

CHAPTER 52: SEWAGE

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RATES AND CHARGES

§ 52.001 DEFINITIONS.

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

B.O.D. or BIOCHEMICAL OXYGEN DEMAND. The same meaning as defined in § 52.030.

CITY. The City of Loogootee, Indiana, acting by and through the City Council.

COUNCIL. The City Council of the city or any duly authorized officials acting in its behalf.

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

EXCESSIVE STRENGTH SURCHARGE. 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.

MAY. The act referred to is permissive.

NH₃N or AMMONIA NITROGEN. The same meaning as defined in § 52.030.

NORMAL DOMESTIC SEWAGE (FOR THE PURPOSE OF DETERMINING SURCHARGES). Wastewater or sewage having an average daily concentration as follows: B.O.D. not more than 250 mg/l; S.S. not more than 250 mg/l; and NH₃N not more than 35 mg/l. As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences, as distinct from wastes from industrial processes.

NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM) PERMIT. The same meaning as defined in § 52.030.

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 useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

S.S. or SUSPENDED SOLIDS. The same meaning as defined in § 52.030.

SEWAGE. The same meaning as defined in § 52.030.

SHALL. The act referred to is mandatory.

USER CHARGE. A charge levied on users of the Wastewater Treatment Works for the cost of operation and maintenance of such works pursuant to 33 U.S.C. § 1284.

USER CLASS. The division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., commercial, governmental, industrial, institutional, and residential 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 city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(2) **GOVERNMENTAL USER.** Any federal, state, or local governmental user of the Wastewater Treatment Works.

(3) **INDUSTRIAL USER.** Any manufacturing or processing facility that discharges industrial waste to a publicly owned Treatment Works.

(4) **INSTITUTIONAL USER.** Any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(5) **RESIDENTIAL USER.** A user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units and the like.
(Ord. 1990-8, passed - -1990)

§ 52.002 RATES AND CHARGES.

(A) The schedule of user rates and charges is as follows:

(1) The rate for disposal of residential septic waste by private septic haulers is \$0.05 per gallon for residential septic waste received from the Townships of Perry, Rutherford, and Center in the county, and from Northeast and Southeast Barr Township in Daviess County; and

(2) Any residential septic waste disposed from outside the designated areas will be subject to a surcharge of \$30. Residential septic waste disposed outside of the regular posted hours may be subject to a surcharge of up to \$45 per load.

(B) The following schedule of user rates and charges shall apply to sewer service provided by the city.

(1) For the use and the service rendered by said Sewage Works, users who are served by a metered water supply shall pay a monthly base charge plus a monthly flow charge. The monthly base charge shall be based upon the size of the water meter installed. The monthly flow charge shall be a volumetric charge per 1,000 gallons of water used. The monthly base charge and monthly flow charge shall be in accordance with the following schedule:

MONTHLY FLOW CHARGE: User Charge per 1,000 Gallons

Effective September 1, 2012 Effective March 1, 2013

All flow	\$6.16	\$6.47
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BASE MONTHLY CHARGE:

<i>Meter Size</i>	<i>Effective September 1, 2012</i>	<i>Effective March 1, 2013</i>
5/8 - 3/4" meter	\$20.60	\$21.63
1" meter	\$48.38	\$50.80
1-1/2" meter	\$109.54	\$115.02
2" meter	\$187.30	\$196.66
3" meter	\$428.00	\$449.40

<i>Meter Size</i>	<i>Effective September 1, 2012</i>	<i>Effective March 1, 2013</i>
4" meter	\$742.69	\$779.82
6" meter	\$1,687.01	\$1,771.36
8" meter	\$3,375.27	\$3,544.03

(2) For the use and service rendered by said Sewage Works, residential users who are not served by a metered water supply shall pay a flat monthly charge as follows:

	Effective September 1, 2012	Effective March 1, 2013
Single	\$29.84	\$31.34
Family	\$47.70	\$50.10

(3) All customers of the Sewage Works outside the city, other than those having a contractual relationship with the city, shall be charged \$10 per month in addition to all other rates and charges.

(C) The rates and charges provided in this section shall be effective on and after September 1, 2012. (Ord. 2010-2, passed 2-8-2010; Ord. 2012-4, passed 8-27-2012)

§ 52.003 CONNECTION FEE.

All new users shall pay a tap charge of \$700 at the time they connect initially to the system. (Ord. 2012-4, passed 8-27-2012)

§ 52.004 CARWASH AND LAUNDROMAT BUSINESS EXEMPTION.

(A) It has been determined that certain businesses, being those consisting of laundromats and car washes do not discharge sewage effluent, with much more than waste water and mild detergent contents, and same can be treated more easily than regular sewage effluent, and it is desirable to give same a more economical rate, rather than see such businesses close if regular rates are required, due to their being required to charge such high rates to their users and customers that such business charges would be prohibitively high.

(B) Since the city is so authorized to so determine such special situations and establish equitable rates therefor, and to enter into special contracts with such customers where clearly definable costs to the sewage works can be determined, such special rates shall be based upon such costs.

(C) The rules and regulations of the city, after promulgation shall be approved by the City Council, and shall provide for an appeal procedure whereby a user shall have the right to appeal a decision of said special rates, either approved or denied, to said cannon council, and that its decision concerning user charges may be appealed to the Circuit Court of this county, under the appeal procedures provided by the Administrative Orders and Procedures Act, being I.C. 4-21.5-1 et seq.

(D) Any rates and charges established and promulgated by the city by its administrators, or officers, including said City Council, shall become effective upon the first full billing period occurring after adoption of such special rates by ordinances or proper rules and regulations after the adoption of this section.

(E) It is hereby provided that the cannon council shall not grant free service or use of the sewage treatment system to any person, group, business or entity. It is not necessary for an area or parcel of real estate to be annexed to the city to receive sewage treatment.

(F) The laundromat's sewage bill be reduced to a minimum bill of 50% of the charges for sewage usage each month and bill reduced prior to mailing, with no reduction to be made for any late charges imposed by sewage rate ordinance.

(G) Car washes pay normal billing for water and sewer during all months except billing for the first day of the month for any month that the temperature was at or below freezing during the billing period. This billing to be determined by Public Works Department. Any month in which the temperature is above freezing, the owner shall pay the usual charge for sewer based upon sewer rate ordinance, and no other reduction given except for water lost due to water being left on by owner or other persons for prevention of freezing which in most cases will only include the months of December and March due to the billing being from the fifteenth of one month to the fifteenth of the following month. Sewage reduction in these cases shall be at the rate of 50% of the normal billing charges for sewer only. Car washes to get 60% in winter months. Those months the temperature is at or below freezing. (Prior Code, § III-4-5) (Ord. 85-9, passed 7-8-1985; Ord. 1991-12, passed 8-8-1991) Penalty, see § 52.999

§ 52.005 DELINQUENT BILLS.

The collection of delinquent bills for sewage rates and charges shall be enforced in the manner provided by applicable state law.

(Prior Code, § III-4-2) (Ord. 666-63, passed 9- -1963)

§ 52.006 USER CLASS.

(A) Every person whose premises are serviced by said 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.

(B) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the Sewage Works equipment.

(C) The various classes of users of the treatment works, for the purposes of this chapter, shall be as follows: residential; commercial; governmental; institutional; and industrial.

(Ord. 1990-8, passed - -1990)

§ 52.007 UNMETERED USERS.

(A) For residential users of the Sewage Works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined as an average of single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month or period equaling a month. The schedule on which said rates and charges shall be determined is as follows:

Monthly Debt

	<i>User Charge</i>	<i>Debt Service</i>	<i>Total</i>
Residential: Single-family residence/unit			
Bellgrade Addition	\$15.20	\$20.05	\$35.25
All other customers served	\$15.20	\$10.05	\$25.25

(B) Unmetered nonresidential single-family dwelling units shall be charged a rate to be determined by the city on an individual basis by applying the above metered rates to estimated usage and meter size.

(C) For the service rendered to the city, said city shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(D) In order to recover the cost of monitoring industrial wastes, the city shall charge the user the actual cost of monitoring, but not less than \$25 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in the chapter.

(Ord. 1990-8, passed - -1990)

§ 52.008 CALCULATING USE.

(A) The quantity of water discharged into the sanitary sewage system and obtained from sources other than the Utility that serves the city shall be determined by the city in such manner as the city shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section, the city 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 city that such quantities do not enter the sanitary sewerage system.

(B) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the city's sewage system, either directly or indirectly, is not a user of water supplied by the Water Utility serving the city 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 city, then the amount of water used shall be otherwise measured or determined by the city. 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 city for the determining of sewage discharge.

(C) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the city's sanitary sewerage system, either directly or indirectly, is a user of water supplied by the Water Utility serving the city, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a water meter or is measured by a meter not acceptable to the city, then the amount of water used shall be otherwise measured or determined by the city. In order to ascertain the rates or charges, the owner or other interested parties 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 city for the determination of sewage discharge.

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

(E) In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial waste, water, or other liquids into the city's sanitary sewerage 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 city 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 own expense, install and maintain meters, wires, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

(F) Where metered water supply is used for fire protection as well as for other uses the city may, in its discretion, make adjustments in the user charges as may be equitable.
(Ord. 1990-8, passed - -1990)

§ 52.009 TESTING.

(A) In order that the rates and charges reflect the costs of providing service rendered to users, the city shall base its charges not only on the volume, but also on strength and character of the stronger than normal domestic sewage and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the sewage system, in such manner and by such method as the city may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the city at all times.

(B) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 250 milligrams per liter of fluid, suspended solids in excess of 250 milligrams per liter of fluid, or nitrogen in excess of 35 milligrams per liter of fluid. Additional charges for treating stronger than normal domestic waste shall be made on the following basis:

(1) *Rate surcharge based upon suspended solids.* There shall be an additional charge of \$0.29 per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid;

(2) *Rate surcharge based upon B.O.D.* There shall be an additional charge of \$0.29 per pound of biochemical oxygen demand for B.O.D. received in excess of 250 milligrams per liter of fluid; and/or

(3) *Rate surcharge based upon NH₃N.* There shall be an additional charge of \$0.30 per pound of nitrogen for NH₃N received in excess of 35 milligrams per liter of fluid.

(C) The determination of suspended solids, five day biochemical oxygen demand, and ammonia nitrogen 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*, Regulation C.F.R. part 136, published in the Federal Register on October 16, 1973.
(Ord. 1990-8, passed - -1990)

§ 52.010 CONNECTION FEE.

The owner of any lot, parcel of real estate, or building connecting to the sewage works shall, prior to being permitted to make a connection, pay a connection charge in the amount of \$700 for each connection. The City Council now finds such a connection charge to be a reasonable and equitable pro

rata cost of construction of a local or lateral sewer adequate to serve the property so connecting and the cost of providing a connection to the sewer system.

(Ord. 1990-8, passed - -1990)

§ 52.011 BILLING.

(A) Such rates and charges shall be prepared, billed, and collected by the city in the manner provided by law and ordinance. The rates and charges for all users shall be prepared and billed monthly. At the end of each year, each user shall be given a notice of the rates charged for operation, maintenance, and replacement for that user for the next year in conjunction with a regular bill.

(B) 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 such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the city for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

(C) As provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of 10% per month of the amount of the rates or charges due shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at 15 days after the date of mailing of the bill.

(Ord. 1990-8, passed - -1990)

§ 52.012 SEWAGE STUDY.

(A) 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 uses of user classes, the city shall cause a study to be made within a reasonable period of time following the first two years of operation, following the date on which this chapter goes into effect. Such 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.

(B) Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the city shall cause a study to be made for the purpose of reviewing the sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto, and maintaining proportionality among the user classes of the rates and charges for sewerage services.

(C) Said studies shall be conducted by officers or employees of the city, by a firm of certified public accountants, a firm of consulting engineers which shall have experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the city shall determine to be best under the circumstances. The city shall, upon completion of said study, revise and adjust the rates and charges as necessary in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

(Ord. 1990-8, passed - -1990)

§ 52.013 REGULATIONS.

(A) The city shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical, and efficient management of the city's sewerage system, pumping stations, and Sewage Treatment Works, for the construction and use of house sewers and connections to the Sewerage Treatment Works, for the construction and use of house sewers and connection to the sewerage system, and for the regulation, collection, rebating, and refunding of such rates and charges. No free service shall be provided by any user of the wastewater treatment facility.

(B) The city is hereby authorized to prohibit dumping of wastes into the city's sewage system which, in its discretion, are deemed harmful to the operation of the Sewage Treatment Works of the city, or to require methods of affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the Sewage Works.

(Ord. 1990-8, passed - -1990)

§ 52.014 SPECIAL RATE CONTRACTS.

The City Council is hereby further authorized to enter into special rate contracts with customers of the Sewage Works where clearly definable cost to the Sewage Works can be determined, and such special rates shall be based on such costs.

(Ord. 1990-8, passed - -1990)

§ 52.015 APPEAL PROCEDURE.

The rules and regulations promulgated by the city, after approval by the City Council, shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the user charge to the City Council, and that any decision concerning user charges of the City Council may be appealed to the Circuit Court of the county under the appeal procedures provided for in the State Administrative Adjudication Act.

(Ord. 1990-8, passed - -1990)

§ 52.016 NO FREE SERVICE.

The City Council shall not grant free service or use of the sewage treatment system to any person, group, or entity. It is not necessary for an area or parcel of real estate to be annexed to the city to receive sewage treatment.

(Ord. 1990-8, passed - -1990)

CONNECTIONS**§ 52.030 DEFINITIONS.**

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

BIOCHEMICAL OXYGEN DEMAND or **B.O.D.** The quantity of oxygen expressed in mg/l utilized in the biochemical oxidation of organic matter under standard laboratory procedures with nitrification inhibition in five days at 20°C.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three feet outside the building wall. A **SANITARY BUILDING DRAIN** is a building drain which conveys sanitary or industrial sewage only. A **STORM BUILDING DRAIN** is a building drain which conveys storm water or other clear water drainage, but no wastewater.

BUILDING SEWER. Extension from the building drain to the public sewer or other place of disposal. Also called **HOUSE CONNECTION**. A **SANITARY BUILDING SEWER** is a building sewer which conveys sanitary or industrial sewage only. A **STORM BUILDING SEWER** is a building sewer which conveys storm-waste or other clear water drainage, but no sanitary or industrial sewage.

COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Minor incidental removals in the order of 10% to 30% are not considered substantial. Examples of the additional pollutants which may be considered **COMPATIBLE** include:

- (1) Chemical oxygen demand;
- (2) Total organic carbon;

(3) Phosphorus and phosphorus compounds;

(4) Nitrogen and nitrogen compounds; and

(5) Fats, oils, and grease of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

EASEMENT. An acquired legal right for the specific use of land owned by others.

FECAL COLIFORM. Any of a number of organisms common to the intestinal tract of humans and animals, whose presence in sanitary sewage is an indicator of pollution.

FLOATABLE OIL. Oil, fat, or grease in a physical state that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the city.

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

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

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

INFILTRATION. The water entering a sewer system, including building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. **INFILTRATION** does not include, and is distinguished from, inflow.

INFILTRATION/INFLOW. The total quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW. The water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface run-off, street wash waters, or drainage. **INFLOW** does not include, and is distinguished from, infiltration.

INSPECTOR. The person or persons duly authorized by the city, through its City Council, to inspect and approve the installation of building sewers and its connection to the public sewer system.

MAJOR CONTRIBUTING INDUSTRY. An industry that:

(1) Has a flow of 50,000 gallons or more per average work day;

(2) Has a flow greater than 5 % of the flow carried by the municipal system receiving the waste;

(3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under 33 U.S.C. 1317(a); or

(4) Has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

MAY. The act referred to is permissive.

NH₃N. The same as ammonia nitrogen measured as nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in *Standard Methods* as defined below.

NPDES PERMIT. A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to 33 U.S.C. § 1342.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water.

NORMAL DOMESTIC SEWAGE. The same meaning as defined § 52.001.

pH. The reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.

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

PRETREATMENT. The treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.

PRIVATE SEWER. A sewer which is not owned by a public authority.

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

PUBLIC SEWER. A sewer which is owned and controlled by the public authority and will consist of the following increments.

(1) **COLLECTOR SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges.

(2) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

(3) **FORCE MAIN.** A pipe in which wastewater is carried under pressure.

(4) **PUMPING STATION.** A station positioned in the public sewer system at which wastewater is pumped to a higher level.

SANITARY SEWER. A sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.

SEWAGE. The combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water. The three most common types of **SEWAGE** are as follows.

(1) **COMBINED SEWAGE.** Wastes including sanitary sewage, industrial sewage, storm water, infiltration, and inflow carried to the wastewater treatment facilities by a combined sewer.

(2) **INDUSTRIAL SEWAGE.** A combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment, including the wastes from pretreatment facilities and polluted cooling water.

(3) **SANITARY SEWAGE.** The combination of liquid and water-carried wastes discharged from toilets and other sanitary plumbing facilities.

SEWAGE WORKS. The structures, equipment, and processes to collect, transport, and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

SEWER. A pipe or conduit for carrying sewage.

SHALL. The act referred to is mandatory.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than ten minutes, more than three times the average 24-hour's concentration of flows during normal operation and shall adversely affect the collection system.

STANDARD METHODS. The laboratory procedures set forth in the latest edition, at the time of analysis, of *Standard Methods for the Examination of Water and Wastewater* prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

STORM SEWER. A sewer for conveying water, ground water, or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

SUPERINTENDENT. The Superintendent of the Municipal Sewage Works of the city or his or her 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 under standard laboratory procedure.

TOTAL SOLIDS. The sum of suspended and dissolved solids.

TOXIC AMOUNT. Concentrations of any pollutant, or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to 33 U.S.C. 1317(a).

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

VOLATILE ORGANIC MATTER. The material in the sewage solids transformed to gases or vapors when heated at 55°C for 15 to 20 minutes.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.
(Ord. 1990-9, passed 11-13-1990)

§ 52.031 APPLICATION.

All provisions of this subchapter and limits set herein shall comply with any applicable state and/or federal requirements now or projected to be in effect.
(Ord. 1990-9, passed 11-13-1990)

§ 52.032 PROHIBITED CONDUCT.

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

(B) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, storm waters, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. The city shall require the removal of unpolluted waters from any wastewater collection or treatment facility.

(C) Storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the

specific permission of the city. No new connection shall be made to any sanitary or storm sewer unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant, including capacity for B.O.D. and suspended solids.

(D) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the city any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit.

(E) No person shall discharge, or cause to be discharged, to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit.

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

(G) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer of the city is hereby required, at his or her expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 60 days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.
(Ord. 1990-9, passed 11-13-1990) Penalty, see § 52.999

§ 52.033 PRIVATE SEWER SYSTEMS.

(A) Where a public sanitary sewer is not available under the provisions of § 52.032(G), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of \$15 shall be paid to the city at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the works at any stage of construction, and the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent.

(D) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage

disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

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

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

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
(Ord. 1990-9, passed 11-13-1990)

§ 52.034 CONNECTING TO SEWER.

(A) No unauthorized person shall uncover, make any connections with or opening into, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Department of Public Works.

(B) There shall be two classes of building sewer permits: one for residential and commercial service, and another for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the said city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Inspector. A permit and inspection fee of \$15 for residential or commercial building sewer permit and \$25 for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

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

(D) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(E) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this subchapter.

(F) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C. Manual of Practice No. FD-5 shall apply.

(G) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(H) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(I) 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 city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. FD-5. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installations.

(J) The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his or her representative.

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

(Ord. 1990-9, passed 11-13-1990) Penalty, see § 52.999

§ 52.035 PROHIBITED DISCHARGES.

(A) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to 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;

(3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the Sewage Works or interfere with any treatment process;

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

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

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

(7) Any waters or wastes having pH in excess of 9.5;

(8) 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 B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the Sewage Treatment Works; and/or

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

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

(B) (1) 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 division (A)

above, and which, in judgment of the Superintendent, may have a deleterious effect upon the Sewage Works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Require new industries to submit information on wastewater quantities, characteristics, and obtain prior approval for discharges;
- (b) Reject the wastes in whole or in part for any reason deemed appropriate by the city;
- (c) Require pretreatment of such wastes, to within the limits of normal sewage as defined;
- (d) Require control or flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works; or
- (e) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

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

(C) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(D) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with the such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained so as to be safe and accessible at all times. Agents of the city, the State Water Pollution Control Agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing.

(E) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole, except for applications for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA (40 C.F.R. part 136). In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon

the Sewage Works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.

(F) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern, whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern, at such rates as are compatible with the rate ordinance.

(Ord. 1990-9, passed 11-13-1990) Penalty, see § 52.999

§ 52.036 PRETREATMENT.

(A) Pretreatment of industrial wastes from major contributing industries, prior to discharge to the treatment works, is required and is subject to the rules and regulations adopted by the United States Environmental Protection Agency (USEPA) (40 C.F.R. part 403) and *Guidelines Establishing Test Procedures for Analysis of Pollutants* (40 C.F.R. part 136), in addition to any more stringent requirements established by the city and any subsequent state or federal guidelines and rules and regulations.

(B) Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the city and no construction of such facilities shall be commenced until approval in writing is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner, at his or her expense, and shall be subject to periodic inspection by the city to determine that such facilities are being operated in conformance with applicable federal, state, and local laws and permits. The owner shall maintain operating records and shall submit to the city a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against city monitoring records.

(Ord. 1990-9, passed 11-13-1990)

§ 52.037 UNPOLLUTED WATER.

Unpolluted water from air conditioners, cooling, condensing systems, or swimming pools shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the city. Where a storm sewer is not available, discharge may be to a natural outlet approved by the city and by the state. Where a storm sewer, combined sewer, or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the city.

(Ord. 1990-9, passed 11-13-1990)

§ 52.038 INDUSTRIAL COOLING WATER.

Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with § 52.037.

(Ord. 1990-9, passed 11-13-1990)

§ 52.039 TESTING AND ANALYSIS.

(A) The city may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows and characteristics. Such measurements, tests, and analysis shall be made at the user's expense. If made by the city, an appropriate charge may be assessed to the user at the option of the city.

(B) The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the rate ordinance, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the city may elect, or at any place mutually agreed upon between the user and the city. Appropriate charges for sampling and analysis may be assessed to the user at the option of the city. The results of routine sampling and analysis by the user may also be used for determination of charges after verification by the city.

(Ord. 1990-9, passed 11-13-1990)

§ 52.040 INTERCEPTORS AND TRAPS.

Grease, oil, and sand interceptors or traps shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the city and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas-tight, water-tight, and equipped with easily removable covers. Where installed, all grease, oil, and sand interceptors or traps shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(Ord. 1990-9, passed 11-13-1990)

§ 52.041 NOTICE OF UNUSUAL CIRCUMSTANCES.

Users of the treatment works shall immediately notify the city of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

(Ord. 1990-9, passed 11-13-1990)

§ 52.042 TAMPERING WITH SEWER.

No unauthorized person shall maliciously, willfully, or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Municipal Sewage Works.

(Ord. 1990-9, passed 11-13-1990) Penalty, see § 52.999

§ 52.043 SUPERINTENDENT; INSPECTOR.

(A) The Superintendent, Inspector, and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this subsection. The Superintendent or his or her representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 52.035(E).

(C) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Sewage Works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 1990-9, passed 11-13-1990)

§ 52.044 NOTICE.

Any person found to be violating any provisions of this subchapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(Ord. 1990-9, passed 11-13-1990) Penalty, see § 52.999

§ 52.045 APPEAL.

The rules and regulations promulgated by the city, after approved by the City Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system to the City Council, and that any decision concerning sewage system of the City Council may be appealed to the Circuit Court of the county under the appeal procedures provided for in the Administrative Orders and Procedures Act, being I.C. 4-21.5-1 et seq. (Ord. 1990-9, passed 11-13-1990)

§ 52.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Failure to notify the Public Works Department as provided in § 52.004 may result in the violator being assessed a penalty of \$100 per day, with each day being a separate violation. (Prior Code, § III-4-5)

(C) Any person violating § 52.032 shall be subject to immediate arrest under charge of disorderly conduct.

(D) Any person violating any of the provisions of §§ 52.032 through 52.045 shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

(E) Any person who shall continue any violation beyond the time limit provided for in § 52.034 shall be guilty of a misdemeanor and in conviction thereof shall be fined in an amount not exceeding \$500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 667-63, passed 9-10-1963; Ord. 17-64, passed 12-1-1964; Ord. 85-9, passed 7-8-1985; Ord. 1990-9, passed 11-13-1990)