this subtitle, as determined by a laboratory approved by the Director;
- (5) time and duration of discharge and hours of operation;
- (6) average and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (7) production quantities and mass discharge rate;
- (8) description of activities, facilities, and plant processes on the premises, including all materials, processes, and types of materials which are or could be discharged; and
- (9) any other information as may be deemed by the Director to be necessary to evaluate the permit application.

(City Code, 1976/83, art. 25, §7(a)(2)(1st par.)) (Ord. 84-129; Ord. 91-775.)

§ 3-3. Evaluation and issuance.(a) *Additional information; inspection.*

- (1) The Director will evaluate the data furnished by the user and may require additional information.
- (2) After evaluation and acceptance of the data furnished, an on-site inspection of the waste discharge system, treatment system, or other systems relating to the waste discharge may be required.

(b) *Issuance.*

The Director may then issue a wastewater discharge permit subject to terms and conditions provided herein.

(City Code, 1976/83, art. 25, §7(a)(2)(2nd par.)) (Ord. 84-129; Ord. 91-775.)

§ 3-4. Permit fee.(a) *Director may set.*

A wastewater discharge permit fee may be established by the Director of Public Works.

(b) *Criteria.*

(1) Such a fee shall be based on the City's costs of operating the industrial waste control program.

(2) Costs shall include, but not be limited to, issuance of permits, inspection of facilities, sampling, testing, and operation of the City's industrial wastes laboratory.

(City Code, 1976/83, art. 25, §7(a)(9).) (Ord. 84-129; Ord. 91-775.)

§ 3-5. Permit conditions - in general.(a) *Permits subject to City regulations, etc.*

Wastewater discharge permits shall be subject to:

(1) all provisions of this article; and

(2) all other regulations, user charges, and fees established by the City.

(b) *Uniform enforcement.*

The conditions of wastewater discharge permits shall be uniformly enforced by the Director of Public Works in accordance with this article, and applicable state and federal regulations.

(c) *Conflicts.*

In the event of conflict between local, state, or federal regulations, the most stringent regulation shall be enforced by the Director.

(d) *Modifications.*

The terms and conditions of the permit may be modified or changed by the City during the life of the permit:

(1) as limitations or requirements imposed by federal, state, or local laws or regulations are modified or changed; or

(2) to protect the POTW from interference, pass-through, or contamination of treatment by-products.

(City Code, 1976/83, art. 25, §7(a)(3)(1st - 3rd sens.), (a)(6)(4th sen.)) (Ord. 91-775.)

§ 3-6. Permit conditions - specific requirements.

(a) *“New source” defined.*

(1) “New source” means 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 § 307(c) of the Federal Water Pollution Control Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (i) the building, structure, facility, or installation is constructed at a site at which no other source is located;
- (ii) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (iii) 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 paragraph (1)(ii) or (iii) of this subsection but otherwise alters, replaces, or adds to existing process or production equipment.

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

- (i) begun or caused to begin as part of a continuous on-site construction program:
 - (A) any placement, assembly, or installation of facilities or equipment; or
 - (B) 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
- (ii) 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.

(b) *In general.*

Permits shall contain the following:

- (1) the average and maximum concentrations and/or loadings of permitted wastewater constituents; these limitations will be based upon applicable federal general and categorical pretreatment standards for new and existing sources per 40 CFR Subchapter N, Parts 401 through 471, local limits, and/or state and local laws;
- (2) self-monitoring, sampling, reporting, notification, and record-keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limits, and/or state and local laws;
- (3) requirements for submission of technical reports, discharge reports, waste disposal reports, or other reports as necessary;
- (4) requirements for:
 - (i) maintaining plant records relating to wastewater discharge, as specified under § 21-1 of this article; and
 - (ii) affording the City access thereto;
- (5) requirements for amending the permit if discharge is significantly changed;
- (6) effective date and expiration date;
- (7) statement of non-transferability, as specified in § 3-10 of this subtitle;
- (8) statement of applicable civil and criminal penalties for violation of pretreatment standards, requirements, and any applicable compliance schedule; and
- (9) other conditions as deemed appropriate by the Director to insure compliance with this article and with state and federal pretreatment standards and requirements.

(c) *Federal requirements not waivable.*

(1) Permit requirements based upon federal standards may not be waived.

(2) No consideration will be given to a request for a waiver of federal general or categorical pretreatment standards.

(City Code, 1976/83, art. 25, §1(o), §7(a)(3)(4th sen.), (a)(4)(3rd sen.), (a)(6)(6th sen.)) (Ord. 84-129; Ord. 91-775.)

§ 3-7. Permit conditions - compliance required.(a) *In general.*

No person shall discharge wastewaters in violation of the limitations set by the wastewater discharge permit.

(b) *Application for amended permit.*

Any person desiring to discharge wastewater or use facilities which are not in conformance with the wastewater discharge permit should apply to the Director of Public Works for an amended permit.

(City Code, 1976/83, art. 25, §7(a)(4)(1st - 2nd sens.).) (Ord. 84-129; Ord. 91-775.)

§ 3-8. Changes in operations.(a) *Report required.*

Substantial changes in:

- (1) business location;
- (2) industrial process;
- (3) volume or characteristics of pollutants in the discharge;
- (4) quantity or quality of discharge; or
- (5) in chemical storage practices,

shall be reported to the Director.

(b) *When advance notice required.*

Advance notice is required for anticipated facility expansions and for production increases, decreases, or modifications which could result in the change of the quantity or quality of discharged pollutants.

(City Code, 1976/83, art. 25, §7(a)(5).) (Ord. 91-775.)

§ 3-9. Term and reissuance of permits.(a) *Term.*

- (1) Permits shall be issued for a specified time period, not to exceed 5 years.
- (2) A permit may be issued for a period of less than a year or may expire on a specific date.

(b) *Appeal of permit determination.*

- (1) Any user desiring to appeal a permit determination must provide comments to the Director within 15 days of receipt of the permit.
- (2) If any user disagrees with or is aggrieved by any determination or decision which is made, rendered, issued, or given under the provisions of this section, such user may appeal as provided in § 21-7 of this article.

(c) *Reissuance.*

The user shall apply for permit reissuance at least 30 days prior to the expiration of the user's existing permit.

(City Code, 1976/83, art. 25, §7(a)(6)(1st - 3rd, 5th, 6th sens.).) (Ord. 84-129; Ord. 91-775.)

§ 3-10. Permit transfers.(a) *Permits issued to specific users and operations.*

Wastewater discharge permits are issued to a specific user for a specific operation.

(b) *Transfers.*

- (1) A wastewater discharge permit shall not be reassigned or transferred or sold a new owner, new user, or a new or changed operation without the prior written approval of the Director.

- (2) A permit shall not be transferred to any other location.

(City Code, 1976/83, art. 25, §7(a)(7).) (Ord. 84-129; Ord. 91-775.)

§ 3-11. Suspension of permit.(a) *Grounds for suspension.*

A user's wastewater discharge permit may be suspended:

- (1) for any violation of this article or applicable state and federal regulations; or
- (2) for failure to act in strict accordance with the conditions of the user's wastewater discharge permit, including:
 - (i) failing to report or inaccurately reporting wastewater constituents and characteristics or changes therein;
 - (ii) refusing right of entry guaranteed by §§ 4-8 and 21-5 of this article;
 - (iii) failing to reapply for a permit or to request a required permit modification; or
 - (iv) failing to pay the required permit fee.

(b) *Procedure.*

- (1) The Director shall provide prior notice of the suspension as is in his opinion reasonably permitted by the circumstances.
- (2) If such notice does not conform to §§ 21-6 and 22-1 of this article and the suspension is expected to continue or has continued in effect for more than 48 hours, the Director shall provide notice as set forth in said §§ 21-6 and 22-1 after the suspensions have taken effect.
- (3) This provision is in addition to statutes, rules, or regulations authorizing termination of service, including termination of existing wastewater connections, for delinquency in payment.

(City Code, 1976/83, art. 25, §7(a)(8).) (Ord. 84-129; Ord. 91-775.)

SUBTITLE 4
SAMPLING AND MONITORING

§ 4-1. In general.

(a) *Significant users to report periodic measurements.*

The Director of Public Works shall require significant users to provide results of periodic measurements of discharges, including chemical analyses and flow.

(b) *Monitoring facility.*

The Director may require a monitoring facility to be furnished and operated at user's expense.

(c) *Measuring devices.*

All dischargers making periodic measurements shall furnish and install at an appropriate location, a calibrated flume, weir, flow meter, or similar device suitable to measure flow rate and total volume approved by the Director.

(d) *Records, etc., instead of flow measurement.*

In lieu of wastewater flow measurement, the Director may accept records of water usage, and may adjust the flow volumes by suitable factors to determine peak and average flow rates for the specific industrial wastewater discharge.

(City Code, 1976/83, art. 25, §7(b)(1).) (Ord. 84-129; Ord. 91-775.)

§ 4-2. Scope and frequency of reports.

(a) *Significant industrial users.*

(1) Significant industrial users shall submit a minimum of semi-annual reports (on dates specified by the City) indicating flows and the nature and concentration of pollutants in the discharge.

(2) The specific standards or the City itself may require these reports to be filed more frequently.

(b) *Other users.*

Other users may be required to submit reports as directed by the City.

(City Code, 1976/83, art. 25, §7(b)(2)(1st par.)) (Ord. 91-775.)

§ 4-3. Required sampling and analytical techniques.(a) *In general.*

All analyses, including sampling techniques submitted in support of any application, report, or evidence, or required by any permit or order, shall be performed in accordance with 40 CFR Part 136 and amendments thereto.

(b) *Alternatives.*

Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator (as defined in 40 CFR Part 136) determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other persons approved by the administrator.

(c) *Approved labs required.*

All procedures must be performed by laboratories approved by the Director.
(*City Code, 1976/83, art. 25, §7(b)(2)(i).*) (*Ord. 91-775.*)

§ 4-4. Violations discovered by self-monitoring.(a) *Report to Director.*

Whenever self-monitoring results indicate a violation, the user shall notify the Director within 24 hours of becoming aware of the violation.

(b) *Resampling.*

(1) The user shall also repeat the sampling and analysis of the exceeded parameter(s) and submit the results of the repeat analysis to the Director within 30 days after becoming aware of the violation.

(2) However, the industrial user is not required to resample if:

(i) the City performs sampling at the industrial user at a frequency of at least once per month; or

(ii) the City performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(*City Code, 1976/83, art. 25, §7(b)(2)(ii).*) (*Ord. 91-775.*)

§ 4-5. Additional monitoring to be reported.

Any wastewater monitoring conducted more frequently than that required by the Director, using the procedures prescribed in this subtitle, shall be reported to the Director and included with the self-monitoring compliance report.

(City Code, 1976/83, art. 25, §7(b)(2)(iii).) (Ord. 91-775.)

§ 4-6. Construction and placement of sampling and monitoring facilities.*(a) Construction of facilities.*

- (1) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Director of Public Works' requirements and all applicable local construction standards and specifications.
- (2) Construction shall be completed within 90 days following written notification by the Director, unless a time extension is granted by the Director.

(b) Location of monitoring facility.

The monitoring facility should normally be situated on the user's premises, but the Director of Public Works may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(City Code, 1976/83, art. 25, §7(b)(3), (4).) (Ord. 84-129; Ord. 91-775.)

§ 4-7. Number of measurements; equipment.

Significant users required by the Director of Public Works to make periodic measurements of industrial wastewater flows and constituents shall annually make the minimum number of such measurements as required in the wastewater discharge permit. When required by the Director, users shall install and maintain in proper order automatic flow-proportional sampling equipment and/or automatic analysis and recording equipment.

(City Code, 1976/83, art. 25, §7(b)(5).) (Ord. 84-129; Ord. 91-775.)

§ 4-8. Right of entry; inspections.*(a) Entry on premises for sampling, etc.*

- (1) Persons or occupants of premises where wastewater is generated or discharged shall allow the Director of Public Works and state and federal officials ready access at all times to all of those parts of the premises for purposes of sampling or performance of any other duties.
- (2) The Director shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations.

(3) Where a user has security measures in force, the user shall make the necessary arrangements with the security guards so that upon presentation of suitable identification, the Director shall be permitted to enter without unnecessary delay.

(4) Failure to provide access will result in enforcement actions described in Subtitle 22 of this article.

(b) *Inspection of procedures and records, etc.*

(1) All sampling, analysis, and flow measurement procedures, equipment, results, and records shall be subject at any time to inspection by the Director of Public Works and by state and federal officials.

(2) The Director shall have the right to copy industrial user records.
(City Code, 1976/83, art. 25, §7(b)(6), (7).) (Ord. 84-129; Ord. 91-775.)

**SUBTITLE 5
PRETREATMENT**

§ 5-1. In general.

Users shall make wastewater acceptable under the limitations established by the permit before discharging to any public sanitary or combine sewer.

(City Code, 1976/83, art. 25, §7(d)(1)(1st sen.)) (Ord. 84-129; Ord. 91-775.)

§ 5-2. Pretreatment standards and requirements.

All industrial users shall comply with:

- (1) the Federal General Pretreatment Regulations in 40 CFR Part 403;
- (2) the applicable national categorical pretreatment standards set out in 40 CFR Subchapter N, Parts 401 through 471 upon promulgation; and
- (3) all applicable federal, state, or local requirements or standards.

(City Code, 1976/83, art. 25, §7(m)) (Ord. 91-775.)

§ 5-3. Schedule of compliance.

(a) *When required.*

If pretreatment or operation and maintenance changes will be required for an industrial user to comply with any provisions of this article or any state or federal pretreatment standard or requirement, the City may require the industrial user to submit for approval a schedule specifying the shortest time frame for the industry to achieve compliance.

(b) *Tenor of schedule.*

- (1) Such schedule may not extend the compliance date beyond applicable federal deadlines.
- (2) This schedule will contain increments of progress in the form of dates for the commencement and completion of major events, leading to the construction and operation of the additional pretreatment to bring the industrial user into compliance.

(City Code, 1976/83, art. 25, §7(d)(1)(2nd - 4th sens.)) (Ord. 91-775.)

§ 5-4. Pretreatment facilities and operations.

(a) *Facilities at user's expense.*

Any facilities required to pretreat wastewater to a level in compliance with the limitations set by the permit shall be provided and maintained at the user's expense.

(b) *Director to approve plans, etc.*

- (1) Plans, compliance schedules, and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before construction of the facility.
- (2) The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Director under the provisions of this article and the wastewater discharge permit.
- (3) Acceptance of plans and operating procedures does not constitute acceptance of the level of the treatment provided by such facilities and operations. Nor does the City thereby accept any responsibility for, or provide any guarantee as to, the performance of the facilities and operations.

(c) *Changes.*

- (1) Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Director.
- (2) No user shall 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 any local, state, or federal discharge standard.

(City Code, 1976/83, art. 25, §7(d)(2).) (Ord. 84-129; Ord. 91-775.)

§ 5-5. Public notice of significant violators.

(a) *“Significant noncompliance” defined.*

“Significant noncompliance” means significant violations which meet the criteria as defined by federal general pretreatment regulations (40 CFR Part 403.8):

- (1) chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken during a 6-month period exceed (by any magnitude) the daily minimum limit or the average limit for the same pollutant parameter;
- (2) technical review criteria (“TRC”) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Director determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

- (4) any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (5) failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) failure to accurately report noncompliance; or
- (8) any other violation or violations which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

(b) *City to publish annual notice.*

The City shall publish annually in the largest daily newspaper a list of industrial users which at any time during the previous 12 months were in significant noncompliance with applicable pretreatment requirements.

(City Code, 1976/83, art. 25, §§1(cc), 7(j).) (Ord. 84-129; Ord. 91-775.)

SUBTITLE 6
NOTICE OF HAZARDOUS WASTE DISCHARGE

§ 6-1. Notice required.

The IU shall notify:

- (1) the Director of Public Works;
- (2) the Director of the Regional Waste Management Division of the United States Environmental Protection Agency; and
- (3) the Director of the Solid and Hazardous Waste Management Administration of the Maryland Department of the Environment,

in writing, of any discharge into the POTW of a substance, which, if otherwise disposed, would be a hazardous waste under 40 CFR Part 261.

(City Code, 1976/83, art. 25, §7(c)(1)(1st sen.)) (Ord. 91-775.)

§ 6-2. Contents of notice.

Such notification shall include:

- (1) the identity of the waste as set forth in 40 CFR Part 261;
- (2) the EPA hazardous waste number;
- (3) the type of discharge (batch, continuous or other); and
- (4) if the IU discharges more than 220 pounds (100 kilograms) of such waste per calendar month to the POTW, the notification shall also contain the following information, to the extent each information is known and readily available to the user:
 - (i) an identification of the hazardous constituents contained in the wastes;
 - (ii) an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month; and
 - (iii) an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

(City Code, 1976/83, art. 25, §7(c)(1)(2nd sen.), (2).) (Ord. 91-775.)

§ 6-3. Notice deadline.

(a) *In general.*

Users who commence discharge after August 23, 1990, shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste.

(b) *Once for each type of waste.*

Any notification under this subtitle needs to be submitted only once for each hazardous waste discharged. However, notification of changed discharges must be submitted in accordance with 40 CFR 403.12(j).

(City Code, 1976/83, art. 25, §7(c)(3), (4).) (Ord. 91-775.)

§ 6-4. Notice under amended regulation.

In the event of new regulations under § 3001 of the Resource Conservation Recovery Act identifying additional characteristics of hazardous wastes or listing any additional substance as a hazardous waste, the user must notify the individuals listed in § 6-1 above, or their authorized representatives, of the discharge of such substance(s) within 90 days of the effective date of such regulation.

(City Code, 1976/83, art. 25, §7(c)(7).) (Ord. 91-775.)

§ 6-5. Program to reduce volume and toxicity.

In the case of any notification made under this subtitle, the user must certify that a program has been implemented to reduce the volume and toxicity of hazardous waste generated, to the degree it has been determined to be economically practical.

(City Code, 1976/83, art. 25, §7(c)(8).) (Ord. 91-775.)

§ 6-6. Exceptions.

(a) *Previously reported under self-monitoring.*

This notification does not apply to pollutants already reported under self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).

(b) *Certain amounts during month.*

(1) Users are exempt from the requirements of this subtitle during a calendar month in which they discharge no more than 33 pounds (15 kg) of hazardous wastes, unless the wastes are acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e).

(2) Discharge of more than 33 pounds (15 kg) of non-acute hazardous waste 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 1-time notification. Subsequent months during which a user discharges more than such quantities of any hazardous waste do not require additional notification.

(City Code, 1976/83, art. 25, §7(c)(5), (6).) (Ord. 91-775.)

**SUBTITLE 7
UPSETS, SPILLS, AND ACCIDENTAL DISCHARGES**

§ 7-1. Protection against accidental discharges.

(a) *Protection required.*

Each user shall provide protection from accidental discharge of prohibited materials or from other substances regulated by the article.

(b) *Facilities to be at user's expense.*

Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's cost and expense.

(c) *Notice of emergency measures.*

(1) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of all accidental discharges.

(2) Users shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedures.

(City Code, 1976/83, art. 25, §7(e)(1), (2)(5th - 6th sens.).) (Ord. 84-129; Ord. 91-775.)

§ 7-2. Immediate notice required.

(a) *In general.*

In the case of an accidental discharge, upset, or spill with the potential for discharge, it is the responsibility of the user to notify the Director of Public Works of the incident within 15 minutes of the occurrence.

(b) *Contents.*

The notification shall include:

- (1) location of discharge or potential discharge;
- (2) type of waste;
- (3) concentration and volume of material; and
- (4) corrective actions.

(City Code, 1976/83, art. 25, §7(e)(2)(1st - 2nd sens.).) (Ord. 84-129; Ord. 91-775.)

§ 7-3. Subsequent written report required.

Within 5 days following the accident, the user shall submit to the Director a detailed written report describing:

- (1) the cause of the incident;
- (2) the volume of material discharged and/or contained;
- (3) a chronology of events from the time the incident was discovered until disposal has occurred;
- (4) material safety data sheets for the compound(s); and
- (5) the measures to be taken by the user to prevent similar future occurrences.

(City Code, 1976/83, art. 25, §7(e)(2)(3rd sen.).) (Ord. 84-129; Ord. 91-775.)

§ 7-4. User's liability.

Such notification shall not relieve the user of any expense, loss, damages, or other liability which may be incurred as a result of damage to the wastewater system, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(City Code, 1976/83, art. 25, §7(e)(2)(4th sen.).) (Ord. 84-129; Ord. 91-775.)

§ 7-5. Upset as affirmative defense.

(a) *In general.*

An upset can be used as an affirmative defense to an action brought for noncompliance with categorical pretreatment standards, provided the industrial user meets certain conditions.

(b) *Conditions of defense.*

An industrial user who wishes to establish the affirmative defense of upset must demonstrate through properly signed contemporaneous operating logs or other relevant evidence that:

- (1) an upset occurred and the industrial user can identify the cause or causes;
- (2) the facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operational and maintenance procedures;
- (3) the industrial user submitted the following information to the City within 24 hours of becoming aware of the upset:
 - (i) a description of the indirect discharge and cause of noncompliance;
 - (ii) the period of noncompliance, including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue; and

(iii) steps being taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance;

(4) if this information is provided orally, a written submission must follow within 5 days; and

(5) the industrial user shall control production or all discharges to the extent necessary to maintain compliance with pretreatment standards upon loss, reduction, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided.

(City Code, 1976/83, art. 25, §7(e)(3).) (Ord. 91-775.)

SUBTITLE 8
BYPASS OF TREATMENT FACILITIES

§ 8-1. Scope of subtitle.

An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of this subtitle.

(City Code, 1976/83, art. 25, §7(f)(intro).) (Ord. 91-775.)

§ 8-2. Bypass prohibited.

(a) *“Severe property damage” defined.*

(1) “Severe property damage” means:

- (i) substantial physical damage to property;
- (ii) damage to treatment facilities which causes them to become inoperable; or
- (iii) substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

(2) “Severe property damage” does not include economic loss caused by delays in production.

(b) *Bypasses prohibited*

Bypasses are prohibited.

(c) *Exceptions.*

(1) The Director may take enforcement action against an industrial user for a bypass unless:

- (i) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (ii) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and
- (iii) the industrial user submitted notices as required under this subtitle.

(2) The condition in paragraph (1)(ii) of this subsection is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.

- (3) The Director may approve an anticipated bypass after considering its adverse effects, if the Director determines that it will meet the 3 conditions listed in paragraph (1) of this subsection.

(City Code, 1976/83, art. 25, §§1(z), 7(f)(2).) (Ord. 91-775.)

§ 8-3. Notice of anticipated bypass.

If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the Director, if possible at least 10 days before the date of the bypass.

(City Code, 1976/83, art. 25, §7(f)(1)(a).) (Ord. 91-775.)

§ 8-4. Notice of unanticipated bypass.

(a) *Immediate oral notice.*

An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Director within 24 hours from the time the industrial user becomes aware of the bypass.

(b) *Written report.*

- (1) A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass.

- (2) The written submission shall contain:

- (i) a description of the bypass and its cause;
- (ii) the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and
- (iii) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

- (3) The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(City Code, 1976/83, art. 25, §7(f)(1)(b).) (Ord. 91-775.)

SUBTITLES 9 TO 10
{RESERVED}

**SUBTITLE 11
WASTE HAULERS**

§ 11-1. Definitions.

(a) *Scavenger vehicle.*

“Scavenger vehicle” means any vehicle used in the transportation of wastewater.

(b) *Waste hauler.*

“Waste hauler” means any person engaged in transportation or conveyance of wastewater for discharge directly or indirectly into the sewer system.

(City Code, 1976/83, art. 25, §1(y), (kk).) (Ord. 91-775.)

§ 11-2. Waste hauler permit required.

(a) *In general.*

All waste haulers proposing to discharge wastewater into the sewer system must obtain a waste hauler permit before discharging wastewater to the sewer system.

(b) *Compliance with permit required.*

No waste hauler shall discharge wastewater into the sewer system except pursuant to and in accordance with a waste hauler permit.

(c) *Required discharge points.*

The discharge of trucked or hauled pollutants is prohibited except at discharge points designated by the POTW.

(City Code, 1976/83, art. 25, §10(a)(1).) (Ord. 84-129; Ord. 91-775.)

§ 11-3. Applications.

(a) *In general.*

Waste haulers seeking a waste hauler permit shall complete and file with the Director of Public Works an application in the form prescribed by the Director and accompanied by the applicable fees.

(b) *Required information.*

The applicant shall submit, in units and terms appropriate for evaluation, the following information if applicable:

(1) name and address of applicant;

- (2) volume of wastewater to be discharged;
- (3) wastewater constituents and characteristics, as determined by a laboratory approved by the Director and analyzed in accordance with 40 CFR Part 136, “Guidelines Establishing the Test Procedures for Analysis of Pollutants” as required by § 4-3 of this article;
- (4) name, location, and wastewater discharge permit number, if any, of the facility where the wastewater is generated;
- (5) a description of:
 - (i) the processes generating the wastewater; and
 - (ii) the types of materials which are or could be included in the wastewater; and
- (6) any other information as may be deemed by the Director to be necessary to evaluate the permit application.

(City Code, 1976/83, art. 25, §10(a)(2)(1st - 2nd sens.).) (Ord. 84-129; Ord. 91-775.)

§ 11-4. Evaluation, inspection, and issuance.

(a) *Evaluation.*

The Director of Public Works will evaluate the data furnished by the waste hauler and may require additional information.

(b) *Inspection.*

After evaluation and acceptance of the data furnished, an inspection of the equipment to be used for transport of the wastewater and an inspection of the facilities where the wastewater is generated may be required.

(c) *Issuance.*

The Director may then issue a waste hauler permit subject to terms and conditions provided herein.

(City Code, 1976/83, art. 25, §10(a)(2)(3rd - 5th sens.).) (Ord. 91-775.)

§ 11-5. Permit conditions — in general.

(a) *Subject to City regulations, etc.*

(1) Waste hauler permits shall be subject to:

- (i) all provisions of this article; and
- (ii) all other regulations, user charges, and fees established by the City.

(2) However, no person to whom a waste hauler permit has been issued shall be required to obtain a wastewater discharge permit with regard to discharges from scavenger vehicles.

(b) *Uniform enforcement.*

The conditions of the waste hauler permits shall be uniformly enforced by the Director of Public Works, in accordance with this article and applicable state and federal regulations.

(c) *Conflicts.*

In the event of conflict between local, state, or federal regulations, the most stringent regulation shall be enforced by the Director.

(*City Code, 1976/83, art. 25, §10(a)(3)(1st - 4th sens.). (Ord. 84-129; Ord. 91-775.)*)

§ 11-6. Permit conditions — terms and conditions.

Permits may contain the following:

- (1) conditions applicable to wastewater discharge permits;
- (2) requirements for scavenger vehicles, including vehicle permit tags, type, equipment, maintenance, cleaning, identification, and limitations on other uses of such vehicles;
- (3) discharge procedures;
- (4) limitations as to time, location, volume, and flow of discharges;
- (5) requirements for inspection and sampling;
- (6) fee payment procedures;
- (7) limitations on constituents and materials to be discharged;
- (8) requirements for reports;
- (9) requirements for seeking amendment of the permit if discharge is significantly changed or if source of discharge is changed; and
- (10) other conditions as deemed appropriate by the Director to insure compliance with this article.

(*City Code, 1976/83, art. 25, §10(a)(3)(5th sen.). (Ord. 84-129; Ord. 91-775.)*)

§ 11-7. Term, transfer, and suspension of permits.

Waste hauler permits are subject to the same limitations on duration, transfer, and suspension as wastewater discharge permits as provided under §§ 3-9 through 3-11 of this article.

(*City Code, 1976/83, art. 25, §10(a)(4.). (Ord. 84-129; Ord. 91-775.)*)

§ 11-8. Scavenger vehicle permit tags.

No vehicle shall discharge any material into the sewer system unless the hauler:

(1) has been issued a permit to do so; and

(2) displays the appropriate identification and scavenger vehicle permit tag.
(*City Code, 1976/83, art. 25, §10(b).*) (*Ord. 91-775.*)

§ 11-9. Fees.

(a) *Director to set.*

The Director of Public Works may establish a schedule of fees for:

(1) waste haulier permits;

(2) scavenger vehicle permit tags; and

(3) discharges by waste haulers.

(b) *Bases.*

(1) Such fees shall be based on the City's costs of providing services to waste haulers.

(2) Costs may include, but not be limited to, issuance of permits, inspection, sampling, testing, and charges for use of the sewer system.

(*City Code, 1976/83, art. 25, §10(c).*) (*Ord. 84-129; Ord. 91-775.*)

§ 11-10. Refusal of wastewater.

(a) *When director may refuse.*

When, in the opinion of the Director of Public Works, a proposed discharge of wastewater:

(1) will constitute:

(i) a hazard to health, safety, or operation of the sewer system; or

(ii) a violation of this article or of a waste hauler permit condition; or

(2) may cause the violation of any restriction upon discharges from the sewer system,

the Director may refuse discharge of said wastewater to the sewer system.

(b) *Order to stop.*

The Director:

- (1) may order any discharge in progress to be stopped; or
- (2) may order any waste hauler not to discharge into the sewer system.

(c) *Emptying and cleaning of vehicle.*

A scavenger vehicle which contained wastewater refused by the Director shall be emptied and the storage tank and lines through which the refused wastewater passed shall be thoroughly cleaned before collecting any wastewater to be discharged into the sewer system.

(City Code, 1976/83, art. 25, §10(e).) (Ord. 84-129; Ord. 91-775.)

§ 11-11. Reciprocity.

(a) *When applicable.*

The City of Baltimore will accept permit inspections and approvals of waste haulers located in counties with similar programs for monitoring and regulating waste haulers.

(b) *Waste hauler requirements.*

Such waste haulers wishing to operate scavenger vehicles in the City of Baltimore:

- (1) will be required to apply for:
 - (i) a waste hauler permit; and
 - (ii) a City of Baltimore scavenger vehicle permit tag for each scavenger vehicle;
- (2) will not be required to pay any fees to the City for the waste hauler permit; and
- (3) will be required to pay:
 - (i) fees for each scavenger vehicle permit tag; and
 - (ii) fees for discharges to the sewer system.

(City Code, 1976/83, art. 25, §10(f).) (Ord. 84-129; Ord. 91-775.)

§ 11-12. Sources outside City.

All waste haulers providing waste removal services to sources of wastewater outside the limits of the City of Baltimore will include in their service contracts provisions allowing the director of public works of the applicable jurisdiction to inspect the source of wastewater to be discharged into the sewer system.

(City Code, 1976/83, art. 25, §10(d).) (Ord. 84-129; Ord. 91-775.)

SUBTITLE 12
{RESERVED}

SUBTITLE 13
SEWER SERVICE CHARGES

§ 13-1. Charges imposed.(a) *In general.*

Charges are imposed for the use of and the services rendered by the plants, properties, works, systems, or facilities, or any part thereof, which are owned or controlled by the Mayor and City Council of Baltimore and which are used or useful in connection with the collection, treatment, or disposal of wastewaters, which includes any combination of sanitary and industrial wastewaters, and such ground water and surface water as may be present, upon the properties located in Baltimore City served thereby, and the owners of such properties, at the rate or rates hereinafter set forth.

(b) *Scope.*

(1) All properties located in Baltimore City which:

(i) directly through pipes or conduits of any kind discharge; or

(ii) indirectly through 1 or more pipes, conduits, gutters, streams, channels, or similar or other means or a series thereof discharge,

either treated or untreated sewage or industrial waste or used water or wastewater, or any combination thereof, into the City's sanitary facilities, or any part thereof shall be deemed to be served by the City's sanitary facilities.

(2) The phrase "discharged into the City's sanitary facilities" as used in this subtitle shall mean directly or indirectly discharged into the City's sanitary sewer system in the manner or by the means hereinbefore set forth.

(3) The said charges shall not apply to properties which do not either directly or indirectly discharge sewage or industrial waste or used water or wastewater, or any combination thereof, into the City sanitary facilities or any part thereof.

(City Code, 1966, art. 28, §97; 1976/83, art. 28, §57.) (Ord. 59-016; Ord. 68-074; Ord. 87-868; Ord. 16-523.)

§ 13-2. Calculation – In general.

All charges imposed under this subtitle shall be:

(1) based, except as otherwise provided in this subtitle, upon the water service available for, or the consumption of water on, the particular property served by the City's sanitary facilities, as measured by the charges made for water supplied or made available by the City in and for the then current period;

(2) in an amount calculated by utilizing the volume of water consumed or water service provided to a particular property in or for the then current period, multiplied by the periodically set

rate for the then current period as set by the Board of Estimates in accordance with Article 24, Subtitle 3 of the City Code; and

(3) assessed, due, and payable on a monthly basis.

(City Code, 1966, art. 28, §98; 1976/83, art. 28, §58.) (Ord. 59-016; Ord. 68-074; Ord. 70-866; Ord. 75-924; Ord. 87-868; Ord. 16-523.)

§ 13-3. Calculation – Non-City water sources.

(a) *In general.*

- (1) On any property, and the owner thereof, which uses water, all or part of which water is from a source or sources other than the City's water supply system, a charge is hereby imposed, separate and in addition to any other charge imposed under this subtitle, based on the consumption of water derived from, or based on water service made available by the City's water supply system.
- (2) Such separate or additional charge shall be based on the quantity of water derived or received from any source or sources, other than the City's water supply system, which is discharged into the City's sanitary facilities from the property involved.

(b) *Meters required.*

The owner of each such property shall install, without cost to the City, a meter or meters to measure the quantity of water received from any source or sources other than the City's water supply system and which is discharged into the City's sanitary system. No meter shall be installed or used for such purposes without the prior approval of the Director of Public Works.

(c) *Calculation.*

In all cases where the water is discharged into the City's sanitary facilities and

- (1) such water is derived or received partly from the City's water supply system and partly from the source or sources other than the City's water supply system, or
- (2) such water is derived or received entirely from a source or sources other than the City's water supply system,

such separate or additional charge shall be the same in amount and shall be calculated on the same basis as though all of the water had been received or derived from the City's water supply system.

(d) *Failure to install meter.*

If the owner of any such property fails to install an approved meter or meters:

- (1) the Director of Public Works shall:

- (i) determine the amount of water from any source or sources other than the City's water supply system which is discharged into the City's sanitary facilities from the particular property; and
 - (ii) furnish to the Director of Finance of the City the amount of such water determined as aforesaid; and
- (2) the particular property involved, and the owner thereof, shall be liable for such separate and additional charge calculated and based upon the aforesaid amount of such water determined by the Director of Public Works as aforesaid.

(e) *Notices to Director.*

The owner of every property which uses water on said property, all or part of which is received or derived from a source or sources other than the City's water supply system and all or part of which water is discharged into the City's sanitary facilities, shall, within 20 days after this subtitle becomes effective or within 20 days after such condition commences, inform the Director of Public Works in writing of such condition, if the Director of Public Works has not been so notified under the provisions of any prior ordinance.

(City Code, 1966, art. 28, §99; 1976/83, art. 28, §59.) (Ord. 59-016; Ord. 76-141; Ord. 87-868.)

§ 13-4. Exceptions.

(a) *Discharges not into sanitary facilities.*

Whenever any property upon which the charge imposed hereunder uses water from the City's water supply system or any other source or sources in such a manner that the water so used is not discharged into the sanitary facilities of the City, the quantity of water so used and not discharged into the City's sanitary facilities shall be excluded in determining the charge imposed hereunder as to said property if the quantity of water so used and not discharged into the City's sanitary facilities is measured by a device or devices approved by the Director of Public Works and installed without cost to the City.

(b) *Discharge to storm drains.*

Whenever any property upon which the charge imposed hereunder uses water from the City's water supply system or from any other source or sources for an industrial or commercial purpose in such a manner that the water so used is discharged into the storm drain facilities of the City, the quantity of water so used and discharged into the City's storm drain system shall be excluded in determining the charge imposed hereunder as to said property if the quantity of water so used and discharged into the City's storm drain system is measured by a device or devices approved by the Director of Public Works and installed without cost to the City and the owner of said property first obtains a storm drain discharge permit and complies with all federal, state and local rules and regulations covering the discharge of wastewaters to surface waters.

(c) *Estimates where metering impracticable.*

- (1) In any case where it is determined by the Director of Public Works that it is not practical to install a measuring device in connection with an industrial or commercial operation to

determine continuously the quantity of water not discharged into the City's sanitary facilities, the Director of Public Works:

- (i) shall determine periodically in such reasonable manner and by such reasonable method as he may adopt, the quantity of water which is not discharged into the City's sanitary facilities; and
- (ii) in connection therewith, shall take into consideration:
 - (A) the total amount of water from all sources used on the property;
 - (B) the nature, kind, and type of industrial or commercial business being operated on said property; and
 - (C) the operational processes used in connection therewith.

(2) The quantity of water which is not discharged into the City's sanitary facilities as determined by the Director of Public Works as aforesaid shall be excluded in determining the charge imposed hereunder.

(City Code, 1966, art. 28, §100; 1976/83, art. 28, §60(a), (b)(intro), (c).) (Ord. 59-016; Ord. 76-141; Ord. 87-868; Ord. 11-518.)

§ 13-5. Storm drain discharge permits.

(a) *When required.*

The owner of any particular property served by the City's storm drain system desiring to obtain a sewer use charge exemption for wastewaters discharged to the storm drain and the owner of any particular property served by the City's storm drain system designated by the Director of Public Works as requiring a permit because of the quantity and/or quality of discharge, must obtain a storm drain discharge permit from the Director of Public Works or his designated representative.

(b) *Applications.*

Property owners seeking a storm drain discharge permit shall complete and file with the Director of Public Works an application in the form prescribed by the Director, and accompanied by the applicable fees.

(c) *Information required.*

The applicant shall be required to submit, in units and terms appropriate for evaluation, the following information if applicable:

- (1) name, address, and Standard Industrial Classification (SIC) number of applicant;
- (2) volume of wastewater to be discharged;
- (3) wastewater constituents and characteristics designated by the Director;
- (4) time and duration of discharge;

- (5) average and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (6) description of activities, facilities, and plant processes on the premises, including all materials, processes, and types of materials which are or could be discharged; and
- (7) any other information as may be deemed by the Director to be necessary to evaluate the permit application.

(d) *Permit conditions.*

- (1) Storm drain discharge permits shall be subject to all regulations and fees established by the City. The conditions of storm drain discharge permits shall be uniformly enforced by the Director of Public Works in accordance with local, state and federal regulations. In the event of conflict between local, state or federal regulations, the most stringent regulation shall be enforced by the Director.
- (2) Permits may contain the following:
 - (i) the average and maximum wastewater constituents and characteristics;
 - (ii) limits on rate and time of discharge or requirements for flow regulation and equalization;
 - (iii) requirements for installation of inspection and flow monitoring facilities;
 - (iv) pretreatment requirements;
 - (v) requirements for submission of technical reports or discharge reports;
 - (vi) requirements for maintaining plant records relating to wastewater discharge;
 - (vii) mean and maximum mass discharge rates, or other appropriate limits when incompatible pollutants are proposed or present in the discharge; and
 - (viii) specifications for monitoring programs, which may include:
 - (A) sampling locations;
 - (B) frequency and method of sampling;
 - (C) number and types of tests; and
 - (D) reporting schedules.
- (3) The terms and conditions of the permit may be subject to modification and changed by the City during the life of the permit as limitations or requirements are modified and changed. The owner shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) *Discharges.*

No person shall discharge wastewaters in violation of the limitations set by the storm drain discharge permit. Any person desiring to discharge wastewater or use facilities which are not in conformance with the storm drain discharge permit shall apply to the Director of Public Works for an amended permit.

(f) *Duration of permits.*

- (1) Permits shall be issued for a specific time period, not to exceed 5 years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.
- (2) If the owner is not notified by the Director 30 days prior to the expiration of the permit, the permit shall be extended 1 additional year.

(g) *Transfer of a permit.*

Storm drain discharge permits are issued to a specific owner for a specific operation. A storm drain discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, or a new or changed operation without the prior written approval of the Director. A permit shall not be transferred to any other location.

(h) *Suspension of permit.*

An owner's storm drain discharge permit may be suspended for any violation of applicable local, state, and federal regulations or for failure to act in strict accordance with the conditions of the user's storm drain discharge permit, including failure to report or inaccurately reporting wastewater constituents and characteristics or changes therein. The Director shall provide whatever prior notice of the suspension which is, in his opinion, reasonably permitted by the circumstances.

(i) *Permit fee.*

Storm drain discharge permit fees shall be established by the Director of Public Works. The fees shall be based on the City's cost of operating the storm drain discharge program. Costs may include, but not be limited to, issuance of permits, inspection of facilities, sampling, testing, and the cost of building and maintaining the storm drain system. The fees shall reflect quantity and quality of flow.

(City Code, 1976/83, art. 28, §60(b)(1) - (8).) (Ord. 87-868.)

§ 13-6. Unusual circumstances.

In all cases where:

- (1) the amount of water from any particular property which is being discharged into the City's sanitary facilities cannot be reasonably determined under any of the provisions of this subtitle; or

- (2) unusual or extraordinary circumstances or conditions exist in connection with the discharge of water into the City's sanitary facilities and which are not covered by the provisions of this subtitle,

the Director of Public Works shall have the power and authority to determine the amount of water being discharged into the City's sanitary facilities under the facts and circumstances in each case and the charges imposed under this subtitle shall be calculated and based upon the amount of water being discharged into the City's sanitary facilities as determined by the Director of Public Works as aforesaid.

(City Code, 1966, art. 28, §101; 1976/83, art. 28, §61.) (Ord. 59-016; Ord. 87-868.)

§ 13-7. Administrative review.

- (a) *Appeal to BMZA.*

In the event that any particular property owner who is legally liable for the payment of the charges imposed under this subtitle disagrees with or is aggrieved by any determination, decision, order, or notice of any kind, which is made, rendered, issued, or given under the provisions of this subtitle, such property owner, within 20 days after notice of any such determination, decision, order, or notice has been given to or mailed to such property owner shall have the right to take such action as may be necessary or proper to bring the matter in dispute before the Board of Municipal and Zoning Appeals for review by it.

- (b) *Action by BMZA.*

- (1) Upon reasonable notice in accordance with its rules and the provisions of the Baltimore City Charter, the Board shall determine whether or not the determination, decision, order or notice which is the subject of review is proper or correct.
- (2) The Board, by a majority vote thereof, shall have the power and authority to reverse or affirm, wholly or partly, or may modify the determination, decision, order, or notice appealed from, and may give or make such determination, decision, order, requirement or notice as ought to be made, provided, however, that nothing contained herein shall be taken or construed as authorizing the Board to waive, set aside, or in any manner change any specific provision or provisions of this subtitle.

(City Code, 1966, art. 28, §102; 1976/83, art. 28, §62.) (Ord. 59-016; Ord. 87-868.)

§ 13-8. Meters.

- (a) *Director to inspect and control.*

All meters or other measuring devices installed or required to be used under the provisions of this subtitle shall be subject to inspection by, and under the control of, the Director of Public Works.

- (b) *Owner to maintain.*

The owner of the property upon which any such meter or measuring device is installed shall be responsible for its proper repair, maintenance, and safe keeping. All repairs thereto shall be

made at the cost and expense of such owner, whether such repairs are made necessary by ordinary wear and tear or any other cause or causes.

(City Code, 1966, art. 28, §103; 1976/83, art. 28, §63.) (Ord. 59-016; Ord. 76-141; Ord. 87-868.)

§ 13-9. Collections.

(a) Billings.

(1) All charges imposed under this subtitle shall be due and payable at the same time that charges made by the City for supplying water or water service are due and payable.

(2) These charges:

(i) shall be billed by the same agency of the City that renders bills for water service;

(ii) may be included in the same bills rendered for water charges or stated in separate bills; and

(iii) shall be collected by the Director of Finance, at the same time or times and in the same manner and subject to the same interest rates and penalties provided for nonpayment of charges for supplying water.

(3) This section applies to all properties and the owners of properties that are subject to the payment of the charges imposed under this subtitle, without regard to the source of water used on those properties.

(b) Cut-off for nonpayment.

(1) All bills in arrears for charges imposed under this subtitle may be deemed a sufficient reason for discontinuing water furnished by the City until all such charges and interest and penalties have been paid in full.

(2) Whenever water is shut off for nonpayment of the charges imposed hereunder, the sum specified in Article 24, § 2-3 of the City Code shall be paid to the Director of Finance before the water supply is turned on again.

(City Code, 1966, art. 28, §104; 1976/83, art. 28, §64.) (Ord. 59-016; Ord. 76-141; Ord. 87-868; Ord. 08-042.)

§ 13-10. Charges to be liens.

The charges imposed under this subtitle and all increases, interest, and penalties thereon shall be a lien upon the property of any person liable to pay the same to the City. Such lien shall be recorded in the Tax Lien Records maintained by the Department of Finance.

(City Code, 1966, art. 28, §105; 1976/83, art. 28, §65.) (Ord. 59-016; Ord. 76-141; Ord. 87-868; Ord. 16-523.)

§ 13-11. Regulations.*(a) Iteration 1.*

- (1) In order to properly carry out and enforce the provisions of this subtitle and to collect the charges levied and imposed under this subtitle, the Director of Finance is hereby authorized and empowered to make, adopt, promulgate, and amend, from time to time, such rules and regulations as deemed necessary or proper to:
 - (i) carry out and enforce the provisions of this subtitle;
 - (ii) fully collect the charges imposed under this subtitle; and
 - (iii) define or construe any of the terms and provisions used in this subtitle in connection with the imposition or collection of said charges.
- (2) Copies of said rules and regulations shall be filed with the City Department of Legislative Reference.

(b) Iteration 2.

- (1) In order to properly carry out and enforce the provisions of this subtitle, the Director of Public Works is hereby authorized and empowered to make, adopt, promulgate, and amend, from time to time, such rules and regulations deemed necessary or proper to carry out and enforce the provisions of this subtitle.
- (2) Copies of said rules and regulations shall be filed with the City Department of Legislative Reference.
(City Code, 1966, art. 28, §106; 1976/83, art. 28, §66.) (Ord. 59-016; Ord. 76-141; Ord. 87-868.)

§ 13-12. Penalties.

Every person or other legal entity who shall:

- (1) participate or aid in any manner in the evasion of the charges imposed under this subtitle; or
- (2) violate any of the provisions of this subtitle or any of the rules or regulations made, adopted, or promulgated under the provisions of this subtitle,

shall be guilty of a misdemeanor and, upon conviction thereof by any court of competent jurisdiction, shall be subject to a fine of not more than \$500 or imprisonment not exceeding 6 months, or both, in the discretion of the court, for each such offense.

(City Code, 1966, art. 28, §107; 1976/83, art. 28, §67.) (Ord. 59-016; Ord. 76-141; Ord. 87-868.)

SUBTITLE 14
SURCHARGE FOR INDUSTRIAL WASTEWATER

§ 14-1. Surcharge imposed.

(a) *Iteration 1.*

In addition to normal sewer charges, which are based on the volume of wastewater discharged into the public sanitary sewers, there shall be levied a surcharge for discharging into the sanitary sewer system any wastewater which exceeds the maximum values of polluting materials established by the surcharge formula in § 14-3 of this subtitle.

(b) *Iteration 2.*

There is hereby imposed an annual surcharge, established by the surcharge formula in § 14-3 of this subtitle, for the use of, and the services rendered by, the plants, properties, works, systems, or facilities, or any part thereof, which are owned or controlled by the City, for discharging any wastewater into the sanitary sewer system and/or storm sewer system which exceeds the maximum values of polluting materials.

(City Code, 1976/83, art. 25, §8(a)(1st sen.), (d)(1).) (Ord. 75-914; Ord. 76-131; Ord. 84-129; Ord. 91-775.)

§ 14-2. By whom payable; annual basis.

(a) *Iteration 1.*

The surcharge imposed hereunder shall be on a calendar year basis at the annual rate as established by the surcharge formula in § 14-3 of this subtitle.

(b) *Iteration 2.*

Such surcharge shall be applicable to all establishments that discharge directly or indirectly into the City sewer system and shall be payable to the City on an annual basis.

(c) *Iteration 3.*

The provisions of this subtitle shall apply to all properties and the owners thereof which are subject to the payment of the surcharge imposed under this subtitle, without regard to the source or sources of water used on said properties.

(City Code, 1976/83, art. 25, §8(a)(2nd sen.), (d)(2), (5)(i)(4th sen.).) (Ord. 75-914; Ord. 76-131; Ord. 84-129; Ord. 91-775.)

§ 14-3. Computation of surcharge.

(a) *In general.*

Surcharges shall be based upon the average volume and concentration of flow discharged to the sanitary sewer, multiplied by factors expressing the costs of treating the constituents covered by the formula.

(b) *Formula.*

The amount of total surcharge will be determined from the following formula:

$$\begin{aligned} &V \times 8.34 \times Fa \text{ (BOD - 300 mg/1)} \\ &+ V \times 8.34 \times Fb \text{ (SS - 300 mg/1)} \\ &+ V \times 8.34 \times Fc \text{ (TP -12 mg/1)} \end{aligned}$$

where:

V = volume of waste in millions of gallons discharged to the public sewer tributary to the treatment plants.

Fa = cost per pound (in dollars) of removing BOD constituents from the wastewater, expressed to the nearest tenth of a cent.

Fb = cost per pound (in dollars) of removing suspended solids from the wastewater, expressed to the nearest tenth of a cent.

Fc = cost per pound (in dollars) of removing total phosphorus from the wastewater, expressed to the nearest tenth of a cent.

BOD = biochemical oxygen demand.

SS = suspended solids.

TP = total phosphates.

(c) *Non-chargeable maximums.*

(1) 300 mg/l-maximum milligrams per liter by weight of BOD and SS allowable without payment of surcharge.

(2) 12 mg/l-maximum milligrams per liter by weight of TP allowable without payment of surcharge.

(d) *Cost factor.*

Until a reliable cost can be established for treating each constituent at the City treatment plants, the cost factor may be based upon the average cost of treating those constituents at other plants having like or similar processes and effluent requirements.

(e) *Additional constituents.*

Should it become necessary to place a surcharge on other constituents, charges will be computed in the same manner.

(City Code, 1976/83, art. 25, §8(b).) (Ord. 75-914; Ord. 84-129; Ord. 91-775.)

§ 14-4. Measuring volume of flow.

(a) *All water from City, all discharged to City system.*

Where the person or establishment purchases all of its water from the City and discharges all of it as wastewater to the sewer system, the volume of water purchased shall be used as a measure of the quantity of industrial wastewater discharged.

(b) *Water purchased from City, part discharged to City system.*

(1) Where the person or establishment purchases its water from the City and discharges only a part of it to the sewer system:

(i) an allowance for water not put into the sewer system shall be made in computing wastewater flow; or

(ii) flow shall be measured separately before it discharges to the sewer system.

(2) The person or establishment shall provide, at its own expense, metering facilities as required to indicate accurately to the satisfaction of the City:

(i) the amount of water claimed as a credit; or

(ii) the flow discharging to the sewer system.

(3) The Director shall determine which method is acceptable.

(4) Whenever a computation is used to determine credit, the industrial user shall submit the data to the Director. Failure to submit the required data within the period specified by the Director will result in the forfeiture of the credit.

(c) *Private water supply.*

Whenever a person or establishment using a private water supply discharges wastewater to the sewer system, either sanitary or (where allowed) storm, the flow will be based upon:

(1) metered use of water in the establishment or in that portion of the establishment discharging wastewater to the public sewer; or

(2) metered flow discharged to the sewer system.

(*City Code, 1976/83, art. 25, §8(c).*) (*Ord. 75-914; Ord. 84-129; Ord. 91-775.*)

§ 14-5. Disputed determinations.

In all cases where the volume of industrial wastewater and/or the cost of treating the constituents covered by the formula based on the type of discharge from any particular property which is being discharged into the City's sewage system or storm drain facilities cannot be reasonably agreed upon between the person discharging said industrial wastewater and the Director:

(1) the Director of Public Works or his delegate shall have the authority to determine the volume of industrial wastewater being discharged into the City's sewage system or storm drain facilities and/or the cost for treating the constituents covered by the formula of the discharge under the facts and circumstances in each case; and

(2) the charges imposed under this subtitle shall be calculated and based upon the volume of industrial wastewater and/or the cost for treating the constituents covered by the formula of the discharge being discharged into the City's sewage system or storm drain facilities as determined by the Director of Public Works or his delegate as aforesaid.

(City Code, 1976/83, art. 25, §8(d)(3).) (Ord. 76-131; Ord. 84-129; Ord. 91-775.)

§ 14-6. Billings; due date.

(a) *Billings.*

All surcharges shall be billed by the Department of Finance of the City. Said surcharges may be included in the same bills rendered for water charges, or stated in separate bills, and shall be collected by the Department of Finance of the City.

(b) *Due date.*

All surcharges imposed under this subtitle shall be due and payable on the January 1 of each year.

(c) *When surcharge in arrears.*

Any surcharge unpaid on April 1 of such taxable year shall be considered in arrears and delinquent and all water services shall be subject to turn-off for nonpayment of such surcharge at any time thereafter.

(City Code, 1976/83, art. 25, §8(d)(5)(i)(1st - 3rd sens.).) (Ord. 76-131; Ord. 84-129; Ord. 91-775.)

§ 14-7. Administrative penalties.

(a) *Interest and penalties.*

For all surcharges due and payable or which are overdue and in arrears on and after January 1, there are hereby imposed the following penalties, which include interest at the rate of 8% per annum, on all such surcharges becoming in arrears, the same to be imposed in or for the year for which such surcharges were levied:

- (1) 1 $\frac{1}{3}$ % on April 1 on surcharges remaining unpaid at the end of the month of March;
- (2) 2 $\frac{2}{3}$ % on May 1 on surcharges remaining unpaid at the end of the month of April;
- (3) 4% on June 1 on surcharges remaining unpaid at the end of the month of May;
- (4) 5 $\frac{1}{3}$ % on July 1 on surcharges remaining unpaid at the end of the month of June;

- (5) 6²/₃% on August 1 on surcharges remaining unpaid at the end of the month of July;
- (6) 8% on September 1 on surcharges remaining unpaid at the end of the month of August;
- (7) 9¹/₃% on October 1 on surcharges remaining unpaid at the end of the month of September;
- (8) 10²/₃% on November 1 on surcharges remaining unpaid at the end of the month of October;
- (9) 12% on December 1 on surcharges remaining unpaid at the end of the month of November; and
- (10) thereafter, in addition to the foregoing penalties, a penalty at the rate of 1¹/₃% per month, which includes interest at the rate of 8% per annum, shall be imposed until said surcharges are paid.

(b) *Water service cut-off.*

- (1) All bills in arrears for charges imposed under this subtitle may be deemed a sufficient reason for discontinuing water furnished by the City until all such surcharges and interest and penalties have been paid in full.
- (2) Whenever water is shut off for nonpayment of the surcharges imposed hereunder, the sum of \$100 shall be paid to the Department of Finance of the City before the water supply may be turned on again.

(City Code, 1976/83, art. 25, §8(d)(5)(ii), (iii).) (Ord. 76-131; Ord. 84-129; Ord. 91-775.)

§ 14-8. Surcharges, etc., as liens.

The surcharges imposed under this subtitle and all increases, interest, and penalties thereon shall be a lien upon the property of any person liable to pay the same to the City. Such lien shall be recorded in the Tax Lien Records maintained by the Department of Finance.

(City Code, 1976/83, art. 25, §8(d)(6).) (Ord. 76-131; Ord. 84-129; Ord. 91-775; Ord. 16-523.)

§ 14-9. Lists of surcharge payors.

(a) *Master list.*

- (1) The Director of Public Works shall maintain a list of all establishments which pay a surcharge because of their discharges into the public sanitary sewers. The amount of the surcharge shall not be included on the list.
- (2) The list shall be updated on January 1 and July 1 of each year and a copy filed with the Department of Legislative Reference.

(b) *Council district lists.*

The Director of Public Works shall provide each Council member with a semi-annual list of those establishments in the member's district which pay the sewer surcharge.

(c) *Lists are public records.*

Any member of the public may acquire a copy of a list upon payment of a charge to cover the cost of copying and mailing.

(*City Code, 1976/83, art. 25, §9(c), (d).*) (*Ord. 83-1096; Ord. 91-775.*)

§ 14-10. Rules and regulations.

(a) *In general.*

In order to carry out and enforce the provisions of this subtitle and to collect the surcharges levied and imposed under this subtitle, the City Department of Finance and/or Department of Public Works are hereby authorized to make, adopt, promulgate, and amend, from time to time, such rules and regulations as they may deem necessary or proper:

- (1) to carry out and enforce the provisions of this subtitle;
- (2) to collect the surcharges imposed under this subtitle; and
- (3) to define or construe any of the terms and provisions used in this subtitle in connection with the imposition or collection of said surcharges.

(b) *Filing with Legislative Reference.*

Copies of said regulations shall be filed with the City Department of Legislative Reference.

(*City Code, 1976/83, art. 25, §8(d)(7).*) (*Ord. 76-131; Ord. 84-129; Ord. 91-775.*)

§ 14-11. Administrative review.

In the event that any person legally liable for payment of the surcharge imposed under this subtitle disagrees with, or is aggrieved by, any determination, decision, order, or notice of any kind, which is made, rendered, issued, or given under the provisions of this subtitle, such person has the right to file an appeal as described in § 21-7 of this article.

(*City Code, 1976/83, art. 25, §8(d)(4).*) (*Ord. 76-131; Ord. 84-129; Ord. 91-775.*)

§ 14-12. Penalties.

Every person or other legal entity who participates or aids in any manner in the evasion of the surcharges imposed under this subtitle or who violates any of the provisions of this subtitle or any of the rules or regulations made, adopted, or promulgated by the City under the provisions of this subtitle shall be guilty of a misdemeanor and, upon conviction thereof by any court of competent jurisdiction, shall be subject to a fine of not more than \$500 or imprisonment not exceeding 6 months, or both, in the discretion of the court, for each offense.

(*City Code, 1976/83, art. 25, §8(d)(8).*) (*Ord. 76-131; Ord. 84-129; Ord. 91-775.*)

SUBTITLE 15
{RESERVED}

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SUBTITLE 16
HOUSE CONNECTIONS

§ 16-1. “Property owners” subject to subtitle.

Whenever any person or persons shall occupy, or shall be in actual possession, or have charge, care, or control of any property within the City, as executor, administrator, trustee, guardian, or other fiduciary, or as agent:

(1) such person:

(i) shall be deemed and taken to be the owner of such property, within the true intent and meaning of this subtitle; and

(ii) shall be bound to comply with all the provisions of this subtitle so far as the same may affect such property, in the same manner and subject to the same consequences in every respect prescribed by this subtitle as if such person were actually the owner of such property; and

(2) notice to any such person by the Commissioner of Housing and Community Development, as hereinabove prescribed, shall be deemed and taken to be as good and sufficient notice as if such person were actually the owner of such property.

(City Code, 1927, art. 42, §47; 1950, art. 33, §29; 1966, art. 25, §23; 1976/83, art. 25, §22.) (Ord. 11-058; Ord. 59-164; Ord. 84-129; Ord. 91-775.)

§ 16-2. Service of notices.

The notices provided for in this subtitle:

(1) shall be left with the owner or occupier, or agent of the owner of the property mentioned in said notice; and

(2) if there be no owner or occupier, or agent of the owner of said property, upon which said notice can be served, notice shall be deemed in all respects sufficient if exposed, in some open way, upon the property to which it refers.

(City Code, 1927, art. 42, §42; 1950, art. 33, §18; 1966, art. 25, §18; 1976/83, art. 25, §§17, 21(ref).) (Ord. 11-058; Ord. 59-164; Ord. 84-129; Ord. 91-775.)

§ 16-3. Carrying pipe to inside of wall.

The Director of Public Works is hereby authorized and directed, in constructing all pipes connecting from the sewer or sewer pipes in the highway to a building on a lot adjacent to such highway, where the wall of such building stands upon or near to the building lines, to carry said connecting pipe to the inside of such wall, so that the connections with the house fixtures can be thereafter made from the inside, without digging up the pavement or surfaces outside of such wall.

((City Code, 1927, art. 42, §39; 1950, art. 33, §14; 1966, art. 25, §14; 1976/83, art. 25, §13.) (Ord. 11-058; Ord. 76-146; Ord. 84-129; Ord. 91-775.)

§ 16-4. Right of entry.

The Director of Public Works shall have the authority to enter upon the property of any person, association, or corporation through which the public or private sewers now or may hereafter run, in order to regulate or repair the same.

(City Code, 1950, art. 33, §16; 1966, art. 25, §16; 1976/83, art. 25, §15.) (Ord. 46-468; Ord. 76-146; Ord. 84-129; Ord. 91-775.)

§ 16-5. Notice to make connections.

(a) *Director to notify HCD Commissioner.*

(1) Immediately after the Director of Public Works:

- (i) shall notify the Commissioner of Housing and Community Development that any portion of the sewerage system provided for by §§ 20-8 through 20-10 of the Code of Public Local Laws is in actual operation and in a condition to collect, transmit, and dispose of domestic or house sewerage; and
- (ii) shall impart to the Commissioner the metes and bounds of said portion of said sewerage system which is in such state of preparedness,

(2) the said Commissioner shall notify, in writing, all owners of property within such metes and bounds to:

- (i) connect, at their own costs and expense, their respective house drains, at their respective building lines, with said sewerage system;
- (ii) clean out and fill up their respective privy sinks, wells, cesspools, or other sewerage or drainage receptacles; and
- (iii) abandon the use of their existing arrangements of every sort for the disposal of sewerage or drainage,

within 15 days after the receipts of such notice.

(City Code, 1927, art. 42, §41; 1950, art. 33, §17; 1966, art. 25, §17; 1976/83, art. 25, §16(1st cl.)) (Ord. 11-058; Ord. 59-164; Ord. 76-146; Ord. 84-129; Ord. 91-775.)

§ 16-6. Compliance with notice.

(a) *In general.*

After receiving the notice provided for in § 16-5, and within the time stated therein, the owner of all such property:

- (1) shall comply with the terms and requirements of said notice;

- (2) shall make said connections with the said sewerage system and do all of the things prescribed by said notice:
- (i) in a thorough and workmanlike manner;
 - (ii) in faithful conformity with all existing laws, ordinances, or regulations relating to plumbing; and
 - (iii) especially so that no water from roofs or cellars or ground water will enter such portion of said sewerage system;
- (3) shall also fill in all cesspools cleaned out pursuant to said notice with good, pure material; and
- (4) in cases where the old drain is to cross a cesspool in order to reach the new sewers, shall lay an iron instead of a vitrified pipe across said cesspool.

(b) *Extensions for completion.*

Provided, however, that upon application within said 15 days by and such owners to the Commissioner for an extension of time within which to complete said connection and other work by the section directed to be done, the said Commissioner shall grant a further time of not less than 15 days for the doing of all said work.

(City Code, 1927, art. 42, §§41, 43; 1950, art. 33, §§17, 18; 1966, art. 25, §§17, 19; 1976/83, art. 25, §§16(2nd cl.), 18.) (Ord. 11-058; Ord. 59-164; Ord. 76-146; Ord. 84-129; Ord. 91-775.)

§ 16-7. Approval of work required.

(a) *In general.*

Before the work provided for in § 16-6 shall be covered up or put in operation, the said work must be approved by the Commissioner of Housing and Community Development or the Commissioner's representative.

(b) *Penalties.*

Any violation of the provision of this section shall subject the offender to a penalty of not less than \$5 or no more than \$1,000 to be collected as other fines are collected.

(City Code, 1927, art. 42, §44; 1950, art. 33, §20; 1966, art. 25, §20; 1976/83, art. 25, §19.) (Ord. 11-058; Ord. 59-164; Ord. 84-129; Ord. 91-775.)

§ 16-8. Work by City.

(a) *Commissioner to notify Director.*

Should any owner of any such property refuse, neglect, or fail to comply with any of the terms or requirements of their said notice within the time therein stated or the extension thereof, if extended as provided in § 16-6 hereof, then upon the expiration of the time limited in said notice,

if no application has been made for an extension, or upon the expiration of the extended time, if any extension has been granted as hereinabove provided, the Commissioner of Housing and Community Development is hereby empowered and directed to make written request upon the Director of Public Works of Baltimore City to make the necessary connection and do the other work hereinabove required to be done in and upon such property.

(b) *Director to perform work.*

Thereupon, the said Director is hereby directed to:

- (1) perform all the work required of the said owner of said property;
- (2) supply all the materials needed therefor; and
- (3) keep an accurate account of the cost of such materials and work upon each of such properties separately.

(c) *Report of work.*

Upon the completion of the work, the said Director shall make a written report stating, as to each property separately:

- (1) that the said connections have been made and said work done;
- (2) the costs of the labor and material required in doing the same, to which he shall add a lump sum of \$50 as a penalty upon the owner for failing to comply with this subtitle and to cover administrative or supervisory expenses;
- (3) the description of the property by street and number; and
- (4) the name of the owner.

(d) *Notice of expenses to owner.*

Thereupon the Director shall:

- (1) notify the owner of said property of the amount of the total expense; and
- (2) in said notice, appoint a day for such owner to appear before him and show cause if any exists why said total expense should not be charged against the said property.

(e) *Charge of expenses to owner.*

- (1) If such party shall fail to appear within the time limited, or fail to show any just reason why said charge should not be made, the Director shall cause such charge to be entered in the records to be provided for that purpose and kept in the office of the Director of Finance.

- (2) Said records shall show the amount of the expense for making the sewer connection and the date when said expense was incurred by the Director and said administrative charge or penalty.
- (3) The interest herein directed to be charged shall be at the rate set from time to time by the Board of Estimates.

(f) *Administrative review.*

Any person thus charged with the expense of such connection, as hereinabove provided, shall have the same right of appeal to the Board of Municipal and Zoning Appeals and within the same time and by the same procedure, as is now provided by law.

(City Code, 1927, art. 42, §45; 1950, art. 33, §21; 1966, art. 25, §21; 1976/83, art. 25, §20(a), (c).) (Ord. 11-058; Ord. 59-164; Ord. 76-146; Ord. 84-129; Ord. 91-775.)

§ 16-9. Ground water in system.

(a) *Notice to correct.*

Should it appear at any time as to any connection made with any portion of the said sewage system, as provided for in § 16-6 hereof, that ground water passes through said connection, then upon notice to that effect, which may be given in the same manner as that pointed out by § 16-2 hereof, the offending owner shall within 30 days relay said connection so that said ground water will cease to enter said sewerage system.

(b) *Work by City.*

Should any such owner refuse, neglect, or fail to relay said connection in said manner within the time specified, then upon the expiration of the time specified the Commissioner of Housing and Community Development is hereby empowered and directed to proceed in the same way as that set forth in § 16-8 hereof, and there shall be the same lien and the same right to charge and add to the tax bill and the same liability to punishment, and the same consequences in every respect as are provided for in § 16-8 hereof.

(City Code, 1927, art. 42, §46; 1950, art. 33, §22; 1966, art. 25, §22; 1976/83, art. 25, §21.) (Ord. 11-058; Ord. 59-164; Ord. 84-129; Ord. 91-775.)

§ 16-10. Interference with Director or Commissioner prohibited.

(a) *Director acting under § 16-3.*

The owners of all improvements on lots adjacent to any highway, where sewers have been or may be laid, and where the Director of Public Works is directed by § 16-3 of this article to carry the pipes to the inside of the walls of such improvements, are hereby directed not to interfere with the Director, his agents or servants, in any manner in the performance of the duties put upon him by § 16-3 of this article; and any property owner who interferes with the Director, his agents or servants, in the performance of said duty shall be subject to a fine, imprisonment, or both, as provided in § 23-3 of this article.

(b) *Director or Commissioner acting under §§ 16-5 to 16-9.*

Any person interfering with the Commissioner of Housing and Community Development or the Director of Public Works or their agents or servants in the performance of any of the duties by §§ 16-5 through 16-9 required of them shall be subject to a penalty of not less than \$10 or more than \$1,000, to be collected as other penalties due the Mayor and City Council of Baltimore are collected.

(City Code, 1927, art. 42, §§40, 45; 1950, art. 33, §§15, 21; 1966, art. 25, §§15, 21; 1976/83, art. 25, §§14, 20(b).) (Ord. 11-044; Ord. 11-058; Ord. 59-164; Ord. 76-146; Ord. 84-129; Ord. 91-775.)

SUBTITLE 17
DISTURBING SEWERS, ETC.

§ 17-1. Disturbing sewer or stormwater drain.

(a) *Prohibited conduct.*

Any person who shall:

- (1) willfully, intentionally, or negligently damage, obstruct, stop, or otherwise interfere with any sewer or stormwater drain in the City;
- (2) willfully, intentionally, or negligently place any obstruction or any matter in such sewer or stormwater drain of a nature to obstruct the same, and which shall obstruct the same and cause damage; or
- (3) willfully, intentionally, or negligently place any obstruction or any matter in any connection or sewer on public or private property or fixture connecting with the sewerage system, of a nature to obstruct or otherwise interfere with the said sewer or connection on such public or private property, and which shall obstruct the same and cause damage,

shall, upon notification by the City, take immediate action to correct the cause of the obstruction.

(b) *Penalties.*

This person shall be guilty of a misdemeanor and, upon conviction thereof:

- (1) shall be subject to a fine, imprisonment, or both, as provided in § 23-3 of this article; and
- (2) shall be liable for costs incurred as a consequence of such obstruction, damage, or interference as provided in Subtitle 22 of this article.

(City Code, 1879, art. 44, §26; 1893, art. 45, §26; 1927, art. 42, §§26, 49; 1950, art. 33, §§1, 2; 1966, art. 25, §§1, 2; 1976/83, art. 25, §2.) (Rev. Ords. 1858-018; Ord. 12-217; Ord. 46-443; Ord. 84-129; Ord. 91-775.)

§ 17-2. Tapping, etc., sewer.

(a) *Prohibited conduct.*

Without first obtaining a permit from the Director of Public Works, no person may:

- (1) tap, open, repair, alter, or cause to be tapped, opened, repaired, or altered any sewer, either stormwater or sanitary; or
- (2) connect with or cause to be connected with any sewer, either stormwater or sanitary, any land, building, or premises.

(b) *Corrective action.*

It shall be the duty of the Director to cause a notice to be served upon the person tapping, opening, repairing, altering, or connecting with any sewer without having first obtained a permit to do so, directing said person to close or restore the sewer so tapped, opened, altered, or connected with, in the manner prescribed in said notice.

(c) *Penalties.*

Any person tapping, opening, repairing, altering, or connecting with any sewer without a permit as aforesaid:

(1) shall be subject to a fine, imprisonment, or both, as provided in § 23-3 of this article; and

(2) shall moreover pay the expenses incurred in case such sewer shall be closed or restored under the direction of the Director, which the Director is hereby authorized to have done in case of such neglect or refusal.

(City Code, 1927, art. 42, §50; 1950, art. 33, §3; 1966, art. 25, §3; 1976/83, art. 25, §3.) (Ord. 14-462; Ord. 46-443; Ord. 76-146; Ord. 84-129; Ord. 91-775; Ord. 04-672.)

§ 17-3. Disturbing manhole.(a) *“Manhole” defined.*

“Manhole” means a structure designed to provide access to the sewer or drain for purposes of examination, cleaning, or sampling.

(b) *Prohibited conduct; penalties.*

Any person who shall enter any manhole of any public sewer, either stormwater or sanitary, or who shall disturb or interfere with any such sewer or manhole in any manner whatsoever, without a permit from the Director of Public Works, shall be subject to a fine, imprisonment, or both, as provided in § 23-3 of this article.

(City Code, 1927, art. 42, §53; 1950, art. 33, §6; 1966, art. 25, §6; 1976/83, art. 25, §§1(m), 5.) (Ord. 14-462; Ord. 75-914; Ord. 76-146; Ord. 84-129; Ord. 91-775.)

§ 17-4. Refuse in sewers.(a) *In general.*

If any person or persons shall carelessly or intentionally throw, sweep, or place any waste paper, street sweepings, garbage, dirt, ashes, dead animal, offal, or other putrescible matter, or any rubbish or refuse of any sort, into any inlet, grating, manhole, or other appurtenance of any sewer in the City of Baltimore, he, she, or they shall be subject to a fine, imprisonment, or both as provided in § 23-3 of this article.

(b) *Exception.*

Provided, however, that the provisions of this section shall not apply to matter commonly designated as sewage discharge from a house sewer into another sewer.

(*City Code, 1927, art. 42, §31; 1950, art. 33, §27; 1966, art. 25, §29; 1976/83, art. 25, §27.*) (*Ord. 1894-010; Ord. 46-450; Ord. 84-129; Ord. 91-775.*)

§ 17-5. Unused connections.

(a) *In general.*

Whenever it shall appear that more than 1 sanitary sewer connection has been made to any land, building, or premises and the subsequent improvement or alteration of said land, building, or premises makes 1 or more of said sanitary sewer connections unnecessary, then upon notice from the Director of Public Works it shall be the duty of the owner or occupier of said land, building, or premises under the action and supervision of the official giving said notice:

- (1) to remove the cast-iron pipe from the end or ends of such unused sanitary sewer connection or connections, or to cut off the terra cotta pipe, where no cast-iron pipe is used, at its connection to the sewer or at such other points as may be directed; and
- (2) to properly close up the terra cotta pipe of said sanitary sewer connection or connections.

(b) *Penalties.*

Any person failing or refusing to comply with the provisions of this section shall be subject to a fine, imprisonment, or both, as provided in § 23-3 of this article.

(*City Code, 1927, art. 42, §51; 1950, art. 33, §4; 1966, art. 25, §4; 1976/83, art. 25, §4.*) (*Ord. 14-462; Ord. 17-228; Ord. 76-146; Ord. 84-129; Ord. 91-775.*)

SUBTITLE 18
JONES' FALLS

§ 18-1. Director may require walling.

The Director of Public Works is hereby authorized, whenever he shall deem it necessary, to notify the owner or owners of property binding upon Jones' Falls, or any part thereof, to have the same walled up on the line of said Jones' Falls, with a good and sufficient stone, brick, masonry, or concrete wall, to such height as said Director may direct, and to have the same backed up or filled with earth, so as to secure such property or other property in the vicinity from inundation or damage by water, and when the same shall have been walled up wholly or in part, to rebuild or repair in a good and sufficient manner any such wall; all such work to be done at the entire expense of such owner or owners.

(City Code, 1879, art. 30, §13; 1893, art. 30, §4; 1927, art. 22, §2; 1950, art. 17, §1; 1966, art. 25, §24; 1976/83, art. 25, §23.) (Ord. 1864-070; Ord. 46-677; Ord. 76-146; Ord. 84-129; Ord. 91-775.)

§ 18-2. Compliance with notice.

If any person, firm, or corporation shall refuse or neglect to have any such wall built, rebuilt, or repaired, as above provided, for within 2 months after receiving notice from the Director of Public Works, as set forth in § 18-1, it shall then be the duty of the Director, and he is hereby authorized and directed to cause such wall to be built, rebuilt, or repaired, as specified in said notice, and the cost thereof shall be a lien upon the property so walled up, repaired, or rebuilt, as aforesaid, to be recovered in due course of law from the owner or owners so refusing to build, rebuild, or repair after notice as aforesaid.

(City Code, 1879, art. 30, §14; 1893, art. 30, §5; 1927, art. 22, §3; 1950, art. 17, §2; 1966, art. 25, §25; 1976/83, art. 25, §24.) (Ord. 1864-070; Ord. 46-677; Ord. 76-146; Ord. 84-129; Ord. 91-775.)

SUBTITLE 19
PRIVATE SEWERS

§ 19-1. Permit required.

It shall be unlawful for any person, firm, or corporation to construct within the City limits a private sewer under the streets, lanes, or alleys, without having had and obtained the written permission therefor from the Director of Public Works under a penalty not to exceed \$1,000 for each and every day the same shall remain without such permit.

(City Code, 1879, art. 44, §28; 1893, art. 45, §28; 1927, art. 42, §28; 1950, art. 33, §24; 1966, art. 25, §26; 1976/83, art. 25, §25.) (Ord. 1864-052; Ord. 46-677; Ord. 76-146; Ord. 84-129; Ord. 91-775.)

§ 19-2. Acquisition by City.

The Director of Public Works is hereby authorized to acquire, by purchase or condemnation, any sanitary or stormwater sewers or sewage disposal plants as authorized by Chapter 222, Laws of Maryland 1924, and also by Ordinance 24-233 of the Mayor and City Council of Baltimore, said ordinance having been submitted to the legal voters of Baltimore City at an election held in the City of Baltimore on Tuesday, November 4, 1924, and by said voters approved.

(City Code, 1927, art. 42, §61; 1950, art. 33, §25; 1966, art. 25, §27; 1976/83, art. 25, §26.) (Ord. 25-330; Ord. 84-129; Ord. 91-775.)

SUBTITLE 20
{RESERVED}

SUBTITLE 21
GENERAL ADMINISTRATION OF ARTICLE

§ 21-1. Records.

(a) *Minimum retention period.*

All users subject to this article shall retain and preserve for not less than 3 years any records, books, documents, memoranda, reports, and correspondence and any and all summaries thereof, relating to monitoring, sampling, and chemical analyses made by or on behalf of a user in connection with its discharge.

(b) *Extended retention period.*

All records which pertain to matters which are the subject of administrative action or any other enforcement or litigation activities undertaken by the City shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(City Code, 1976/83, art. 25, §6(c).) (Ord. 84-129; Ord. 91-775.)

§ 21-2. Confidential information.

(a) *In general.*

Information and data concerning a person obtained from reports, questionnaires, and inspections shall be available to the public without restriction unless the person specifically requests and is able to demonstrate to the satisfaction of the Director of Public Works that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of that person.

(b) *Treatment pending determination.*

(1) When requested by the person furnishing a report, and until the information is determined not to be confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to state and federal government agencies, upon their written request, for uses related to this article, including judicial review or enforcement proceedings.

(2) All such portions of a report shall be immediately available for use by the City in judicial review or enforcement proceedings involving the person furnishing the report without the submittal of a written request.

(c) *Constituents and characteristics not confidential.*

In no case shall wastewater constituents and characteristics be recognized as confidential information.

(City Code, 1976/83, art. 25, §7(g).) (Ord. 84-129; Ord. 91-775.)

§ 21-3. Special agreements.(a) *Agreements permitted.*

No provision contained in this article shall be deemed to prevent any special agreement or arrangement between the City and any person whereby wastewater of unusual strength or characteristic may be accepted by the City for treatment, provided that the agreement or arrangement will not violate or cause the City and/or the user to violate federal or state pretreatment requirements or standards or to violate discharge standards and which will not be harmful to the system.

(b) *Matters nonwaivable.*

Under no circumstances shall federal or state pretreatment standards or requirements be waived. (*City Code, 1976/83, art. 25, §7(h).*) (*Ord. 84-129; Ord. 91-775.*)

§ 21-4. Public hearings.

The Director of Public Works shall have the following duties:

- (1) To hold at least 1 public hearing before the execution of any contract which permits an establishment to discharge industrial wastes into a sanitary or storm sewer. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation, and on a newspaper of local community circulation if such is published.
- (2) To hold an annual hearing after 15 days' notice by publication in at least 2 newspapers of general circulation, for the purpose of reviewing the status of all existing contracts in force which permit the discharge of industrial wastes into the City's sewers.

(*City Code, 1976/83, art. 25, §9(a), (b).*) (*Ord. 83-1096; Ord. 91-775.*)

§ 21-5. Inspections.(a) *Inspectors, etc., to be identified.*

Adequate identification shall be provided by the Director of Public Works for all inspectors and other authorized personnel. Those persons shall identify themselves when entering any property for inspection purposes.

(b) *Right of inspection.*

- (1) Inspection and sampling of every facility involved directly or indirectly with the discharge of wastewater to the City's wastewater system may be made by the Director of Public Works and by state and federal officials.
- (2) These facilities shall include but not be limited to sewers, wastewater pumping stations, pollution control plants, industrial processes, chemical, raw material, and product storage areas, record files, industrial wastewater generation, conveyance and pretreatment facilities, and all similar wastewater facilities.

(c) *Scope of inspections.*

Inspections may be made to determine that such facilities are maintained and operated properly and are adequate to meet the requirements of this article.

(d) *Access to be given Director.*

(1) Access to any of the above facilities or to other facilities directly or indirectly connected to the City's wastewater system shall be given to authorized personnel of the Department of Public Works at all times.

(2) No person shall interfere with, delay, resist, or refuse entrance to an authorized department inspector attempting to inspect any wastewater generation, conveyance, or treatment facility connected directly or indirectly to the City's wastewater system.

(City Code, 1976/83, art. 25, §7(i).) (Ord. 84-129; Ord. 91-775.)

§ 21-6. Notices.(a) *In general.*

Unless otherwise provided herein, any notice required to be given by the Director of Public Works under this article shall be in writing and served in person or by registered or certified mail, except when immediate action is required to prevent or minimize damage to life, safety, the POTW, or the environment.

(b) *Mail service.*

(1) If served by mail, the notice shall be sent to the user's last address known to the Director. Where the address is unknown, notice may be made upon the owner of record of the property involved.

(2) Notice shall be deemed to have been given at the time of its deposit, postage prepaid in a facility regularly serviced by the United States Postal Service.

(City Code, 1976/83, art. 25, §11(a)(1)(2nd - 4th sens.)) (Ord. 91-775.)

§ 21-7. Administrative and judicial review.(a) *Administrative review.*

(1) All users served by the Director with a notice, order, permit revocation, wastewater suspension, administrative penalty, or other enforcement remedy shall have the right to appeal the Director's action, as provided in this section.

(2) In the event that any person who is legally responsible for compliance with pretreatment regulations or who is legally liable for payment of industrial sewer surcharge disagrees with, or is aggrieved by, any determination, decision, or order of any kind, which is made, rendered, issued, or given under the provisions of this article, such person, within 20 days

after notice of any such determination, decision, or order has been given or mailed to such person, shall have the right to appeal the determination, decision, or order before the Director of Public Works or an appointed hearing officer.

(b) *Judicial and appellate review.*

(1) A person aggrieved by the final decision of the Director or hearing officer may seek judicial review of the decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(2) A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

(City Code, 1976/83, art. 25, §11(a)(8), §12.) (Ord. 91-775; Ord. 04-672.)

SUBTITLE 22
ADMINISTRATIVE REMEDIES

§ 22-1. Violation notice.

(a) *Service by Director.*

Any person found to be violating any provisions of Subtitles 2 through 11 or of §§ 1-4, 21-1, or 21-5(d) of this article shall be served by the Director of Public Works with a written notice of violation stating:

- (1) the provision that has been violated; and
- (2) the facts that constitute the violation.

(b) *Response to notice.*

(1) Within a period specified in the notice:

- (i) an explanation of the violation; and
- (ii) a plan for satisfactory correction and prevention thereof,

shall be submitted to the Director.

(2) Submission of this information shall not relieve the user of liability for any violations occurring before or after this notice of violation.

(*City Code, 1976/83, art. 25, §11(a)(1)(1st, 5th, 6th sens.). (Ord. 75-914; Ord. 84-129; Ord. 91-775.)*)

§ 22-2. Show cause order.

(a) *In general.*

Any person who causes or contributes to a violation of Subtitles 2 through 11 or of §§ 1-4, 21-1, or 21-5(d) of this article or order issued hereunder, may be ordered by the Director to show cause why a proposed enforcement action should not be taken.

(b) *Service of notice.*

A written notice shall be served on the user specifying:

- (1) the time and place of a hearing;
- (2) the reason why the action is to be taken; and
- (3) the proposed enforcement action.

(c) *Permitted enforcement actions.*

The Director may propose any enforcement action reasonably necessary to abate the violation.

(d) *Decision and action on hearing.*

(1) Based upon the evidence presented at the hearing, the Director shall determine the appropriate enforcement actions, if any, which should be taken.

(2) Immediate enforcement action may be pursued whether or not a duly notified user appears. (City Code, 1976/83, art. 25, §11(a)(2).) (Ord. 84-129; Ord. 91-775.)

§ 22-3. Cease and desist order.

Any person who violates or continues to violate Subtitles 2 through 11 or of §§ 1-4, 21-1, or 21-5(d) of this article may be ordered by the Director to cease and desist all such actions by taking such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(City Code, 1976/83, art. 25, §11(a)(4).) (Ord. 91-775.)

§ 22-4. Consent order.(a) *In general.*

Any person who has violated or continues to violate any provision of Subtitles 2 through 11 or of §§ 1-4, 21-1, or 21-5(d) of this article may be served by the Director of Public Works with a consent order, compliance order, or similar document, establishing an agreement with the user responsible for the noncompliance.

(b) *Contents.*

(1) Such order shall include specific actions to be taken by the user to correct the noncompliance within a specified time period.

(2) Orders may contain requirements as might be necessary and appropriate to address the noncompliance, such as the installation of pretreatment technology, additional self-monitoring, and management practices.

(City Code, 1976/83, art. 25, §11(a)(3).) (Ord. 91-775.)

§ 22-5. Right to legal action.

As an alternative to the actions set forth in § 22-4 of this subtitle, the Director of Public Works may refer the complaint or charges for violations to the City Solicitor or State's Attorney for Baltimore City.

(City Code, 1976/83, art. 25, §11(a)(9).) (Ord. 84-129; Ord. 91-775.)

§ 22-6. Administrative penalties.

(a) *In general.*

Notwithstanding any other provision of this article, any person found to be violating Subtitles 2 through 11 or of §§ 1-4, 21-1, or 21-5(d) shall be subject to administrative penalties of not less than \$250 nor more than that allowed under state law.

(b) *Each day a separate offense.*

Each day on which noncompliance shall occur or continue shall be considered a separate and distinct violation.

(City Code, 1976/83, art. 25, §11(a)(5).) (Ord. 91-775.)

§ 22-7. Suspension or termination of service.

(a) *Director may order.*

The Director of Public Works may suspend, interrupt, or terminate wastewater service to any premises or take such other action as he deems necessary if a violation of this article or a discharge of wastewater causes or threatens to cause a condition which could present an imminent or substantial danger to life, safety, the POTW, or the environment.

(b) *Report to Director.*

(1) The user which is responsible, in whole or in part, for imminent endangerment shall submit to the Director a detailed written statement describing:

- (i) the causes of the harmful contribution; and
- (ii) the measures taken to prevent any future occurrence.

(2) This report must be submitted within the time period specified by the Director.

(c) *Resumed discharge.*

The Director shall allow the user to resume discharge when the endangerment has passed, unless permanent termination is initiated as described in subsection (d) below.

(d) *Closing connection.*

(1) The Director shall have the power and right, after giving notice, to:

- (i) close any sewer or sewer connection so tapped or connected with; or
- (ii) remove the cast-iron pipe or to cut off and close the terra cotta pipe from any sanitary sewer connection.

(2) The cost and expense of such work shall be charged to the person failing or refusing to comply with the provisions of the article.

(City Code, 1927, art. 42, §52; 1950, art. 33, §5; 1966, art. 25, §5; 1976/83, art. 25, §11(a)(6).) (Ord. 14-462; Ord. 17-228; Ord. 76-146; Ord. 84-129; Ord. 91-775.)

§ 22-8. Permit revocation.

Any user who violates any provision of this article is subject to permit revocation by the Director as described in § 3-11 of this article.

(City Code, 1976/83, art. 25, §11(a)(7).) (Ord. 75-914; Ord. 91-775.)

SUBTITLE 23
JUDICIAL ENFORCEMENT; PENALTIES

§ 23-1. Injunctive relief.

Whenever a discharge of wastewater is in violation of the provisions of this article or otherwise causes or threatens to cause a condition which could present an imminent and substantial danger to life, safety, the POTW, or environment, the Director of Public Works may petition the courts for issuance of an ex parte preliminary or permanent injunction or both, as may be appropriate to restrain the continuance of such discharge.

(City Code, 1976/83, art. 25, §11(b)(1).) (Ord. 91-775.)

§ 23-2. Civil penalties.

(a) *In general.*

- (1) Any person who violates any provision of Subtitles 2 through 11 or of §§ 1-4, 21-1, or 21-5(d) of this article, a wastewater discharge permit condition, order, prohibition, effluent limitation, or pretreatment or toxicity standard shall be liable to a civil penalty of not less than \$250 nor more than that allowed under state law for each day in which such violation occurs, plus actual damages incurred by the POTW.
- (2) In addition, the Director may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement action, including sampling and analytical expenses.

(b) *Judicial considerations.*

In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to:

- (1) the extent of harm caused by the violation;
- (2) its magnitude and duration;
- (3) any economic benefit gained through the user's violation;
- (4) corrective actions by the user;
- (5) the compliance history of the user; and
- (6) any other factors as justice requires.

(City Code, 1976/83, art. 25, §11(b)(2).) (Ord. 75-941; Ord. 91-775.)

§ 23-3. Penalties — § 16-10(a) and Subtitle 17.*(a) In general.*

Any person who shall violate any provision of § 16-10(a) or of Subtitle 17 of this article shall be guilty of a misdemeanor and, upon conviction thereof by any court of competent jurisdiction, shall be subject to a fine not to exceed \$1,000, or imprisonment not to exceed 10 days, or both, in the discretion of the court, for each and every offense.

(b) Additional penalty after notice.

Every such person who shall fail to comply with the notice shall upon conviction be subject to an additional fine not to exceed \$100 for each and every day that he shall neglect or refuse to comply.

(c) Enforcement of penalties.

All said fines are to be collected as other fines are collected, and all said imprisonment imposed as other imprisonment is imposed, for violation of the City's ordinances.

(City Code, 1976/83, art. 25, §11(b)(3)(i).) (Ord. 91-775.)

§ 23-4. Penalties — Subtitles 2 to 11 and §§ 1-4, 21-1, and 21-5(d).*(a) In general.*

Any person who intentionally violates any provision of Subtitles 2 through 11 or of §§ 1-4, 21-1, or 21-5(d) of this article, a wastewater discharge permit condition, cease and desist order, prohibition, effluent limitation, or pretreatment or toxicity standard shall be guilty of a misdemeanor and, upon conviction thereof by any court of competent jurisdiction, shall be subject to a fine of not less than \$250 nor more than that allowed under state law for each day in which such violation occurs, or imprisonment for not more than 6 months, or both, in the discretion of the court.

(b) Subsequent violations.

If the conviction is for a violation committed after the first conviction of such person, punishment shall be a fine not to exceed that allowed under state law for each day in which such violation occurs, or by imprisonment for not more than 1 year, or both.

(City Code, 1976/83, art. 25, §11(b)(3)(ii).) (Ord. 75-914; Ord. 84-129; Ord. 91-775.)