

## CHAPTER 51: SEWERS

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**GENERAL PROVISIONS****' 51.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BOD** or **BIOCHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter or mg/l.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal.

**CLOSELY BUILT-UP AREAS.** Includes any areas situated within the boundary of the District upon which areas are located either residential or business buildings.

**DISTRICT.** The area defined in the general ordinance establishing the town Wastewater Treatment Plant District in Huntington County and Wells County, Indiana.

**DWELLING.** Any house or place used or intended to be used by human occupants as a place of residence.

**FOUNDATION DRAIN.** That portion of a building drainage system provided to drain groundwater from the outside of the foundation or under basement floor, not including any sewage.

**GARBAGE.** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

**HEALTH OFFICER.** The Health Officer of the state, county, and District.

**INDUSTRIAL WASTES.** The liquid wastes from industrial manufacturing processes, trade, or business, as distinct from sanitary sewage.

**INSPECTOR.** The person duly authorized by the District through the Town Council to inspect and approve the installation of building sewers, private sewer systems, and/or their connection to the public sewer system.

**LIMITING LAYER.** Any layer of soil with a stabilized percolation rate exceeding 60 minutes for the water to fall 1 inch.

**MAY.** The action described is permissive.  
(Am. Ord. passed 2-16-1994)

**NATURAL OUTLET.** A channel in which a flow of water occurs, either continuously or intermittently.

**PERSON.** Any individual, firm, company, association, society, corporation, or group.

**pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PRIVIES.** Outside open-pit type disposal system.

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

**PUBLIC SEWER.** Any sewer constructed, installed, maintained, operated, and owned by the District established for that purpose. A county drain installed for the purpose of carrying surface water runoff and subsoil drainage shall not be considered nor used as a public sewer under this definition.

**PUBLICLY OWNED TREATMENT WORKS or POTW.** A treatment works, as defined by ' 212 of the Clean Water Act, being 33 U.S.C. ' 1292, that is owned by the town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial waste of a liquid nature, and any conveyances that convey wastewater to a treatment plant.  
(Am. Ord. 2002-2, passed 5-30-2002)

**RESIDENTIAL SEWAGE DISPOSAL SYSTEM.** All equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage from a 1- or 2-family dwelling. Included within but not limited to the scope of this definition are building sewers, septic tanks, subsurface absorption fields, and privy vaults.

**SANITARY BUILDING DRAIN.** That part of the lowest horizontal piping of the sanitary drainage system inside the walls of any building, which receives the discharge from soil or waste stacks and branches and conveys the same to a point 3 feet outside the building walls, where it connects with its respective building sewer.

**SANITARY SEWER.** A sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

**SEWAGE.** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments within the District and other areas.

**SEWAGE DISPOSAL SYSTEM.** A system which is designed to receive sewage and transport the sewage to a proper sewage treatment system.

**SEWAGE TREATMENT PLANT.** Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS.** All facilities for collecting, pumping, treating, and disposing of sewage.

**SEWER.** A pipe and/or conductor for carrying sewage.

**SHALL.** The action described is mandatory.  
(Am. Ord. passed 2-16-1994)

**SLUG.** Any discharge of water, sewage, or industrial waste, which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

**SOIL PROFILE OBSERVATION.** Observations of the physical characteristics of the soil horizons or layers to a depth of at least 5 feet.

**STORM DRAIN** or **STORM SEWER.** A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**SUBSURFACE ABSORPTION FIELD.** Open-jointed or perforated pipes laid in a system of trenches into which the effluent from the distribution box is discharged for direct absorption into the soil.

**SUPERINTENDENT.** The Superintendent of the municipal sewage works of the District or the authorized deputy, agent, or representative.

**SUSPENDED SOLIDS.** Solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.  
(Ord. 1990-11, passed 6-18-1991)

**USER** or **INDUSTRIAL USER.** A source of direct or indirect discharge.  
(Am. Ord. 2002-2, passed 5-30-2002)

#### • 51.002 AUTHORIZATION OF REGULATIONS.

This chapter, as authorized by I.C. 36-9-23-2 pertaining to the design, construction, installation, maintenance, and operation of residential sewage disposal systems, is hereby established as the sewer regulations of the town.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**' 51.003 ADMINISTRATION.**

This chapter shall be administered by the county and district departments through their Inspector and authorized representative.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**' 51.004 SANITARY SEWER NOT AVAILABLE.**

Where a sanitary sewer is not available, all persons owning or leasing property in closely built-up areas shall comply with the following provisions of this section for private sewage disposal systems:

(A) At any business building, mobile home park, recreational or camp grounds and camp sites situated within the District, where there is installed a sewage disposal system which is not connected to a public sewer system, and no public sewer system is available, there shall be established, installed, or constructed and maintained a private sewage treatment system which shall comply with the standards of the Indiana State Board of Health and contained in Bulletin SE 13 of the Indiana State Board of Health, and any subsequent amendments thereto, or in a manner as approved by the Indiana State Board of Health. Copies of the bulletin are herewith incorporated by reference as part of this section, and 2 copies are filed in the office of the County Auditor and County Health Officer for public inspection.

(B) There shall not be any privies constructed or maintained within the District.

(C) The installation of any other private residential sewage disposal systems not described in the Indiana State Board of Health Bulletins SE 8 and 13 of mechanical, chemical, or other means must be approved by the District.

(D) Should any defect exist or occur in any private sewage disposal system which would cause the sewage disposal system to fail to meet the requirements in divisions (A), (B), or (C) of this section, or create an unsanitary condition, the defect shall be corrected immediately by the owner or agent of the owner, occupant, or agent of the occupant. Failure to do so shall be a violation of this section.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ' 51.999

***Cross-reference:***

*Private sewer systems, see ' ' 51.030 et seq.*

**' 51.005 DUTY OF OWNER TO INSTALL TOILET FACILITIES.**

The owner of all houses, building, or properties used for human occupancy, employment, recreation or other purposes, including industrial or commercial business, situated within the District and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the District, is required at his or her expense to install toilet facilities therein, and to

connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so; provided that the public sewer is within 300 feet of the property line, whether or not the property is within the corporate limits of the town. It shall be the responsibility of the town to bring the sewer line to the property line and it shall be the property owner=s responsibility to pay for the connection to the sewer line. Failure to connect within 90 days shall be a violation of this section.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ' 51.999

**' 51.006 EXTENSIONS OF SEWERS OUTSIDE CORPORATE LIMITS.**

The installation, construction, or extension of sewers by the town outside the corporate limits of the town and the connection or extension of sewers into the town=s sewer system from, by, or for properties located outside the limits shall be prohibited, except upon prior approval by the Town Council by duly enacted ordinance.

**' 51.007 CONNECTIONS TO SYSTEM BY OUT-OF-TOWN PROPERTIES.**

Notwithstanding the provisions of ' 51.006, the Town Council shall have the authority to permit a property located outside the corporate limits of the town to connect to an existing sewer which is part of the town=s sewage system, provided the property abuts, adjoins, and is immediately contiguous to the street, alley, or easement in which the sewer is located, and provided the property owner or occupant has complied with the conditions set out in the applicable provisions of this chapter.

**' 51.008 DISPOSITION OF SEPTIC TANKS AND THE LIKE.**

(A) The disposition of existing septic tanks and rain fields shall be that the owner shall empty the septic tank of its contents, fill with granular material and disconnect from the house and discontinue usage of the private system.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

(B) For property in the area annexed pursuant to Ord. 1995-6, it is not necessary to discontinue the use of a septic or similar system and connect to the municipal sewer system as permitted by I.C. 36-9-23-30, as long as it can be established to the reasonable satisfaction of the town that the septic or similar system meets the standards and requirements of ' 31(a) of Rule 410 I.A.C. 6-8.1 and is not in failure, and does not otherwise pose a significant threat to the public health and safety.

(Am. Res. 1995-10, passed 9-20-1995)



**' 51.009 PERMIT REQUIRED FOR DISPOSAL OF POLLUTANTS.**

No person shall throw, run, drain, seep, or otherwise dispose into any of the streams or waters of this state, or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into the waters, any organic or inorganic matter that shall cause or contribute to a polluted condition of the waters unless a permit for the disposal has been obtained as authorized by I.C. 13-18 or 13-13. (Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ' 51.999

**' 51.010 PERMIT REQUIRED FOR CONNECTION TO PUBLIC SEWER.**

A permit is required to connect to the public sewer. Only an authorized town representative may uncover, make any connection with or opening into, use, alter, or disturb any public sewer. (Am. Ord. 2002-2, passed 5-30-2002) Penalty, see ' 51.999

**' 51.011 TAP FEES.**

(A) The tap fee for each hook-up to the town's wastewater system shall be as follows:

- (1) For any single-family residential hook-up: \$600; and
- (2) For any commercial, business, industrial, or multi-family hookup: \$800.

(B) In addition to the above tap fees, if the hook-up involves some greater than usual excavation, construction, material, or labor costs, then a surcharge shall be added to result in the town's materially recovering the greater than usual cost thereof, as reasonably determined by the town. (Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994; Am. Ord. 1997-2, passed 2-19-1997; Am. Ord. 2009-1, passed 5-20-2009)

**' 51.012 APPLICATION REQUIRED FOR PERMIT.**

No permit shall be furnished until the application has been completed to the satisfaction of the District. (Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**' 51.013 ENGINEERING REPORT, PLANS, AND SPECIFICATIONS; APPROVAL REQUIRED.**

(A) No city, town, county, public institution, firm, corporation, or officer or employee thereof, or other person shall install or contract for the construction of any sewers, sewage treatment works, or other sewage facilities designed to collect, convey, treat, or otherwise dispose of any water-carried or liquid waste, either of domestic or industrial origin, or make any material change in any existing sewage facilities or sewage treatment or disposal works until plans and specifications, together with an engineering report supporting in detail the design set forth in the plans, shall have been submitted to and have been approved by the Huntington County Board of Health, the Wells County Board of Health, and the District, so far as relates to their sanitary features.

(B) All unit plans and specifications shall be approved pursuant to the Indiana State Board of Health Regulation HSE 14 and HSE 25.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**' 51.014 ADDITIONAL REQUIREMENTS.**

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the County and State Health Officers.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**' 51.015 SUBSURFACE ABSORPTION FIELD SEWAGE DISPOSAL SYSTEMS.**

Where soil conditions preclude the installation of a subsurface absorption field sewage disposal system, the Huntington County Board of Health and the Wells County Board of Health, after consultation with the District, may approve experimental uses for the equipment, facility, or pollution control device they deem necessary for the further development of the state of the art of pollution control.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**' 51.016 DENIAL OF PERMIT.**

The District shall deny any permit if the information on the application is incomplete, inaccurate, or indicates that the provisions of this chapter cannot be met.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ' 51.999

***PRIVATE SEWER SYSTEMS*****' 51.030 PUBLIC SANITARY SEWER UNAVAILABLE.**

Where a public sanitary sewer is not available under the provisions of ' 51.005, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter. (Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ' 51.999

***Cross-references:***

*Access to septic tanks, see ' 51.060*

*Additional provisions affecting private sewer systems, see ' 51.004*

*Location of septic tanks, see ' 51.059*

**' 51.031 PERMIT.**

(A) *Required.* Before commencement of construction or modification of a private sewage disposal system, the owner shall first obtain a written permit signed by the District.

(B) *Application.* The application for the permit shall be made on a form furnished by the District which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the District.

(C) *Permit and inspection fee.* A permit and inspection fee of \$25 shall be paid to the District at the time the application is filed.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ' 51.999

**' 51.032 DUTY TO COMPLY WITH WRITTEN ORDER; SERVICE OF ORDER.**

(A) After receiving an order in writing from the District, the owner, agent of the owner, the occupant, or agent of the occupant of the property shall comply with the provisions of this chapter as set forth in the order and within the time limit included therein.

(B) The order shall be served on the owner or the agent of the owner but also may be served on any person who, by contract with the owner, has assumed the duty of complying with the provisions of an order.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, ' 51.999

**‘ 51.033 INSPECTION AND APPROVAL REQUIRED FOR PERMIT.**

(A) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the District.

(B) The District shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the District when the work is ready for final inspection, and before any underground portions are covered.

(C) The inspection shall be made within 48 hours of the receipt of notice by the District, excluding weekends and holidays.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**‘ 51.034 OWNER ASSUMES ALL EXPENSE.**

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

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ‘ 51.999

**‘ 51.035 POSTING OF APPLICATION FOR PERMIT.**

The application for a permit shall be posted in a conspicuous place at or near the building where the sewage disposal system is under construction. The notice should be plainly visible from the public thoroughfare serving this building.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ‘ 51.999

**‘ 51.036 EXPIRATION OF PERMIT.**

If the sewage disposal system has not been constructed within 120 days from the date of issuance, the permit shall automatically expire and the sewage disposal system permit fee shall be forfeited.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**‘ 51.037 DENIAL OF PERMIT.**

The District shall deny any permit if the information on the application is incomplete, inaccurate, or indicates that the provisions of this chapter cannot be met.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

***CONNECTIONS TO SEWER SYSTEM*****' 51.050 SEPARATE BUILDING SEWER FOR EACH BUILDING; EXCEPTION.**

(A) A separate and independent building sewer shall be provided for every building.

(B) Where 1 building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as 1 building sewer.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**' 51.051 OLD BUILDING SEWERS MUST BE IN COMPLIANCE.**

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

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ' 51.999

**' 51.052 SPECIFICATIONS OF BUILDING SEWER PIPE.**

(A) The building sewer pipe shall be properly bedded and constructed of PVC (SDR-35) with rubber O-ring joints or other similar material if approved by Town Council or Town Manager in writing prior to construction, repair, or replacement. The use of 90-degree elbows is prohibited.

(B) At least 1 cleanout shall be placed within 5 feet of the building.

(C) A locate wire must be installed along with the sewer pipe from the cleanout to the main line or property line, whichever is closer.

(Ord. 2002-2, passed 5-30-2002)

(D) Town Council may from time to time provide specifications, not inconsistent with this chapter, which contain greater details and further requirements. Exceptions to those requirements not set out in this chapter may be granted by consensus of Council after written application.

(Ord. 2003-9, passed 11-19-2003)

Penalty, see ' 51.999

**' 51.053 SIZE AND SLOPE OF BUILDING SEWER.**

(A) The size and slope of the building sewer shall be subject to the approval of the District, but in no event shall the diameter be less than 6 inches for commercial and 4 inches for residential buildings.

(B) The slope of the pipe described in division (A) above shall be not less than 1/8 inch per foot. (Am. Ord. 2003-9, passed 11-19-2003)

(C) Refer to Article 3 of 327 I.A.C. (Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**' 51.054 ELEVATION OF BUILDING SEWER.**

(A) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

(B) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer by the owner of the building. (Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**' 51.055 PROHIBITED CONNECTIONS.**

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ' 51.999

**' 51.056 CONNECTION OF BUILDING SEWER INTO PUBLIC SEWER.**

(A) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District, or the procedures set forth in appropriate specifications of the Article 3 of 327 I.A.C.

(B) All connections shall be made gas-tight and watertight.

(C) Any deviation from the prescribed procedures and materials must be approved by the District or certified representative before installation. (Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ' 51.999

**‘ 51.057 CONSTRUCTION; PROTECTION OF PUBLIC FROM HAZARD.**

(A) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(B) Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District, town, or county.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**‘ 51.058 LOCATION OF BUILDING SEWER.**

The building sewer shall be located at least 50 feet from any water supply well or pump suction line serving a residence; however, sewers constructed of waterworks-grade cast iron having mechanical or push-type joints or of waterworks-grade pressure-type plastic with an SDE rating of 26, having gasket or push-type joints, may be located within the 50-foot distance but not closer than 20 feet to dug and bored wells, and not closer than 10 feet to drilled and driven wells or underground pump suction lines or requirements of SE-13.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ‘ 51.999

**‘ 51.059 LOCATION OF SEPTIC TANKS.**

No septic tank shall be located upon another property or lot other than that property or lot upon which sewage originates unless easements to that effect are legally recorded and approved by the proper authority or commission.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ‘ 51.999

**‘ 51.060 ACCESS TO SEPTIC TANKS.**

Access must be provided to all parts of septic tanks where necessary to enable adequate inspection, operation, and maintenance.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**‘ 51.061 INSPECTIONS.**

(A) The Superintendent shall be permitted to inspect the work at any stage of construction and, in any event, shall conduct a final inspection before any underground portions of the work are covered.

(B) The inspection is to determine compliance with this code, and the Superintendent may require removal of existing or new materials found to not be in compliance with the code.

(C) There shall be no charge for final inspections conducted Monday through Friday during normal business hours. A fee of \$40 will apply to final inspections conducted after normal business hours or on Saturdays. The Superintendent shall attempt to accommodate all final inspection requests in a timely fashion and in no event shall the final inspection occur more than 48 hours after notice, excluding weekends and holidays.

(Ord. 2002-2, passed 5-30-2002)

### ***DISCHARGE OF WASTEWATER; GENERALLY***

#### **' 51.075 DISCHARGE TO SANITARY SEWER PROHIBITED.**

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

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, ' 51.999

#### **' 51.076 DISCHARGE TO STORM SEWERS OR NATURAL OUTLETS.**

(A) Stormwater and all other unpolluted drainage shall be discharged to those sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by written permit of the District.

(B) Industrial cooling water or unpolluted process waters may be discharged, on written approval of the District, to a storm sewer or natural outlet.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ' 51.999

#### **' 51.077 DETERMINATION OF ACCEPTABLE WASTEWATER; PROHIBITED SUBSTANCES.**

(A) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes, if it appears likely in the opinion of the District that the wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance.



(B) In forming this opinion as to the acceptability of these wastes, the District will give written consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

(C) The following substances are prohibited:

(1) Any liquid or vapor having a temperature that could inhibit biological activity at the sewage treatment plant, or having a temperature higher than 104<sup>o</sup>F (40<sup>o</sup>C).

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32<sup>o</sup>F (0<sup>o</sup>C) and 150<sup>o</sup>F (65<sup>o</sup>C);

(3) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not;

(4) (a) Any waters or wastes containing chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to the degree that any material received in the composite sewage at the sewage treatment works exceeds the limits established by the District for those materials, as set forth in division (C)(4)(b) below.

(b) Substance limitations:

<i>Substance</i>	<i>Water Quality (mg/l)</i>	
	<i>Monthly Average</i>	<i>Daily Maximum</i>
Cadmium	0.563	1.310
Hex. chromium	0.052	0.121
Tot. chromium	59.654	138.787
Copper	0.707	1.645
Total cyanide	0.137	0.319
Lead	2.200	5.118
Mercury	0.003	0.007
Nickel	4.844	11.269
Silver	0.758	1.764
Zinc	3.680	8.561

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

(6) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the District in compliance with applicable state or federal regulations;

(7) Materials which exert or cause:

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

(b) Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions);

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

(d) Unusual volume of flow or concentration of wastes constituting slugs as defined in § 51.001 of this chapter.

(8) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, known or unknown, as such, including waste streams that have a closed cup flash point of less than 1401F (601C).

(9) Any waters or wastes containing toxic or poisonous substance, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;

(10) Any waters or wastes having a pH lower than 5.5 or greater than 9, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

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

(12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to the degree that the sewage treatment plant effluent discharge cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(13) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.

(14) Trucked or hauled pollutants.

(15) Sludge, screenings, or other residues from the pretreatment of industrial wastes.

(16) Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit.

(17) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(18) Detergents, surface-active agents, or other substances which may cause excessive foaming in the sewage treatment plant process.

(19) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994; Am. Ord. 2006-11, passed 10-18-2006)  
Penalty, see ' 51.999

#### **' 51.078 AUTHORITY TO REJECT WASTE.**

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in ' 51.077(C) of this chapter, and which in the judgment of the District may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the District shall, upon written notice:

(A) Reject the wastes;

(B) Require pretreatment to an acceptable condition for discharge to the public sewers;

(C) Require control over the quantities and rates of discharge; and/or

(D) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**‘ 51.079 PRETREATMENT OR EQUALIZATION OF WASTE FLOWS.**

(A) If the District permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the District and subject to the requirements of all applicable codes, ordinances, and laws.

(B) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by and at the owner's expense. (Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**‘ 51.080 GREASE, OIL, AND SAND INTERCEPTORS.**

(A) Grease, oil, and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand, or other harmful ingredients.

(B) All interceptors shall be of a type and capacity approved by the District, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**‘ 51.081 INFLOW/INFILTRATION CERTIFICATION PROCEDURES; CONSEQUENCES OF NONCOMPLIANCE.**

(A) On or before December 31, 1996 each then current user of the town=s sewage works shall consent to and acknowledge in writing the town=s ongoing right to have its representatives from time to time, and upon reasonable notice (a minimum of 48 hours), come upon the property and into the premises of users so served by the town=s sewage works to inspect, evaluate, and/or test that user=s lateral line(s), connection(s), and any appurtenances thereto which discharge into the town=s sanitary sewer collection system for compliance with all then current requirements of the town code, and specifically ‘ ‘ 51.055 and 51.075. There shall be no direct fee or charge to the user for the inspecting, evaluating, and testing. After December 31, 1996, a new user of the town=s sewage works must so consent and acknowledge upon becoming connected to the sewage works. All consents/acknowledgments shall be in a form then approved by the Town Council.

(B) A user, which the inspecting, evaluating, and/or testing establishes is materially out of compliance with those then current requirements of the town code, shall have 90-days= written notice of particulars of that noncompliance from the town to either disconnect from the town=s sewage collection system or bring the user=s discharges into compliance, and provide reasonable documented proof that has been done to the Clerk-Treasurer. Upon express written request by the user, received by the Clerk-Treasurer within those 90 days and for good cause shown, the Clerk-Treasurer may extend that 90 days in writing by an additional 45 days.

(C) A user who does any of the following shall also be fined up to \$1,000 for each circumstance in addition to, and not in place of, any other consequence imposed by this code or other applicable authority:

- (1) Impedes or obstructs the town=s actions consented to and acknowledged pursuant to division (A) above;
- (2) Does not timely fulfill that user=s obligations under division (B) above; or



(3) Is established by the inspecting, evaluating, and/or testing under division (B) above to be materially out of compliance with the then current provisions of the town code a second or subsequent time in any rolling 2-year period.  
(Ord. 1996-7, passed 9-25-1996)

### ***INDUSTRIAL DISCHARGES***

#### **' 51.095 PERMIT APPLICATION; PERMIT AND TAP FEE.**

(A) The industrial owner or his or her agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the District.

(B) A permit and tap fee of \$750 for an industrial building sewer permit shall be paid to the District at the time the application is filed.

(C) During the initial construction of the system, the tap fee charges will not be in effect if connection application is completed within 90 days of notice to connect.  
(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

#### **' 51.096 OWNER RESPONSIBLE FOR INSTALLATION EXPENSE.**

(A) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner.

(B) The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.  
(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

#### **' 51.097 WRITTEN PERMIT REQUIRED.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the District.  
(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ' 51.999

**' 51.098 MANHOLE AND NECESSARY METERS.**

(A) When required by the District, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes.

(B) The manhole, when required, shall be accessible by authorized District personnel and safely located, and shall be constructed in accordance with plans approved by the District.

(C) The manhole shall be installed and maintained by the owner so as to be safe and accessible at all times.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**' 51.099 MEASUREMENT, TESTS; ANALYSIS OF WASTEWATER.**

(A) All measurement, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole.

(B) In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(C) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

(D) The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate, or whether a grab sample or samples should be taken.

(E) Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls where pHs are determined from periodic grab samples.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**' 51.100 INDUSTRIAL WASTE OF UNUSUAL STRENGTH.**

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

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)



**51.101 COMPANY'S RIGHT TO INDEMNIFICATION.**

While performing the necessary work on industrial properties referred to in the previous sections of this subchapter, the duly authorized employees of the District shall observe all safety rules applicable to the premises established by the company, and the District shall indemnify the company against loss or damage to its property by District employees and against liability claims for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as that may be caused by negligence or failure of the company to maintain safe conditions as required.

(Ord. 1990-11, passed 6-18-1991)

***RESIDENTIAL SEWAGE DISPOSAL SYSTEM*****51.115 COMPLIANCE.**

The design, construction, installation, location, maintenance, and operation of residential sewage disposal systems shall comply with the provisions of this chapter.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**51.116 DUTY TO PROVIDE.**

Any dwelling which is not connected to a sanitary sewage system shall provide a residential sewage disposal system, approved by the District or county.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**51.117 EXEMPTION.**

An on-site residential sewage disposal system, the plans for which were approved, in writing, by the administrative authority prior to the promulgation of this chapter, is exempt from the provisions of this chapter relating to the design and installation of residential sewage disposal systems. However, any modification or repair shall be made subject to the regulations of the District or county.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**' 51.118 CONSTRUCTION; PERMIT REQUIRED.**

(A) Before commencement of construction of any private residence where a residential sewage disposal system is to be installed or where any alteration, repair, or addition of an existing residential sewage disposal system is planned, the owner or agent of the owner shall first obtain a written permit signed by the District.

(B) The application for a permit shall be made on a form provided by the Indiana State Board of Health, which application shall be supplemented by any plans, specifications, and other information as deemed necessary by the District.

(C) No building permit shall be issued until the sewage permit has been obtained.  
(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994) Penalty, see ' 51.999

**' 51.119 CONSTRUCTION; FINAL INSPECTION.**

(A) The permittee shall notify the District when the work described in ' 51.118 is ready for final inspection, and before any underground portions are covered.

(B) The provisions of the permit for the construction of a residential sewage disposal system or privy shall not be considered to be fulfilled until the installation is completed to the satisfaction of the District or its agent.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

***Cross-reference:***

*Appeal procedures, see ' 51.159*

***RATES AND CHARGES*****' 51.130 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BOD*** or ***BIOCHEMICAL OXYGEN DEMAND***. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter (mg/l).

***COUNCIL***. The Town Council or any duly authorized officials acting on its behalf.

**DEBT SERVICE COSTS.** The average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.

**DISTRICT.** The area served by the town Waste Treatment System in Huntington County and Wells County, Indiana.

**EXCESSIVE STRENGTH SURCHARGES.** An additional charge which is billed to users for treating sewage wastes with an average strength in excess of **NORMAL DOMESTIC SEWAGE**.

**INDUSTRIAL WASTES.** The wastewater discharges from industrial, trade, or business processes, as distinct from employee wastes or wastes from sanitary conveniences.

**NORMAL DOMESTIC SEWAGE.**

(1) For the purpose of determining surcharges, wastewater or sewage having an average daily concentration as follows:

- (a) BOD not more than 200 mg/l; or
- (b) SS not more than 200 mg/l.

(2) As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences, as distinct from wastes from industrial processes.

**NPDES PERMIT or NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT.** The permit issued by the Indiana Department of Environmental Management for discharges of wastewaters to navigable waters of the United States pursuant to ' 402 of the Clean Water Act, being 33 U.S.C. ' 1342

**OPERATION AND MAINTENANCE COSTS.** All costs, direct and indirect, necessary to provide adequate wastewater collection, transport, and treatment on a continuing basis and produce discharges to receiving waters that conform with all related federal, state, and local requirements. These costs include replacement.

**OTHER SERVICE CHARGES.** Tap charges, connection charges, area charges, and other identifiable charges, other than user charges, debt service charges, and excessive strength surcharges.

**PERSON.** Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

**REPLACEMENT COSTS.** The expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the sewage works to maintain the capacity and performance for which the works were designed and constructed.

**SEWAGE.** A combination of the water-carried wastes from residences, business building, institutions, and industrial establishments within the District and other areas.

**SEWER MAINTENANCE COSTS.** The costs to transport sewage and to repair the collection system.

**SS or SUSPENDED SOLIDS.** Solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

**USER CHARGE.** A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of the works.

**USER CLASS.** The division of wastewater treatment customers by source, function, waste characteristics, and process of discharge similarities, such as, residential, commercial, industrial, institutional/governmental in the user charge system:

(1) **COMMERCIAL USER.** Any establishment involved in a commercial enterprise, business, or service which, based on a determination by the District, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(2) **INDUSTRIAL USER.** Any manufacturing or processing facility that discharges industrial waste to a publicly-owned treatment works.

(3) **INSTITUTIONAL/GOVERNMENTAL USER.** Any establishment involved in a social, charitable, religious, and/or educational function or federal, state, or local government which, based on a determination by the District, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(4) **RESIDENTIAL USER.** A user of the treatment works whose premises or building is used primarily as a residence for 1 or more persons, including all dwelling units, and the like.  
(Ord. 1990-10, passed 6-18-1991)

#### 51.131 PURPOSE OF USER CHARGES.

Every person whose premises are served by the sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

(Ord. 1990-10, passed 6-18-1991)

‘ **51.132 RULES AND REGULATIONS GOVERNING USER CHARGES.**

User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency and Indiana Department of Environmental Management. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewage works equipment.

(Ord. 1990-10, passed 6-18-1991)

‘ **51.133 CLASSES OF USERS.**

The various classes of users of the treatment works for the purposes of this subchapter shall be as follows. Class I:

(A) Residential;

(B) Commercial;

(C) Institutional/Governmental; and

(D) Industrial.

(Ord. 1990-10, passed 6-18-1991)

‘ **51.134 CHARGES FOR EACH LOT, PARCEL OF REAL ESTATE OR BUILDING.**

(A) For the use of and the service rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the District=s sanitary system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewage system of the town.

(B) Such rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as provided in this subchapter.

(Ord. 1990-10, passed 6-18-1991)

‘ **51.135 METERED WATER USERS; SCHEDULE OF RATES AND CHARGES.**

(A) *Basis.* The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to the rates and charges, as the same is measured by the water meter there in use, except as herein otherwise provided.

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(B) *Minimum.* Notwithstanding the provisions of division (A) of this section, every user shall be charged for a minimum usage per month of 1,000 gallons whether or not they use any water.

(C) *Readings.* For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly (or period approximating a month).

(D) *Water usage schedule.* The water usage schedule on which the amount of the rates and charges shall be determined is as follows:

(1) *Treatment rate.* Per 1,000 gallons of usage per month:

<i>All Users</i>	<i>Total Charge per 1,000 Gals. per Month</i>
Operation, maintenance, and replacement charge	\$2.68
Local capital charge	\$2.02

(2) *Collection system maintenance charge.* Per meter, per month:

<i>Water Meter Size</i>	<i>Total Monthly Charge</i>
5/8 - 3/4 inch	\$10.04
1 inch	\$25.08
1-1/2 inch	\$55.19
2 inch	\$100.35
3 inch	\$230.79

(E) *Billing charge.* Per month, as follows: All users shall pay a billing charge of \$1.11 per month.

(F) *Non-water-metered residential rate.* Thirty-five dollars and twenty-nine cents per month.

(G) *Town rates and charges.* For the services rendered to the town, the town shall be subject to the same rates and charges herein above provided, or to charges and rates established in harmony therewith.

(H) *Monitoring cost recovery.* In order to recover the cost of monitoring industrial wastes, the town shall charge the user the actual cost of monitoring. This charge will be reviewed and revised on the same basis as all other rates and charges in this chapter.

(I) *Effective date.* This section, as amended, shall be in full force and effect for the first billing period to commence after the adoption of the amendment or March 5, 1997, whichever is later, and for all billing periods thereafter.

(Ord. 1990-10, passed 6-18-1991; Am. Ord. 1997-2, passed 2-19-1997)

(J) *Inflow surcharge.* An inflow/infiltration surcharge of \$10 shall be assessed to and collected from each sewage works user for each monthly billing period which commences after December 31, 1996, unless that user is in material compliance with the requirements of ' 51.081 of this code as of the end of that billing period.

(Am. Ord. 1996-7, passed 9-25-1996)

### ' 51.136 WATER OBTAINED FROM SOURCES OTHER THAN DISTRICT.

(A) The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the District shall be determined by the District in such manner as the District shall reasonably elect, and the sewage service shall be billed at the appropriate rates as previously set out in ' 51.135; except, as is hereinafter provided in this section, the District may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the District that those quantities do not enter the sanitary sewage system.

(B) (1) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the District=s sanitary sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the District, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the District, then the amount of water used shall be otherwise measured or determined by the District.

(2) In order to ascertain the rate or charge provided in this section, the owner or other interested party shall, at his or her expense, install and maintain meters, wires, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the District for the determining of sewage discharge.

(C) (1) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids in the District=s sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility servicing the District, and, in addition, is a user of water from another source which is not measured by a water meter, or is measured by a meter not acceptable to the District, then the amount of water used shall be otherwise measured or determined by the District.

(2) In order to ascertain the rates or charges, the owner or other interested parties shall, at his, her, or their expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measuring acceptable to the District for the determination of sewage discharge.

(Ord. 1990-10, passed 6-18-1991)

**51.137 MULTIPLE USERS.**

(A) In the event 2 or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water, or other liquids into the town=s sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge, the flow rates and charges, and minimum charges shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.

(B) In the event 2 or more dwelling units such as mobile homes, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids into the town=s sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in that case, billing shall be as follows:

(1) The sum of \$4.70 per 1,000 gallons of water used per month; and

(2) A collection system maintenance charge equal to \$10.04 multiplied by the number of dwelling units measured by the single meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

(C) This section, as amended, shall be in full force and effect for the first billing period to commence after the adoption of the amendment or March 5, 1997, whichever is later, and for all billing periods thereafter.

(Ord. 1990-10, passed 6-18-1991; Am. Ord. 1997-2, passed 2-19-1997)

**51.138 PARTIAL USE OF SEWAGE SYSTEM.**

In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial waste, water or other liquids into the District=s sanitary sewage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the District that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his or her expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the District for the determination of sewage discharge.

(Ord. 1990-10, passed 6-18-1991)

**51.139 STRONGER-THAN-NORMAL SEWAGE.**

(A) In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the District shall base its charges not only on the volume, but also the strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of.



(B) The District shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner and by such method as the District may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge.

(C) The user shall furnish a central sampling point available to the District at all times.

(1) Normal sewage domestic waste strength should not exceed a BOD of 200 milligrams per liter of fluid or SS in excess of 200 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(a) *Rate surcharge based upon suspended solids.* There shall be an additional charge of \$.039 per pound of SS for SS received in excess of 200 milligrams per liter of fluid.

(b) *Rate surcharge based upon BOD.* There shall be an additional charge of \$.039 per pound of BOD for BOD received in excess of 200 milligrams per liter of fluid.

(c) *Rate surcharge based upon ammonia.* There shall be an additional charge of \$.0104 per pound for ammonia in excess of 25 milligrams per liter of fluid.

(2) The determination of SS and 5-day BOD contained in the waste shall be in accordance with the latest copy of *Standard Methods for the Examination of Water, Sewage and Industrial Wastes*, as written by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and in conformance with *Guidelines Establishing Test Procedures for Analysis of Pollutants*, 40 C.F.R. pt. 136, published in the Federal Register on October 16, 1973. (Ord. 1990-10, passed 6-18-1991)

#### ' 51.140 ADJUSTMENT FOR EXTERIOR WATER LEAKS.

(A) When the rates and charges assessed against a customer of the town=s sewage works are based upon metered water consumption, and it is established to the satisfaction of the Town Council that sewage charges attributable to the customer are the result of leaks in the water system at a point or points where it is determined that the leaking water was not treated by the town=s sewer utility, then the sewage customer is entitled to a sewage credit for that amount of water determined by the town to have been precipitated by the leak and not utilized for the user=s use, less \$20.

(B) The user is entitled to a sewage credit to a time 48 hours subsequent to being notified by the town of the leak.

(C) Notice shall be in person or by letter mailed to the address used by the town for billing purposes.

(D) The Clerk-Treasurer of the town shall make the adjustment to the user=s sewage bill based upon data provided by the Sewage Department to the Clerk-Treasurer=s office.

(E) All actions with regard to sewage-billing adjustments under this section by the Clerk-Treasurer shall be submitted for approval by the Town Council in a public meeting.

(F) The Town Council shall have the final authority in the resolution of all sewage credit matters arising under this section.

(Ord. 1989-3, passed 11-15-1989; Am. Ord. 2009-1, passed 5-20-2009)

#### **51.141 PREPARATION, BILLING AND COLLECTION; PENALTY.**

(A) Rates and charges shall be prepared, billed, and collected by the District in the manner provided by law and this section.

(B) The rates and charges for all users shall be prepared and billed monthly and, at the end of each year, each user shall be given notice of that amount of money charged for operation, maintenance, and replacement for that user during the next preceding year.

(C) (1) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but the billing shall in no way relieve the owner from the liability in the event payment is not made as herein required.

(2) The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the District for the purpose of determining whether bills have been paid by the tenant or tenants, provided that the examination shall be made at the office at which the records are kept and during the hours that the office is open for business.

(D) As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of 10% of the amount of the rates or charges shall thereupon attach thereto.

(E) The time at which the rates or charges shall be paid is now fixed at 10 days after the date of mailing of the bill.

(Ord. 1990-10, passed 6-18-1991)

#### **51.142 REVIEW OF RATES AND CHARGES.**

(A) *Purpose.* In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the District shall cause a study to be made within a reasonable period of time following the first year of operation, following the date on which this subchapter goes into effect.

(B) *Study contents.* The study shall include but not be limited to an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works, and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements, and capital improvements to the waste treatment systems.

(C) *Periodic review.* Periodically thereafter, the District shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis.

(D) *Who will conduct.* The studies shall be conducted by officers or employees of the District, by a firm of certified public accountants, or a firm of consulting engineers, which firms shall have experience in those studies, or by a combination of officers, employees, certified public accountants, or engineers as the District shall determine to be best under the circumstances.

(Ord. 1990-10, passed 6-18-1991; Am. Ord. 2009-1, passed 5-20-2009)

#### ' 51.143 EFFECTIVE DATE OF RATES AND CHARGES.

The rates and charges as herein set forth shall become effective on the first billing period occurring after the adoption of this subchapter on June 18, 1991.

(Ord. 1990-10, passed 6-18-1991)

#### ' 51.144 APPEAL.

The rules and regulations promulgated by the District, after approval of the Town Council, shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the Superintendent of the user charge to the Town Council, and that any decision concerning user charges of the Town Council may be appealed to the Circuit or Superior Courts of Huntington County and Wells County, under the Appeal Procedures provided for in the Indiana Administrative Adjudication Act.

(Ord. 1990-10, passed 6-18-1991)

***ADMINISTRATION AND ENFORCEMENT*****' 51.155 DISTRICT TO CREATE AND ENFORCE REGULATIONS.**

(A) The District shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical, and efficient management of the district=s sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage system, and for the regulation, collection, rebating and refunding of the rates and charges.

(B) The District is authorized to prohibit dumping of wastes into the District=s sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works or to require methods affecting pretreatment of the wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the town for its sewage treatment plant. (Ord. 1990-10, passed 6-18-1991)

**' 51.156 POWERS AND DUTIES OF SUPERINTENDENT AND INSPECTOR.**

(A) The Superintendent, Inspector, and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

(B) The Superintendent or his or her representatives shall have authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries having a direct bearing on the kind and source of discharge to the sewers, waterways, or facilities for waste treatment. (Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**' 51.157 EASEMENT FOR INSPECTION AND THE LIKE.**

(A) The Superintendent and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement.

(B) All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**51.158 DISTRICT PERMITTED TO ENTER FOR INSPECTION.**

The District or its agent shall be permitted to enter upon all properties at the proper time for purposes of inspection, observation, measurement, sampling and testing necessary to carry out the provisions of this chapter.

(Ord. 1990-11, passed 6-18-1991; Am. Ord. passed 2-16-1994)

**51.159 APPEAL PROCEDURES; HEARING; REVOCATION.**

(A) If an applicant is refused a permit, the District, shall, upon request, afford the applicant a fair hearing in accordance with the provisions of I.C. 4-21.5.

(B) The District may, after reasonable notice and opportunity for fair hearing, in accordance with the provisions of I.C. 4-21.5, revoke a permit authorizing the construction of a residential sewage disposal system if it finds that the holder has failed to comply with the provisions of this chapter.

(Am. Ord. passed 2-16-1994)

**51.160 NOTIFICATION OF VIOLATION.**

When the Superintendent finds that a user has violated or continues to violate any provision of this chapter or any order issued hereunder, the Superintendent may serve upon that user a written notice of violation. Within 10 days of the receipt of this notice, the user shall submit to the Superintendent an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(Ord. 2002-2, passed 5-30-2002)

**51.161 COMPLIANCE ORDERS.**

When the Superintendent finds that a user has violated or continues to violate any provision of this chapter or any order issued hereunder, the Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued. Issuance of a compliance order shall not be a bar against or a prerequisite for taking any other action against the user.

(Ord. 2002-2, passed 5-30-2002)

**51.162 CEASE AND DESIST ORDERS.**

(A) When the Superintendent finds that a user has violated or continues to violate any provision of this chapter or any order issued hereunder, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user directing him or her to cease and desist all such violations, and directing the user to:

(1) Immediately comply with all requirements; and

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

(B) Issuance of a cease and desist order shall not be a bar against or a prerequisite for taking any other action against the user.

(Ord. 2002-2, passed 5-30-2002)

**51.163 ADMINISTRATIVE FINES.**

(A) When the Superintendent finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may fine the user in an amount not to exceed \$2,500. The fines shall be assessed on a per violation, per day basis.

(B) Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of 10% of the unpaid balance, and interest shall accrue thereafter at a rate of 0.67% per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

(C) Users desiring to dispute the fines shall file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. The Superintendent may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(D) Issuance of an administrative fine shall not be a bar against or a prerequisite for taking any other action against the user.

(Ord. 2002-2, passed 5-30-2002)

***JUDICIAL ENFORCEMENT REMEDIES*****‘ 51.175 INJUNCTIVE RELIEF.**

(A) When the Superintendent finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition the Huntington County Circuit Court through Town=s Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user.

(B) The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation.

(C) A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against a user.

(Ord. 2002-2, passed 5-30-2002)

**‘ 51.176 CIVIL PENALTIES.**

(A) The Superintendent may recover reasonable attorneys= fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the town.

(B) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user=s violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(C) Filing a suit for civil penalties shall not be a bar against or a prerequisite for taking any other action against a user.

(D) This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(Ord. 2002-2, passed 5-30-2002) Penalty, see ‘ 51.999

**51.177 REMEDIES NONEXCLUSIVE.**

The remedies provided for in this chapter are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant user.

(Ord. 2002-2, passed 5-30-2002)

***PRETREATMENT CHARGES AND FEES*****51.190 PRETREATMENT CHARGES AND FEES.**

The town may adopt reasonable fees for reimbursement of costs of setting up and operating the town=s pretreatment surveillance program which may include:

(A) Fees for monitoring, inspection, and surveillance procedures, including the cost of collecting and analyzing a user=s discharge, and reviewing monitoring reports submitted by users;

(B) Fees for reviewing and responding to accidental discharge procedures and construction;

(C) Fees for filing appeals; and

(D) Other fees as the town may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the town.

(Ord. 2002-2, passed 5-30-2002)

**51.999 PENALTY.**

A user who has violated or continues to violate any provision of this chapter, order issued hereunder, or any other requirement shall be liable to the town for a maximum civil penalty of maximum of \$2,500 but not less than \$1,000 per violation, per day.

(Ord. 2002-2, passed 5-30-2002)