

**TITLE 18**  
**PUBLIC UTILITIES**

## TITLE 18

### PUBLIC UTILITIES

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## Chapter 18.01

### PROTECTING THE PUBLIC WATER SYSTEM

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**18.01.080 Supplementary to State of Indiana Uniform Plumbing Code**

**18.01.010 Definitions.** That a cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Town of Dale water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems. (Ord. 1990-5, S1, 1990)

**18.01.020 Approval by Indiana Department of Environmental Management (IDEM) for connection/cross connection methods.** That no persons, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of the Town of Dale, Indiana, may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Town of Dale water utility and by the Indiana Department of Environmental Management in accordance with 327 IAC 8-10. (Ord. 1990-5, S2, 1990)

**18.01.030 Inspections.** That it shall be the duty of the Town of Dale water utility to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Town of Dale water utility. (Ord. 1990-5, S3, 1990)

**18.01.040 Right of entry.** That upon presentation of credentials, the representative of the Town of Dale water utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Town of Dale, Indiana, for cross connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding

the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections. (Ord. 1990-5, S4, 1990)

**18.01.050 Discontinuance of water service for violators.** That the Town of Dale water utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance. (Ord. 1990-5, S5, 1990)

**18.01.060 Notice of water emergency.** That, if it is deemed by the Town of Dale water utility that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk of the Town of Dale, Indiana, and delivered to the customer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within ten (10) days of such emergency discontinuance. (Ord. 1990-5, S6, 1990)

**18.01.070 Reduced-pressure-principle-backflow preventer device required by certain water consumers.** That all consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced-pressure-principle backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing. (Ord. 1990-5, S7, 1990)

**18.01.080 Supplementary to State of Indiana Uniform Plumbing Code.** That this ordinance does not supersede the State Uniform Plumbing Code, but is supplementary to it. (Ord. 1990, S8, 1990)

Chapter 18.02

WATER RATES AND CHARGES

Sections:

- 18.02.010 Schedule of rates and charges
- 18.02.020 Collection or deferred payment charge
- 18.02.030 Surcharge for services rendered outside the corporate limits
- 18.02.171 Discontinuance of water service
- 18.02.172 Written notice of intention to discontinue service
- 18.02.173 Condition of pipes, fixtures, meters
- 18.02.175 Correction of reason for discontinuance, before renewal of water service
- 18.02.176 Deposit
- 18.02.200 Removal of water utility from the jurisdiction of the Indiana Utility Regulatory Commission
- 18.02.400 Sale of water to Santa La Hill, Inc.
- 18.02.500 Purchase of water from St. Henry Water Corporation

**18.02.010 Schedule of rates and charges.** That there shall be, and there are hereby, established for the use of and service rendered by the waterworks system of the Town of Dale, Indiana, the following rates and charges, based on the use of water supplied by said waterworks system:

(1)

<u>Metered Usage</u>	<u>Monthly Rate</u> <u>Per 1,000 gallons</u>
First 2,000 gallons	\$ 10.12
Next 10,000 gallons	6.76
Next 10,000 gallons	6.37
Next 33,000 gallons	5.62
Next 55,000 gallons	5.23

(2)

<u>Minimum Charge</u>	<u>Gallons</u> <u>Allowed</u>	<u>Per Month</u>
5/8 and 3/4 inch meter	2,000	\$ 20.24
1 inch meter	3,366	29.47
1 1/2 inch meter	8,594	64.82
2 inch meter	26,981	179.53
3 inch meter	40,395	254.92
4 inch meter	67,263	401.14

(3)

<u>Fire Protection</u>	<u>Per Annum</u>
Municipal hydrants	\$ 159.33
Private fire hydrants	393.05

(4)

<u>Public Fire Protection</u>	<u>Per Month</u>
5/8 and 3/4 inch meter	\$ 3.09
1 inch meter	7.74
1 1/2 inch meter	15.47
2 inch meter	24.75

(5)

<u>Automatic Sprinklers</u>	<u>Per Annum</u>
1 1/2 inch connection	\$ 37.61
2 inch connection	56.46
2 1/2 inch connection	75.19
3 inch connection	112.80
4 inch connection	187.99
6 inch connection	282.02
8 inch connection	375.04

(6)

<u>Private Fire Protection Inspection</u>	
Per connection for each new installation	\$ 52.50

(7)

Connection charge

Each user, at the time they are connected with the waterworks system, shall pay the following tap in fees.

5/8 - 3/4 inch meter	\$ 600.00
1 inch meter	800.00
1 1/2 inch meter	1,200.00
2 inch meter	1,400.00

Any tap that requires a meter over 2 inches will be charged the costs of materials, labor and equipment usage as determined by the Dale Water Department, but not less than \$1,600.00.

(8)

<u>Bad Check Charge</u>	\$ 21.00
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(9)

Reconnect Fee or Non Existing Customer Hydrant Connect Fee      \$ 21.00

(Ord. 2010-4, S1, June 7, 2010) (Ord. 2008-3, S1, July 22, 2008) (Ord. 2005-6, S1, Aug. 1, 2005) (Ord. 1997-7, pt. S1, Oct. 6, 1997) (Ord. 1993-10, pt. S1, July 5, 1993) (Ord. 1992-3, pt. S1, April 6, 1992) (Ord. 1991-3, pt. S1, March 4, 1991) (Res. 1990-10, Nov. 14, 1990) (Res. 1990-1, Mar. 5, 1990) (Res. 1989-1, Mar. 6, 1989) (Ord. 1982-7, pt. S1, Nov. 1, 1982) (Ord. 1978-13, pt. S1, Dec. 14, 1978) (Ord. 1978-12, pt. S1, Oct. 18, 1978) (Ord. 1972-115 pt. SIII, July 11, 1972) (Ord. 1972-1, Mar. 6, 1972) (Ord. 1972-1, Mar. 6, 1972) (Ord. 98, S1a, Oct. 19, 1959)

**18.02.020 Collection or Deferred Payment Charge.** All bills not paid on the due date thereof, as stated in such bills, shall be subject to a collection or deferred payment charge of ten percent (10%) on the first Three Dollars (\$3.00) and three percent (3%) on the excess over Three Dollars (\$3.00). (Ord. 2010-4, S2, June 7, 2010) (Ord. 2008-3, S2, July 22, 2008) (Ord. 2005-6, S2, Aug. 1, 2005) (Ord. 1997-7, S2, Oct. 6, 1997) (Ord. 1993-10, S2, July 5, 1993) (Ord. 1992-3, S2, April 6, 1992) (Ord. 1991-3, S2, March 4, 1991) (Ord. 1989-3, S1, Sept. 11, 1989) (Ord. 1982-7, S1, Nov. 1, 1982) (Ord. 1978-13, S2, Dec. 14, 1978) (Ord. 1978-12, S2, Oct. 18, 1978) (Ord. 98, S1c, Oct. 19, 1959)

**18.02.030 Surcharge for services rendered outside the corporate limits.** All users outside the corporate limits of the Town of Dale shall pay a surcharge of five percent (5%) for any service rendered or for the use of water. (Ord. 2010-4, S3, June 7, 2010) (Ord. 2008-3, S3, July 22, 2008) (Ord. 2005-6, S3, Aug. 1, 2005) (Ord. 1997-7, S3, Oct. 6, 1997) (Ord. 1993-10, S3, July 5, 1993)

**18.02.171 Discontinuance of water service.** The Town Board is hereby authorized to discontinue water service to any water consumer or to any property, upon failure by such water consumer or the owner of such property to pay any charges legally due such municipal corporation for sewer, water, or sewer disposal plant service to such water consumer or such property: Provided, however, That such water service shall not be discontinued for non-payment of such sewer, water or sewage disposal plant service, until such charges shall have been due and unpaid for at least thirty (30) days. (Ord. 1972-115, S1, July 11, 1972) (Ord. 1972-1, March 6, 1972)

**18.02.172 Written notice of intention to discontinue service.** Prior to discontinuance of such water service pursuant to Section 18.02.171, of this Chapter, the Town of Dale, shall give written notice to such water consumer or the owner of such property of its intention to discontinue such water service if such unpaid sewer, water or sewage disposal plant service charges are not paid on or before a date to be specified in such notice. Such written notice shall be given by regular United States Mail posted not less than ten (10) days prior to the date upon which such water service is to be discontinued and shall be addressed to such water consumer, or such property owner at last known address. (Ord. 1972-115, SII, July 11, 1972)

**18.02.173 Condition of pipes, fixtures, meters.** That service shall furthermore be discontinued from the water consumer or property owner for the willful waste of water through improper or imperfect pipes, fixtures, meters, or otherwise; and for the failure to protect the connections, service lines, or fixtures in good order. (Ord. 1972-115, pt. SIII, July 11, 1972) (Ord. 1972-1, March 6, 1972)

**18.02.175 Correction of reason for discontinuance of water service.** That when service has been discontinued, it will be renewed under a proper application, when conditions under which the service was suspended are corrected, and on the payment of all charges in arrears. (Ord. 1972-115, pt. SIII, July 11, 1972) (Ord. 1972-1, March 6, 1972)

**18.02.176 Deposit.** Whenever an application is made by a person who is not the owner of the premises to be supplied, collect a deposit of One Hundred Dollars (\$100.00) for water services and One Hundred Dollar (\$100.00) for wastewater treatment services which shall be used as required by the Town to offset any and all delinquencies by the applicant. Said deposit payment shall only be accepted if made in the form of cash, certified check, cashier's check or money order. (Res. 1990-1, March 5, 1990) (Res. 1989-1, Mar. 6, 1989) (Ord. 1972-115, pt. III, July 11, 1972) (Ord. 1972-1, March 6, 1972)

**18.02.200 Removal of water utility from the jurisdiction of the Indiana Utility Regulatory Commission.** That the Town shall hereby remove itself from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes or other evidence of indebtedness for its water works system. (Ord. 1989-3, S1, Sept. 11, 1989)

**18.02.400 Sale of water to Santa La Hill, Inc.**

- (1) RATES AND CHARGES – The water utility of the Town of Dale enter into a contract with Santa La Hill, Inc. for the sale of, not to exceed 52,000 gallons of water per day, for the consideration and payment of a sum equal to thirty-one cents (\$0.31) per thousand gallons, to be metered by equipment owned by the Santa La Hill, Inc. The meter to be read on the first calendar day of each month and billing to be made to the corporation not later than the fifth (5<sup>th</sup>) day of the month, and payment therefor to be made by the corporation not later than the tenth (10<sup>th</sup>) day of the month. (Ord. 105, S5, Jan. 4, 1965)
- (2) TERM OF WATER CONTRACT – That the term of the contract shall be for a term of forty (40) years, which may thereafter be extended or renewed by mutual consent at the will of the parties. That the contract provide that the schedule of rates to be paid by the corporation are subject to revaluation and reestablishment at the end of every five (5) year period by mutual consent of the parties thereto. (Ord. 105, S6, Jan. 4, 1965)
- (3) EXECUTION OF CONTRACT – That the proper officers of the Board of Trustees of the Town of Dale, Indiana, are hereby authorized to execute any

and all contracts or other written instruments as may be necessary to make such contract of the sale of water to Santa La Hill, Inc., and to execute any and all petitions to or publish such rates as may be required by the rules and regulations of the Public Service Commission of Indiana. (Ord. 105, S7, Jan. 4, 1965)

- (4) INDIANA PUBLIC SERVICE COMMISSION CONSENT – That proper consent of the Public Service Commission of the State of Indiana be procured for said contractual sale of water to Santa La Hill, Inc., in accordance with statutes of the State of Indiana (Burns 48-7207). (Ord. 105, S8, Jan, 4, 1965)

**18.02.500 Purchase of water from St. Henry Water Corporation.** That the Town of Dale, Spencer County, Indiana, enter into the Contract with St. Henry Water Corporation, said Contract being entitled “Water Purchase Contract”, which said Contract is marked Exhibit “A”, and that President of said Board of Trustees and the Clerk-Treasurer of the Town of Dale, Indiana, are hereby instructed and directed to execute said Contract with St. Henry Water Corporation, agreeing to make payment of the connection fee in the sum of \$218,000.00 and to purchase water from said Corporation for a period of forty (40) years under the terms and conditions set out in said Contract. (Ord. 1978-4, S1, August 24, 1978)

## Chapter 18.21

### CONNECTION AND USE OF SANITARY SEWAGE SYSTEM

#### Sections:

- 18.21.010 Definitions
- 18.21.020 Unlawful to deposit objectionable wastes in an unsanitary manner
- 18.21.030 Private sewage disposal system
- 18.21.040 Connection to sewer system
- 18.21.050 Discharges to sanitary sewer prohibited
- 18.21.060 Pretreatment of industrial wastes
- 18.21.070 Pretreatment plans and specifications
- 18.21.080 Disposal of unpolluted water
- 18.21.090 Industrial cooling water
- 18.21.100 Wastewater data
- 18.21.110 Determination of strength of wastewater
- 18.21.120 Grease, oil, and sand interceptor
- 18.21.130 Unusual flows
- 18.21.140 Applicability of State and Federal requirements
- 18.21.150 Damage violation
- 18.21.160 Only authorized employees can enter public and private properties
- 18.21.170 Penalty for violation of Sections 18.21.020(2) and (3) as well as Section 18.21.040(8)
- 18.21.180 Penalty for violation of ordinance except provisions covered under Section 18.21.170
- 18.21.190 Severability
- 18.21.200 Right to appeal

**18.21.010 Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance (Chapter) shall be as follows:

- (1) "Ammonia" (or  $\text{NH}_3$ ) shall mean all nitrogen in water, wastewater or other liquid waste present in the form of ammonia ( $\text{NH}_3$ ) or other ammonium ion ( $\text{NH}_4^+$ ).
- (2) "Biochemical oxygen demand" (or BOD) shall mean 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 (5) days at 20 degrees C.
- (3) "Building drain" shall mean that 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 (3) feet outside the building wall.

Building drain – Sanitary - A building drain which conveys sanitary or industrial sewage only.

Building drain – Storm - A building drain which conveys storm water or other clearwater drainage, but no wastewater.

- (4) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal. (Also called house connection.)

Building sewer - Sanitary - A building sewer which conveys sanitary or industrial sewage only.

Building sewer – Storm - A building sewer which conveys storm-water or other clearwater drainage, but no sanitary or industrial sewage.

- (5) "Compatible pollutant" shall mean 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 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- A. chemical oxygen demand,
- B. total organic carbon,
- C. phosphorus and phosphorus compounds,
- D. nitrogen and nitrogen compounds, and
- E. fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

- (6) "Easement" shall mean an acquired legal right for the specific use of land owned by others.

- (7) "Fecal coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

- (8) "Floatable oil" shall mean, oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town.

- (9) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- (10) "Incompatible pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.
- (11) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from employee wastes or wastes from sanitary conveniences.
- (12) "Infiltration" shall mean 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.)
- (13) "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- (14) "Inflow" shall mean 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, catch basins, storm waters, surface run-off, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.)
- (15) "Inspector" shall mean the person or persons duly authorized by the Town, through its Board of Trustees, to inspect and approve the installation of building sewers and their connection to the public sewer system.
- (16) "Major contributing industry" shall mean an industry that:
  - A. has a flow of 50,000 gallons or more per average work day; or
  - B. has a flow greater than five percent of the flow carried by the municipal system receiving the waste; or
  - C. has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) of PL 92-500; or
  - D. 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.

- (17) "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.
- (18) "Natural Outlet" shall mean any outlet, including storm sewers into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- (19) "Normal domestic sewage" shall have the same meaning as defined in the Sewage Rate Ordinance.
- (20) "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.
- (21) "Person" shall mean any individual, firm, company, association, society, corporation, group or other entity.
- (22) "Pretreatment" shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.
- (23) "Private sewer" shall mean a sewer which is not owned by a public authority.
- (24) "Properly shredded garbage" shall mean 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 (1/2) inch in any dimension.
- (25) "Public sewer" shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:
- Collector sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.
- Interceptor sewer shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
- Force main shall mean a pipe in which wastewater is carried under pressure.
- Pumping station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.
- (26) "Sanitary sewer" shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.
- (27) "Sewage" shall mean the combination of the 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:

Sanitary sewage shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

Industrial sewage shall mean 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 (this shall include the wastes from pretreatment facilities and polluted cooling water).

- (28) "Sewage works" shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.
- (29) "Sewer" shall mean a pipe or conduit for carrying sewage.
- (30) "Shall" is mandatory; "May" is permissive.
- (31) "Slug" shall mean 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 10 minutes more than 3 times the average 24 hours concentration of flows during normal operation and shall adversely affect the collection system.
- (32) "Standard methods" shall mean 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.
- (33) "Storm sewer" shall mean 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.
- (34) "Superintendent" shall mean the Superintendent of the municipal sewage works of the Town of Dale, Indiana, or his authorized deputy, agent or representative.
- (35) "Suspended solids" shall mean 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.
- (36) "Total solids" shall mean the sum of suspended and dissolved solids.
- (37) "Toxic amount" shall mean 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 Section 307 (a) of PL 92-500.

- (38) "Unpolluted water" is 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 benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (39) "Volatile organic matter" shall mean the material in the sewage solids transformed to gases or vapors when heated at 55 degrees C for 15 to 20 minutes.
- (40) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 1988-7, S1, Sept. 6, 1988) (Ord. 103, S1, March 2, 1964)

**18.21.020 Unlawful to deposit objectionable wastes in an unsanitary manner.**

- (1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property with the Town or in any area under the jurisdiction of said Town any human or animal excrement, garbage, or other objectionable waste. (Ord. 1988-7, S2a, Sept. 6, 1988) (Ord. 103, S2a, March 2, 1964)
- (2) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwaters, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. (Ord. 1988-7, S2b, Sept. 6, 1988)
- (3) Stormwater, 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 Town. No new connection shall be made to any sanitary sewer unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids. (Ord. 1988-7, S2c, Sept. 6, 1988)
- (4) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit. (Ord. 1988-7, S2d, Sept. 6, 1988)
- (5) 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 ordinance and the

NPDES Permit. (Ord. 1988-7, S2e, Sept. 6, 1988) (Ord. 103, S2b, March 2, 1964)

- (6) 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. (Ord. 1988-7, S2f, Sept. 6, 1988) (Ord. 103, S2c, March 2, 1964)
- (7) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line. (Ord. 1988-7, S2g, Sept. 6, 1988) (Ord. 103, S2d, March 2, 1964)

#### **18.21.030 Private sewage disposal system.**

- (1) Where a public sanitary sewer is not available under the provisions of Section 18.21.020(7), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. (Ord. 1988-7, S3a, Sept. 6, 1988) (Ord. 103, S3a, March 2, 1964)
- (2) 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 twenty-five dollars (\$25.00) shall be paid to the Town at the time the application is filed. (Ord. 1988-7, S3b, Sept. 6, 1988)
- (3) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, 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 twenty-four (24) hours of the receipt of notice by the Superintendent. (Ord. 1988-7, S3c, Sept. 6, 1988)
- (4) 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 twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 1988-7, S3d, Sept. 6, 1988)
- (5) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 18.21.030 (4), a direct

connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Ord. 1988-7, S3e, Sept. 6, 1988)

- (6) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town. (Ord. 1988-7, S3f, Sept. 6, 1988) (Ord. 103, S3c, March 2, 1964)
- (7) When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. 1988-7, S3g, Sept. 6, 1988) (Ord. 103, S3b, March 2, 1964)
- (8) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. (Ord. 1988-7, S3h, Sept. 6, 1988) (Ord. 103, S3d, March 2, 1964)

#### **18.21.040 Connection to sewer system.**

- (1) 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 Clerk-Treasurer. (Ord. 1988-7, S4a, Sept. 6, 1988) (Ord. 103, S4a, March 2, 1964)
- (2) There shall be two (2) classes of building sewer permits:
  - A. for residential and commercial service, and
  - B. for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the said Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fees of fifteen dollars (\$15.00) for a residential or commercial building sewer permit and twenty-five dollars (\$25.00) for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed. (Ord. 1988-7, S4b, Sept. 6, 1988) (Ord. 103, S4b, March 2, 1964)
- (3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 1988-7, S4c, Sept. 6, 1988) (Ord. 103, S4c, March 2, 1964)

- (4) 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. (Ord. 1988-7, S4d, Sept. 6, 1988) (Ord. 103, S4d, March 2, 1964)
- (5) 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 ordinance. (Ord. 1988-7, S4e, Sept. 6, 1988) (Ord. 103, S4e, March 2, 1964)
- (6) 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 Town. 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.F. Manual of Practice No. FD-5 shall apply. (Ord. 1988-7, S4f, Sept. 6, 1988) (Ord. 103, S4g, March 2, 1964)
- (7) 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. (Ord. 1988-7, S4g, Sept. 6, 1988) (Ord. 103, S4h, S4i, March 2, 1964)
- (8) 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. (Ord. 1988-7, S4h, Sept. 6, 1988) (Ord. 103, S5a, March 2, 1964)
- (9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.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. (Ord. 1988-7, S4i, Sept. 6, 1988) (Ord. 103, S4f, S4j, 4k, 4l, March 2, 1964)
- (10) 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 representative. (Ord. 1988-7, S4j, Sept. 6, 1988) (Ord. 103, S4m, March 2, 1964)

- (11) 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 Town. (Ord. 1988-7, S4k, Sept. 6, 1988) (Ord. 103, S4n, March 2, 1964)
- (12) No person, firm or corporation shall discharge sewage or other effluent, either directly or indirectly, which flows into the wastewater treatment system owned by the Town of Dale, without first paying the connection fee prescribed by the Town of Dale. Any person, firm or corporation who violates Ordinance 1999-3 shall be liable for a civil penalty not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per day for each day of violation. (Ord. 1999-3, S1 & 5, 1999)
- (13) When two or more users are connected into the Town's wastewater treatment system from a pipe or piping system not owned by the Town of Dale, the owner of the connecting pipe or piping system shall install a flow meter in such a manner as to adequately monitor the total flow entering the Town of Dale's wastewater treatment system and provided sampling of no less than on a monthly basis to indicate to the quality of the sewage or wastewater being piped into the Town of Dale's wastewater treatment system. Any person, firm or corporation who violates Ordinance 1999-3 shall be liable for a civil penalty not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per day for each day of violation. (Ord. 1999-3, S2 & 5, 1999)
- (14) When two or more users are connected into the Town's wastewater treatment system from a pipe or piping system not owned by the Town of Dale, the Town of Dale shall provide one statement for the total amount and strength of effluent or wastewater from any piping system which deposits effluent or wastewater into the Town of Dale's wastewater treatment system to the owner of the piping system. Any person, firm or corporation who violates Ordinance 1999-3 shall be liable for a civil penalty not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per day for each day of violation. (Ord. 1999-3, S3 & 5, 1999)
- (15) The town of Dale may require the installation of the flow meter and sampling system be installed and operational within thirty (30) days after notice to do so by the Town of Dale. In the event the owner of the piping system fails to make the required installations within the said thirty (30) day period, the Town of Dale may make the installation and assess the cost of the same to the owner of the piping system. Any person, firm or corporation who violates Ordinance 1999-3 shall be liable for a civil penalty not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per day for each day of violation. (Ord. 1999-3, S4 & 5, 1999)

**18.21.050 Discharges to sanitary sewer prohibited.**

- (1) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - B. 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 sewage treatment plant.
  - C. 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.
  - D. 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, etc., either whole or ground by garbage grinders.
  - E. 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.
  - F. Any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
  - G. Any waters or wastes having pH in excess of 9.5.
  - H. Materials which exert or cause:
    1. 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 sulfite).

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- I. Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 1988-7, S5a, Sept. 6, 1988) (Ord. 103, S5c, S5f, March 2, 1964)
- (2) 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 Section 18.21.050(1) of this Chapter, and which in the 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 (or other large users) or industries (or other large users) with significant increase in discharges 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 Town.
  - 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.

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. (Ord. 1988-7, S5b, Sept. 6, 1988)

- (3) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. 1988-7, S5c, Sept. 6, 1988) (Ord. 103, S5g, March 2, 1964)
- (4) 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 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 expense, and shall be maintained so as to be safe and accessible at all times. Agents of the Town, 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. (Ord. 1988-7, S5d, Sept. 6, 1988) (Ord. 103, S5h, March 2, 1964)
- (5) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standards 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 CFR 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 twenty-four (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, BOD, suspended solids and NH<sub>3</sub> analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples. (Ord. 1988-7, S5e, Sept. 6, 1988) (Ord. 103, S5i, March 2, 1964)
- (6) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate ordinance. (Ord. 1988-7, S5f, Sept. 6, 1988) (Ord. 103, S5j, March 2, 1964)

**18.21.060 Pretreatment of industrial wastes.** 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 CFR Part 403), and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), in addition to any more stringent requirements established by the Town and any subsequent State or Federal Guidelines and Rules and Regulations. (Ord. 1988-7, S6, Sept. 6, 1988)

**18.21.070 Pretreatment plans and specifications.** Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the Town 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 expense and shall be subject to periodic inspection by the Town 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 Town a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against Town monitoring records. (Ord. 1988-7, S7, Sept. 6, 1988)

**18.21.080 Disposal of unpolluted water.** Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available. Where a storm sewer is not available, discharge may be to a natural outlet approved by the Town and by the State of Indiana. Where a storm sewer, or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the Town. (Ord. 1988-7, S8, Sept. 6, 1988)

**18.21.090 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 the above Section. (Ord. 1988-7, S9, Sept. 6, 1988) (Ord. 103, S5b, March 2, 1964)

**18.21.100 Wastewater data.** The Town 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 users' expense. If made by the Town, an appropriate charge may be assessed to the user at the option of the Town. (Ord. 1988-7, S10, Sept. 6, 1988)

**18.21.110 Determination of strength of wastewater.** 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 Town may elect, or, at any place mutually agreed upon between the user and the Town. Appropriate charges for sampling and analysis may be assessed to the user at the option of the Town. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the Town. (Ord. 1988-7, S11, Sept. 6, 1988)

**18.21.120 Grease, oil, and sand interceptors.** Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Town they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand 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 Town 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 expense, in continuously efficient operation at all times. (Ord. 1988-7, S12, Sept. 6, 1988) (Ord. 103, S5d, S5e, Mar. 2, 1964)

**18.21.130 Unusual flows.** Users of the treatment works shall immediately notify the Town of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system. (Ord. 1988-7, S13, Sept. 6, 1988)

**18.21.140 Applicability of State and Federal requirements.** All provisions of this ordinance and limits set herein shall comply with any applicable State and/or Federal Requirements now, or projected to be in effect. (Ord. 1988-7, S14, Sept. 6, 1988)

**18.21.150 Damage violation.** 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. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 1988-7, S15, Sept. 6, 1988) (Ord. 103, S6, March 2, 1964)

**18.21.160 Only authorized employees can enter public and private properties.**

- (1) The Superintendent, Inspector and other duly authorized employees of the Town 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 ordinance. The Superintendent or his 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. (Ord. 1988-7, S16(a), Sept. 6, 1988) (Ord. 103, S7, March 2, 1964)
- (2) While performing the necessary work on private properties referred to in Section 18.21.160(1) above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling

operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 18.21.050(5). (Ord. 1988-7, S16(b), Sept. 6, 1988)

- (3) The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town 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 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. 1988-7, S16(c), Sept. 6, 1988)

**18.21.170 Penalty for violation of Sections 18.21.020(2) and (3), as well as, Section 18.21.040(8).**

- (1) Any persons found to be violating Section 18.21.020(2), Section 18.21.020(3) and Section 18.21.040(8) of this ordinance, shall be subject to a penalty not to exceed one hundred dollars (\$100.00) per month, per billing account. This penalty shall be imposed beginning the month immediately following passage and adoption of this ordinance by the Board of Trustees. (Ord. 1988-7, S17a, Sept. 6, 1988) (Ord. 103, S8a, March 2, 1964)
- (2) There shall be a moratorium upon the requirements for payment by any persons for a period of six (6) months from the time of enactment of this ordinance of the penalty as set forth in Section 18.21.170(1) above. Further, any person who has, pursuant to Section 18.21.170(3) below, consented to the inspection of their respective premises within ninety (90) days of the date of adoption of this ordinance, shall not be liable for payment until such inspection has been accomplished and the person given the opportunity to bring said premises into compliance within the time frame set out in Section 18.21.170(3). (Ord. 1988-7, S17b, Sept. 6, 1988)
- (3) A person may avoid liability for payment of the penalty established in Section 18.21.170(1) above upon a showing that he is in compliance with all provisions of Sections 18.21.040(8), 18.21.020(2), and 18.21.020(3) of this Chapter, which showing shall consist of the following procedures and conditions as to each building or appurtenance connected to the sanitary sewer:
  - A. Each such person shall, as to each such building or appurtenance so connected to the sanitary sewer, execute a "Grant of Permission" to the Town of Dale, to come upon the property and within the premises thereon, of such persons to inspect and/or perform sewer tests as may be deemed necessary by the Town to verify the compliance hereinbefore referred to;

- B. The Grant of Permission set forth in Section 18.21.170(3) shall be deemed to include periodic inspections and/or tests as may be determined to be necessary by the Town of Dale to maintain, insure and monitor compliance with the provisions of Section 18.21.040(8), 18.21.020(2), 18.21.020(3) of this Chapter;
  - C. The term "Town of Dale" as used herein, shall mean and include such employees, or designees of the Town of Dale, Indiana, as it shall, from time to time utilize in making the inspections and/or tests heretofore referred to. Such persons shall have on their persons, identification to verify the fact that they in fact represent said Town for said purposes.
  - D. The inspections shall be made upon reasonable notice of at least forty-eight (48) hours. There shall be no fee charged for said inspections.
  - E. If, upon the initial inspection contemplated by Section 18.21.170(2) above to verify compliance, a person is in fact not found to be in compliance, said person shall be given fourteen (14) days from the date of said inspection to so comply. (Ord. 1988-7, S17c, Sept. 6, 1988)
- (4) In the event, a person if found to be in compliance as heretofore set forth, and, upon subsequent inspection is found not to be in compliance, said person shall be liable for payment of an amount equal to the sum of the months since adoption of this ordinance, multiplied by the monthly penalty in effect during such period as the case may be; provided that, such liability shall be reduced to fifty percentum (50%) of said amount if said person complies within a period of ten (10) days after notice by the Town of Dale of his non-compliance a second or subsequent time, then said person shall be liable for a sum equal to five hundred dollars (\$500.00) plus an amount equal to the sum of the months since adoption of this Ordinance multiplied by the monthly penalty in effect during such period as the case may be. (Ord. 1988-7, S17d, Sept. 6, 1988)
  - (5) The Board of Trustees has determined that the measures heretofore set out are a reasonable means of insuring compliance with Sections 18.21.040(8), 18.21.020(2), and 18.21.020(3) of this ordinance and are further necessary to protect and insure the health, safety and welfare of the Citizens of Dale, Indiana, and surrounding areas. (Ord. 1988-7, S17e, Sept. 6, 1988)

**18.21.180 Penalty for violation of Ordinance except provisions covered under Section 18.21.170.**

- (1) Any person found to be violating any provision of this ordinance except provisions covered under Section 18.21.170 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable

time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

- (2) Any person who shall continue any violations beyond the time limit provided for in Section 18.21.180(1) shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 1988-7, S18b, Sept. 6, 1988) (Ord. 103, S8b, March 2, 1964)
- (3) Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation. (Ord. 1988-7, S18c, Sept. 6, 1988) (Ord. 103, S8c, March 2, 1964)

**18.21.190 Severability.** All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts. (Ord. 1988-7, S19, Sept. 6, 1988) (Ord. 103, S9, March 2, 1964)

**18.21.200 Right to appeal.** That the rules and regulations promulgated by the Town, after approved by the Board of Trustees 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 and user charge system to the Board of Trustees and that any decision concerning the sewage system or user charges of the Board of Trustees may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act. (Ord. 1988-7, S20, Sept. 6, 1988)

## Chapter 18.22

### SEWER RATES AND CHARGES

#### Sections:

- 18.22.010 Definitions
- 18.22.020 User classes
- 18.22.025 Deposit
- 18.22.030 User rates and charges
- 18.22.035 Sewer Availability Fee
- 18.22.036 Allowance for Credit for Sewer Availability Fee
- 18.22.037 Procedures for Sewer Availability Fee
- 18.22.040 Quantity of water discharged into the Sanitary Sewage System
- 18.22.050 Volume, strength and character of sewage
- 18.22.060 Billing and collection procedures
- 18.22.065 Reconnection fee
- 18.22.070 Sewer rate study
- 18.22.080 Enforcement
- 18.22.090 Separability
- 18.22.100 Special rate contracts
- 18.22.110 Rates effective when
- 18.22.120 Right to appeal

**18.22.010 Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (1) "Council" shall mean the Town Council of the Town of Dale, Indiana, or any duly authorized officials acting in its behalf.
- (2) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance.
- (3) "Town" shall mean the Town of Dale, Indiana, acting by and through the Town Council.
- (4) "Debt Service Costs" shall mean the average annual principal and interest payments on all proposed revenue bonds or other long-term capital debt.
- (5) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- (6) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.

- (7) NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.
- (8) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:
- BOD not more than 250 mg/1  
S.S. not more than 250 mg/1  
NH<sub>3</sub> not more than 25 mg/1
- As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.
- (9) "Operation and Maintenance Costs" include 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.)
- (10) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges other than User Charges, debt service charges and excessive strength surcharges.
- (11) "Person" shall mean 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.
- (12) "Replacement Costs" shall mean 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.
- (13) "S.S." (or suspended solids) shall have the same meaning as defined in the Sewer Use Ordinance.
- (14) "Shall" is mandatory; "May" is permissive.
- (15) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.
- (16) "Sewer Use Ordinance" shall mean a separate Ordinance, which regulates the connection to and use of public and private sewers.
- (17) "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works.

- (18) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e. residential, commercial, industrial, institutional, and governmental in the User Charge System).

Residential User - shall mean 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, etc.

Commercial User - shall mean any establishment involved in a commercial enterprise, business or service which based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State, or local governmental user of the waste water treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a waste water treatment works. (Ord. 1997-6, S1, Oct. 6, 1997) (Ord. 1996-1, S1, April 18, 1996) (Ord. 1993-11, S1, July 19, 1993) (Ord. 1988-8, S1, Sept. 20, 1988) (Ord. 1979-2, S4, 1979) (Ord. 102, S4, March 2, 1964)

**18.22.020 User classes.** Every person whose premises are served by said sanitary 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 rates shall be uniform in magnitude.

- (1) 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. (Ord. 1997-6, S2(a), Oct. 6, 1997) (Ord. 1996-1, S2(a), April 18, 1996) (Ord. 1993-11, S2(a), July 19, 1993) (Ord. 1988-8, S2(a), Sept. 20, 1988)

(2) The various classes of users of the treatment works for the purposes of this ordinance, shall be as follows:

- Residential
- Commercial
- Governmental
- Institutional
- Industrial

(Ord. 1997-6, S2(b), Oct. 6, 1997) (Ord. 1996-1, S2(b), April 18, 1996) (Ord. 1993-11, S2(b), July 19, 1993) (Ord. 1988-8, S2(b), Sept. 20, 1988)

**18.22.025 Deposit.** Whenever an application is made by a person who is not the owner of the premises to be supplied, collect a deposit of One Hundred Dollars (\$100.00) for water services and One Hundred Dollars (\$100.00) for wastewater treatment services which shall be used as required by the Town to offset any and all delinquencies by the applicant. Said deposit payment shall only be accepted if made in the form of cash, certified check, cashier's check or money order. (Ord. 1990-1, Mar. 5, 1990) (Res. 1989-1, Mar. 6, 1989)

**18.22.030 User rates and charges.** For the use of and the services rendered by sanitary 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 Town's sanitary sewage system or otherwise discharges sanitary sewage, industrial waste, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town of Dale. 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 follows:

- (1) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same be measured by the water meter there in use, plus a base charge based on the size of the water meter installed, except as otherwise provided in this ordinance. For the purpose of billing and collecting and charges for sewage service, the water meters shall be read monthly and the users shall be billed monthly (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall initially be determined as follows:

All Users

- A. Treatment Rate per 1,000 gallons of usage per month:

User Charge	Debt Service	Total
\$2.60	\$3.75	\$6.35
plus		

- B. Base Rate - as follows:

Meter Size	User Charge	Debt Service	Total
5/8 - 3/4 inch water meter	\$ 9.05	\$ 6.90	\$ 15.95
1 inch water meter	18.19	38.22	
1 1/4 inch water meter	27.32	32.41	60.48
1 1/2 inch water meter	38.28	47.74	87.22
2 inch water meter	63.86	83.43	149.54
3 inch water meter	143.03	193.91	342.44
4 inch water meter	246.56	338.34	594.65
6 inch water meter	557.15	771.64	1,351.29

(Ord. 2002-7, S3A, July 24, 2002) (Ord. 1997-6, S3(a), Oct. 6, 1997) (Ord. 1996-1, S3(a), April 18, 1996) (Ord. 1993-11, S3(a), July 19, 1993) (Ord. 1988-8, S3a, Sept. 20, 1988) (Ord. 1988-1, S1, Mar. 21, 1988) (Ord. 1981-8, S1, Nov. 2, 1981) (Ord. 1979-2, S1, 1979) (Ord. 102, S1, March 2, 1964)

- (2) For 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 RATE

USER CHARGE	DEBT SERVICE	TOTAL
Residential		
Single family residence/unit		
\$ 19.45	\$21.90	\$41.35

Unmetered non "Residential Single Family Dwellings Units" shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates to estimated usage and meter size. (Ord. 2002-7, S3B, July 24, 2002) (Ord. 1997-6, S3(b), Oct. 6, 1997) (Ord. 1996-1, S3(b), April 18, 1996) (Ord. 1993-11, S3(b), July 19, 1993) (Ord. 1988-8, S3(b), Sept. 20, 1988)

- (3) For the service rendered to the Town of Dale, said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith. (Ord. 2002-7, S3C, July 24, 2002) (Ord. 1997-6, S3(c), Oct. 6, 1997) (Ord. 1996-1, S3(c), April 18, 1996) (Ord. 1993-11, S3(c), July 19, 1993) (Ord. 1988-8, S3(c), Sept. 20, 1988) (Ord. 1988-1, S2h, March 21, 1988) (Ord. 1981-8, S2h, Nov. 2, 1981) (Ord. 1979-2, S2h, 1979) (Ord. 102, S2i, March 2, 1964)
- (4) For services rendered to users located outside the corporate limits of the Town of Dale a surcharge of twenty-five percent (25%) shall be paid on the debt service portion of said rate. (Ord. 2002-7, S3D, July 24, 2002) (Ord. 1997-6, S3(d), Oct. 6, 1997) (Ord. 1996-1, S3(d), April 18, 1996) (Ord. 1993-11, S3(d), July 19, 1993)
- (5) In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual cost of monitoring but not less than \$27.50 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in the ordinance. (Ord. 2002-7, S3E, July 24, 2002) (Ord. 1997-6, S3(e), Oct. 6, 1997) (Ord. 1996-1, S3(e), April 18, 1996) (Ord. 1993-11, S3(e), July 19, 1993) (Ord. 1988-8, S3(d), Sept. 20, 1988)
- (6) For connection to or tapping into the sewage works system, a fee of \$750.00 shall be paid. (Ord. 1997-6, S3f, Oct. 6, 1997)

#### **18.22.035 SEWER AVAILABILITY FEE (SAF).**

- (1) Effective September 1, 2002, in addition to any other fees charges or costs, and prior to discharging sewage into the town's sanitary sewers, the owner, lessee, or developer of any real estate:
  - A. requesting a new connection to the public sanitary sewers;
  - B. needing additional estimated wasteload allocation or capacity because of an increased use resulting in a greater classification of estimated wastewater flows;
  - C. needing additional estimated wasteload allocations or capacity as a result of a changed use resulting in a greater classification of estimated wastewater flows;

D. providing a projected classification for an estimated wasteload allocation that is less than the actual developed classification; or

E. requesting a reservation of capacity of estimated wasteload allocation,

shall pay to the Town a sewer availability fee (SAF) based upon the investigation into the capacity and needs of the Town's sewer system in the amount of One Thousand Two Hundred Dollars (\$1,200.00) per Equivalent Domestic Unit (EDU). The classification set forth in the Table For Estimating Wastewater Flows shall be used to calculate the estimated wasteload allocations or capacity and for determining the number of EDU's. (Ord. 2002-8, S1(A), July 24, 2002)

(2) The owner, lessee, or developer shall pay the SAF according to the following schedule:

A. PLATS - OUTSIDE TOWN LIMITS - one-third (1/3) of the SAF, upon the execution by the Town of a subdivision plat for all or part of the real estate to which the Town is providing sewer service located outside the town limits, with the balance of the SAF due per EDU upon the application of a sewer connection permit for each EDU that a permit is being requested; or

B. DEVELOPMENTS - INSIDE TOWN LIMITS - either

1. one-third (1/3) of the SAF upon the execution by the Dale Town Council of a plat for real estate located inside the Town Limits or being annexed, with the balance of the SAF due per EDU upon the application of a sewer connection permit for each EDU that a permit is being requested; or

2. one-third (1/3) of the SAF, upon the either of (i) the approval by the Dale Plan Commission of a commercial site plan for real estate located inside the Town Limits or being annexed or (ii) the acceptance of performance or maintenance bonds for public sanitary sewer improvements, if any, with the site plan approval, with the balance of the SAF due per EDU upon the application of a sewer connection permit for each EDU that a permit is being requested; or

C. OTHER DEVELOPMENTS - INSIDE OR OUTSIDE TOWN LIMITS - one-third (1/3) of the SAF, upon an approval by the Dale Town Council for sewer service or a reservation of capacity, if none of the above applies, with the balance of the SAF due per EDU upon the application of a sewer connection permit for each EDU that a permit being requested; or

- D. MISCELLANEOUS - all of the SAF, upon an application for a sewer connection permit when no portion of a SAF has been paid for said connection of the real estate; or
- E. CLASSIFICATION CHANGE - all of the SAF, upon the application for a remodeling or like permit or from an increased or changed use on the real estate resulting in a greater classification or estimated wastewater flows; or
- F. PROJECTED CLASSIFICATION CHANGE - the balance of the SAF, upon the application for an occupancy permit for real estate in which the provided projected wasteload allocation is less than the estimated wasteland allocation upon occupancy.

The balance of the SAF due shall mean the amount due based upon the estimated wasteload as outlined in this Section and the SAF in existence at the time payment is due to be made. The Council shall be permitted to round figures to express the SAF in whole dollars. (Ord. 2002-8, S1(B), July 24, 2002)

(3) Equivalent Domestic Unit (EDU); Table of Estimated Flow; SAF Calculation.

- A. One EDU is equivalent to the estimated average daily sewage flow for a standard single family residence within the Town's sanitary sewer system, which is three hundred and ten (310) gallons per day (gpd).
- B. For purposes of determining the estimated average flow in gallons per day for users other than a standard single family residence and for purposes of calculating the SAF, the number of EDU's for a user, other than a standard single family residence, shall be determined according to the table below, which estimated flow shall be divided by three hundred ten (310) gpd to derive the number of EDU's and to calculate the resulting SAF:

**Flow Calculation Factors (FCF)**

Service Connection Description	FCF (gallons per day)
Agricultural labor camp	50 per occupant
Airport	3 per passenger plus 20 per employee
Assembly hall	3 per seat
Athletic field (baseball, soccer, football, etc.)	1 per participant and spectator with additions for concessions
Auction and flea market: with full kitchen	5 per customer
Auction and flea market: with warming kitchen	4 per customer

Auction and flea market: without kitchen	3 per customer
Automatic self-cleaning bathroom	20 per cycle (3 per day)
Banquet caterer	10 per person
Bar (without food)	10 per seat
Beauty salon: perm or color changes	35 per customer
Beauty salon: cut with wash	10 per customer
Beauty salon: cut without wash	5 per person
Bed and breakfast	150 per bedroom
Bowling alley (with bar and/or food)	125 per lane
Bowling alley (without food)	75 per lane
Bus station	3 per passenger
Campground (organizational) with flush toilets, showers, central kitchen	40 per camper
Campground (organizational) without flush toilets, privy use, central dining hall, no showers, handwashing	20 per camper
Campground (recreational) with individual sewer connection	100 per campsite
Campground (recreational) without individual sewer connection	50 per campsite
Church with full kitchen	5 per sanctuary seat
Church with warming kitchen	4 per sanctuary seat
Church without kitchen	3 per sanctuary seat
Condominium, multi-family dwelling: one bedroom	200 per unit
Condominium, multi-family dwelling: two bedroom	300 per unit
Condominium, multi-family dwelling: three bedroom	350 per unit
Condominium, one and two family dwelling	150 per bedroom
Conferences	10 per attendee
Correctional facilities	120 per inmate
Day care center	20 per person
Dentist	200 per chair plus 75 per employee
Doctor's office	75 per doctor, plus 75 per nurse, plus 20 per support staff
Factory with showers	35 per employee
Factory without showers	20 per employee
Fire station: manned	75 per firefighter
Fire station: unmanned	35 per firefighter

Food service operations: cocktail lounge or tavern	35 per seat
Food service operations: restaurant (not open 24 hours)	35 per seat
Food service operations: restaurant (open 24 hours)	50 per seat
Food service operations: restaurant (not open 24 hours but located along an interstate)	50 per seat
Food service operations: restaurant (open 24 hours and located along an interstate)	70 per seat
Food service operations: tavern	35 per seat
Food service operations: curbside service (drive-in)	50 per car space
Golf comfort station	3 per 50% of maximum number of golfers
Golf main clubhouse	5 per golfer with additions for food service and showers
Hospital, medical facility	200 per bed
Hotel	100 per room
Kennels and vet clinics (sum of all of the following services at a facility):	
1) a. cages;	5 per cage
b. inside runs;	10 per run
c. outside runs;	20 per run
d. grooming;	10 per animal
e. surgery; plus	50 per surgery room
2) staff	75 per veterinary doctor, plus 75 per veterinary assistant, plus 20 per support staff
Mental health facility	100 per patient
Mobile home park	200 per lot
Motel	100 per room
Nursing home	100 per bed
Office building without showers	20 per employee
Office building with showers	35 per employee
Outpatient surgical center	50 per patient
Picnic area	5 per visitor
Race tracks	5 per attendee, 20 per staff
School: elementary	15 per pupil
School: secondary	25 per pupil
School with dormitory	100 per bed
Service station: convenience store/service center	1,000 with additions for food preparation and seating
Service station with only two (2) restrooms	400 per restroom

Service station with only unisex restroom	600 per restroom
Service station: automatic Self-cleaning bathroom	60 per day
Shopping center	0.1 per square foot of floor space, plus 20 per employee
Swimming pool bathhouse	10 per swimmer
Theater; drive-in	5 per car space
Theater: inside building	5 per seat

(Ord. 2002-8, S1(C), July 24, 2002)

- (4) The SAF paid may be refunded to the owner, lessee, or developer when paid the SAF, in the amount paid, less a reasonable fee to cover the Council and its staff's administrative costs, if the approvals for the project expire or the sewer service agreement becomes void because the sanitary sewer facilities are not timely constructed or accepted. (Ord. 2002-8, S1(D), July 24, 2002)
- (5) The Town Council is hereby authorized to review the SAF required by this Section every two years thereafter. Any such review shall be conducted by (i) a firm of certified public accountants and a firm of consulting engineers or employees of the Town, or (ii) officers or employees of the Town. (Ord. 2002-8, S1(E), July 24, 2002)

**18.22.036 Allowance for Credit For Sewer Availability Fee (SAF).**

- (1) If, when the determination that a SAF is due, the owner, lessee or developer of any real estate, or a related or affiliated entity or group, who owes the SAF fee (hereinafter (Fee Payer) is obligated to construct and dedicate to the Town a sanitary sewer or other facilities designated by Town, or is an equivalent or better alternative or addition for which a portion of the SAF is due (hereinafter "the INFRASTRUCTURE"). The Fee Payer may file a request for a credit towards the total SAF due under this ordinance. No credit will be entertained or made unless the request for a credit is filed in writing with the Town Council (hereinafter "the Council") at least ten (10) days prior to the date the first portion of the SAF is due without the prior approval of the Council at a public meeting. The amount of the credit towards the SAF shall be determined by the Council. The Council may credit the Fee Payer for the cost of the INFRASTRUCTURE being provided to the Town by the Fee Payer and shall be rounded so its expressed in whole figures. In no event shall a SAF credit exceed the SAF determined to be due. (Ord. 2002-8, S2(A), July 24, 2002)
- (2) Appeal Procedure: If, in the opinion of any Fee Payer, the amount of the credit is disputed, the Fee Payer shall have the right to contest said calculation in the following manner:

- A. The Fee Payer shall file a petition to appeal the amount of the credit, which shall be returned to the Town or its designee with a copy of an engineering report or other verifiable documentation supporting the Fee Payer's claim.
- B. Upon review of the Fee Payer's claim, the Town or its designee shall render a written determination that either the original calculation should be affirmed or the Fee Payer should be assigned a new credit figure.
- C. If the Fee Payer receives a new figure for the credit which is greater than the original amount assigned to such Fee Payer, the Fee Payer shall be credited accordingly and any amount over paid refunded. If the Fee Payer's petition is denied, said opinion shall be forwarded to the Fee Payer by certified mail, return receipt requested. The Fee Payer shall then have seven days from date of receipt to request a reconsideration by the Council. The Fee Payer shall submit a copy of the original petition and supporting documents to the Council and any additional acts concerning the dispute. The Town shall submit a copy of the determination denying the Fee Payer's claim, along with any supporting documents. Thereafter, the Council or its designated hearing officer, shall conduct, as soon as practicable, an informal hearing to determine and resolve the dispute based upon the documentation submitted and oral testimony of the Fee Payer. The Council or its hearing officer shall render a written decision at the close of the hearing or within thirty (30) days thereafter. The determination by the Council or hearing officer shall constitute the final administrative determination and shall be binding on both parties.
- D. A party or person aggrieved by the final administrative determination shall have the right to a judicial review of such determination in accordance with the provision of the Indiana Administrative Adjudication Act.
- E. Dispute or appeal of the amount of credit attributable to a Fee Payer shall not be a valid reason for non-payment of the SAF.
- F. If the Fee Payer does not prevail upon his appeal, the Fee Payer shall pay all costs incurred by the Town. (Ord. 2002-8, S2(B), July 24, 2002)

**18.22.037 Procedures for Sewer Availability Fee.** The Town Council is hereby authorized to make rules and regulations for the determination, processing, implementation and collection of the SAF and allowances for a credit, which includes, but is not limited to, establishing procedures and approving forms and agreements for the SAF and allowance for a credit. (Ord. 2002-8, S3, July 24, 2002)

**18.22.040 Quantity of water discharged into the Sanitary Sewage System.** The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonable elect, and the sewage service shall be billed at the above appropriate rates, except, as is hereinafter provided in this section, the Town 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 Town that such quantities do not enter the sewage system.

- (1) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the Town 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 Town the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this ordinance, the owner or other interested party shall at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determining of sewage discharge. Residential (single-family) users may be exempted from the requirement. (Ord. 1997-6, S4(a), Oct. 6, 1997) (Ord. 1996-11, S4(a), April 18, 1996) (Ord. 1993-11, S4(a), July 19, 1993) (Ord. 1988-8, S4(a), Sept. 20, 1988) (Ord. 1988-1, S2a, 2b, Mar. 21, 1988) (Ord. 1981-8, S2a, 2b, Nov. 2, 1981) (Ord. 1979-2, S2a, 2b, 1979) (Ord. 102, S2a, 2b, Mar. 2, 1964)
- (2) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another resource which is not measured by a water meter, or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge. (Ord. 1997-6, S4(b), Oct. 6, 1997) (Ord. 1996-11, S4(b), April 18, 1996) (Ord. 1993-11, S4(b), July 19, 1993) (Ord. 1988-8, S4(b), Sept. 20, 1988) (Ord. 1988-1, S2c, Mar. 21, 1988) (Ord. 1981-8, S2c, Nov. 2, 1981) (Ord. 1979-2, S2c, 1979) (Ord. 102, S2c, Mar. 2, 1964)
- (3) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's 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 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. (Ord. 1997-6, S4(c), Oct. 6, 1997) (Ord. 1996-11, S4(c), April 18, 1996) (Ord. 1993-11, S4(c), July 19, 1993) (Ord. 1988-8, S4(c), Sept. 20, 1988) (Ord. 1988-1, S2e, Mar. 21, 1988) (Ord. 1981-8, S2e, Nov. 2, 1981) (Ord. 1979-2, S2e, 1979) (Ord. 102, S2e, Mar. 2, 1964)

- (4) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's 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 Town 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 expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for their determination of sewage discharge. (Ord. 1997-6, S4(d), Oct. 6, 1997) (Ord. 1996-11, S4(d), April 18, 1996) (Ord. 1993-11, S4(d), July 19, 1993) (Ord. 1988-8, S4(d), Sept. 20, 1988) (Ord. 1988-1, S2d, Mar. 21, 1988) (Ord. 1981-8, S2d, Nov. 2, 1981) (Ord. 1979-2, S2d, 1979) (Ord. 102, S2d, Mar. 2, 1964)
- (5) Where a metered water supply is used for fire protection as well as for other uses not entering the sewer system, the Town may, in its discretion, make adjustments in the user charge as may be equitable. (Ord. 1997-6, S4(e), Oct. 6, 1997) (Ord. 1996-11, S4(e), April 18, 1996) (Ord. 1993-11, S4(e), July 19, 1993) (Ord. 1988-8, S4(e), Sept. 20, 1988) (Ord. 1988-1, S2g, Mar. 21, 1988) (Ord. 1981-8, S2g, Nov. 2, 1981) (Ord. 1979-2, S2g, 1979) (Ord. 102, S2h, Mar. 2, 1964)
- (6) In the event two or more dwelling units such as trailers, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sewage works, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case billing shall be for a single service in the manner set out elsewhere herein, except that an additional charge shall be added thereto in the amount of \$2.50 per month for each dwelling unit over one served through the single water meter. In the case of trailer parks, the number of dwelling units shall be computed and interpreted as the total number of trailers located and installed in said park, plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or other living space or spaces in which cooking facilities are provided. (Ord. 2010-12, SF, Dec. 29, 2010)
- (7) The Town Council of the Town of Dale, Indiana, shall not negotiate a reduction in wastewater treatment fees for any water leaks not entering the Town's wastewater treatment facilities that exceeds two leaks, per water meter, in any one calendar year. (Res. 1989-3, 1989)

**18.22.050 Volume, strength, and character of sewage.** In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the Town 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 Town 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 sampling point, as defined in the Sewer Use Ordinance, available to the Town at all times,

- (1) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 250 milligrams per liter of fluid or suspended solids in excess of 250 milligrams per liter of fluid or ammonia in excess of 25 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 \$.20 per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid.
  - B. **Rate Surcharge Based Upon BOD**  
There shall be an additional charge of \$.20 per pound of biochemical oxygen demand for biochemical oxygen demand received in excess of 250 milligrams per liter of fluid.
  - C. **Rate Surcharge Based Upon NH<sub>3</sub>**  
There shall be an additional charge of \$.29 per pound of ammonia for NH<sub>3</sub> received in excess of 25 milligrams per liter of fluid. (Ord. 1997-6, S5(a), Oct. 6, 1997) (Ord. 1996-11, S5(a), April 18, 1996) (Ord. 1993-11, S5a, July 19, 1993) (Ord. 1988-8, S5a, Sept. 20, 1988) (Ord. 1988-1, S3, Mar. 21, 1988) (Ord. 1981-8, S3, Nov. 2, 1981) (Ord. 1979-2, S3, 1979) (Ord. 102, S3, Mar. 2, 1964)
- (2) The determination of Suspended Solids, five-day Biochemical Oxygen Demand, and ammonia contained in the waste shall be in accordance with the current addition 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. (Ord. 1997-6, S5(b), Oct. 6, 1997) (Ord. 1996-11, S5(b), April 18, 1996) (Ord. 1993-11, S5(b), July 19, 1993) (Ord. 1988-8, S5(b), Sept. 20, 1988)

**18.22.060 Billing and collection procedure.** Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- (1) 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

and the basis for the charges for operation, maintenance and replacement. (Ord. 1997-6, S6(a), Oct. 6, 1997) (Ord. 1996-11, S6(a), April 18, 1996) (Ord. 1993-11, S6a, July 19, 1993) (Ord. 1988-8, S6a, Sept. 20, 1988) (Ord. 1988-1, S4, Mar. 21, 1988) (Ord. 1981-8, S4, Nov. 2, 1981) (Ord. 1979-2, S6, 1979) (Ord. 102, S6, Mar. 2, 1964)

- (2) 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 Town 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. (Ord. 1997-6, S6(b), Oct. 6, 1997) (Ord. 1996-11, S6(b), April 18, 1996) (Ord. 1993-11, S6b, July 19, 1993) (Ord. 1988-8, S6b, Sept. 20, 1988) (Ord. 1988-1, S4, Mar. 21, 1988) (Ord. 1981-8, S4, Nov. 2, 1981) (Ord. 1979-2, S6, 1979) (Ord. 102, S6, Mar. 2, 1964)
- (3) As provided by statute, all rates and charges not paid when due as hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of customer billing. (Ord. 1997-6, S6(c), Oct. 6, 1997) (Ord. 1996-11, S6(c), April 18, 1996) (Ord. 1993-11, S6(c), July 19, 1993) (Ord. 1988-8, S6c, Sept. 20, 1988) (Ord. 1979-2, S9, 1979)

**18.22.065 Reconnection fee.** When any water service has been discontinued by the Town of Dale, Indiana, for non payment of service fees, there shall be a Twenty Dollar (\$20.00) service charge imposed for the reconnection of said water service. (Res. 1990-1, Mar. 5, 1990) (Res. 1989-1, Mar. 6, 1989)

**18.22.070 Sewer rate study.** In order that the rates and charges for sewage services may remain proportional to the cost of providing services to the various uses of user classes and that said charges may remain sufficient to adequately fund the necessary replacement costs and other revenue and reserve requirements, the Town shall cause a study to be made no less than biannually, following the date on which this ordinance goes into effect. The Town 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. 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 adequate funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems. The study shall be made for the purpose of (1) reviewing the sufficiency of the revenues to properly operate the waste water treatment facility and all

appurtenances attached thereto; and (2) maintaining proportionality among the user classes of the rates and charges for sewage services.

Said studies shall be conducted by officers or employees of the Town, or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the Town shall determine to be best under the circumstances. (Ord. 1997-6, S7, Oct. 6, 1997) (Ord. 1996-11, S7, April 18, 1996) (Ord. 1993-11, S7, July 19, 1993) (Ord. 1988-8, S7, Sept. 20, 1988)

**18.22.080 Enforcement.** The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical efficient management of the Town's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage treatment works, for the construction and use of house sewers and connection to the sewage system, and for the regulation, collection, rebating and refunding of such rates and charges. No free service shall be provided to any user of the waste water treatment facility.

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the Town, or to require methods 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. 1997-6, S8, Oct. 6, 1997) (Ord. 1996-11, S8, April 18, 1996) (Ord. 1993-11, S8, July 19, 1993) (Ord. 1988-8, S8, Sept. 20, 1988) (Ord. 1988-1, S5, Mar. 21, 1988) (Ord. 1981-8, S5, Nov. 2, 1981) (Ord. 1979-2, S7, S10, 1979) (Ord. 102, S7, S9, Mar. 2, 1964)

**18.22.090 Separability.** The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts. (Ord. 1997-6, S9, Oct. 6, 1997) (Ord. 1996-11, S9, April 18, 1996) (Ord. 1993-11, S9, July 19, 1993) (Ord. 1988-8, S9, Sept. 20, 1988)

**18.22.100 Special rate contracts.** The Board is hereby further authorized to enter into special rate contracts with users 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. 1997-6, S10, Oct. 6, 1997) (Ord. 1996-11, S10, April 18, 1996) (Ord. 1993-11, S10, July 19, 1993) (Ord. 1988-8, S9, Sept. 20, 1988)

**18.22.110 Rates effective when.** The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this ordinance. (Ord. 1997-6, S11, Oct. 6, 1997) (Ord. 1996-11, S11, April 18, 1996) (Ord. 1993-11, S12, July 19, 1993) (Ord. 1988-8, S11, Sept. 20, 1988)

**18.22.120 Right to appeal.** That the rules and regulations promulgated by the Town, after approval by 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 administrator of the sewage system and user charge system to the Town Council and that any decision concerning the

sewage system or user charges of the Town Council may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act. (Ord. 1993-11, S11, July 19, 1993) (Ord. 1988-8, S11, Sept. 20, 1988)

## Chapter 18.43

### STORMWATER MANAGEMENT POLICY

#### Sections:

- 18.43.010 Stormwater runoff concern**
- 18.43.020 Indiana Code**
- 18.43.030 Subdivision Ordinance**
- 18.43.040 Consideration of Stormwater**

**18.43.010 Stormwater runoff concern.** The Town of Dale, Indiana, is concerned about the adverse effects of stormwater runoff to adjoining property owners and, indeed, to all property owners in the watershed including but not limited to flooding, erosion, and other damages. (Res. 2001-5, Whereas, Mar. 20, 2001)

**18.43.020 Indiana Code.** I.C. 36-9-28.5 requires all city and towns to have a stormwater management policy but which said policy does not have to actually manage stormwater runoff from developed real property. (Res. 2001-5, Whereas, Mar. 20, 2001)

**18.43.030 Subdivision Ordinance.** The Town of Dale, Indiana, already addresses some of the adverse effects of stormwater runoff through existing ordinances, such as the Subdivision Ordinance. (Res. 2001-5, Whereas, Mar. 20, 2001)

**18.43.040 Consideration of Stormwater.** The Dale Town Council hereby resolves that the impact of stormwater runoff from all developed or developing territory located within the town should be considered in public and private projects alike within the Town by weighing the risks, benefits and costs to the property owners affected and general public as a whole. (Res. 2001-5, Whereas, Mar. 20, 2001)

## Chapter 18.44

### DEPARTMENT OF STORMWATER MANAGEMENT

#### Sections:

- 18.44.010 State Law Adopted**
- 18.44.020 Department of Stormwater Management Created**
- 18.44.030 Board of Directors**
- 18.44.040 Terms of Board of Directors**
- 18.44.050 Special Taxing District**
- 18.44.060 Stormwater Management Department Budget**

**18.44.010 State Law Adopted.** IC 8-1.5-5 concerning stormwater management systems is hereby adopted by the town council of the Town of Dale, Indiana, so as to make the act and any and all amendments thereto effective and operative in town. (Ord. 2007-15, S18.44.010, Dec. 18, 2007)

**18.44.020 Department of Stormwater Management Created.** Pursuant to IC 8-1.5-5, a department of stormwater management shall be and is hereby created for the purpose of providing for the collection, disposal and drainage of storm and surface water in the Town of Dale, Indiana. (Ord. 2007-15, S18.44.020, Dec. 18, 2007)

**18.44.030 Board of Directors.** Pursuant to IC 8-1.5-5, the department of stormwater management shall be controlled by a board of directors which shall consist of three (3) directors appointed by the President of the Dale Town Council with not more than two (2) of whom may be of the same political party. (Ord. 2007-15, S18.44.030, Dec. 18, 2007)

**18.44.040 Terms of Board of Directors.** Pursuant to IC 8-1.5-5, the initial terms of the first board of directors appointed to the stormwater management board of directors shall be as follows: one (1) director shall be appointed to a one (1) year term, one (1) director shall be appointed to a two (2) year term, and one (1) director to a three (3) year term. Thereafter the terms of the board of directors shall be for a period of three (3) years and all initial terms shall begin January 1<sup>st</sup>, 2008. (Ord. 2007-15, S18.44.040, Dec. 18, 2007)

**18.44.050 Special Taxing District.** Pursuant to IC 8-1.5-5, there is hereby created a special taxing district which shall include all territory within the corporate boundaries of the Town of Dale, Indiana. (Ord. 2007-15, S18.44.050, Dec. 18, 2007)

**18.44.060 Stormwater Management Department Budget.** The board of directors shall prepare for the operation of the department on an annual basis which budget shall be subject to approval by the town council including the method of raising funds. Any issuance of bonds or other methods of making capital improvements shall be approved by the town council as provided by law. (Ord. 2007-15, S18.44.060, Dec. 18, 2007)