

**TITLE 10**  
**PUBLIC UTILITIES**

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**PUBLIC UTILITIES**

**Chapters:**

- 10.01 Protecting the Public Water System**
- 10.02 Water Rates and Charges**
- 10.03 Connection and Use of Water System**
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## Chapter 10.01

### PROTECTING THE PUBLIC WATER SYSTEM

#### Sections:

- 10.01.010 Definitions
- 10.01.020 Water Supply
- 10.01.030 Inspections
- 10.01.040 Right of Entry
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- 10.01.090 Violations and Penalties
- 10.01.100 Right of Access for Reasons other than Cross Connections and Penalties for Prohibition

**10.01.010 Definitions.** The following definitions in this section apply throughout this ordinance:

- (1) Approved check valve - A check valve of substantial construction and suitable materials that is positive in closing and permits no backage in a direction reverse to the normal flow.
- (2) Cross connection - Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Town of Ferdinand 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.
- (3) Person - Any person, firm association, organization, partnership, trust, or association of persons, joint venture, corporation, or company, and includes the United States, the State of Indiana, and any officer or agent thereof.
- (4) Potable water - Water that is safe for drinking, personal, or culinary use.
- (5) Reduced-pressure-principle backflow prevention device - A device containing a minimum of two independently acting, approved check valves, together with an automatically operated pressure differential relief valve locate between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the upstream (supply) pressure. In case of leakage of either check valve,

the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks. (Ord. 89-4 S1, 1989)

**10.01.020 Water Supply.** No person 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 Ferdinand 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 Ferdinand and by the Indiana Environmental Management Board in accordance with Rule 320 IAC 3-9. (Ord. 89-4 S2, 1989)

**10.01.030 Inspections.** The Town of Ferdinand shall cause inspections to be made of all properties served by the public water system where cross connections with the public water system are deemed possible by the Town. Inspections, reinspections, and the frequency thereof, shall be determined solely by the Town. (Ord. 89-4 S3, 1989)

**10.01.040 Right of Entry.** A representative of the Town of Ferdinand shall have the right of entry at any reasonable time to examine any property served by a connection to the public water system of the Town of Ferdinand for cross connections. On request, the owner, lessee, or occupant of any property shall furnish to the Town any pertinent information regarding the piping system or systems on such property. Refusal to allow access or refusal to provide requested pertinent information shall be deemed evidence of the presence of cross connections. (Ord. 89-4 S4, 1989)

**10.01.050 Discontinuance of Water.** The Town of Ferdinand is authorized to discontinue water service to any property wherein any connection in violation of this ordinance exists, and is authorized 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. The Town is authorized to withhold restoration of water service to such property until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance. (Ord. 89-4 S5, 1989)

**10.01.060 Emergency Discontinuance.** If it is deemed by the Town of Ferdinand that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written notice to that effect is delivered to the property or premises, service may be immediately discontinued. The owner, lessee, or occupants of the property or premises shall have an opportunity for hearing within ten (10) days of such emergency discontinuance. (Ord. 89-4 S6, 1989)

**10.01.070 Reduced-Pressure-Principal Backflow Prevention Device.** All persons using toxic or hazardous liquids, all hospitals, mortuaries, non-municipal waste water treatment plants, laboratories, and all other hazardous users shall install and maintain a reduced-pressure-principal backflow prevention device in the main water line serving each building on the property or premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing. (Ord. 89-4 S7, 1989)

**10.01.080 Supplementary to State of Indiana Uniform Plumbing Code.** This chapter (ordinance) does not supersede the State of Indiana Uniform Plumbing Code, but is supplementary to it. (Ord. 89-4 S8, 1989)

**10.01.090 Violations and Penalties.**

- (1) In addition or as an alternative to discontinuance of water service as provided in Section 10.01.050, the Town of Ferdinand is authorized to notify in writing any person found to be in violation of the provisions of this ordinance, which notice shall state the nature of the violation and provide a 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 violation beyond the time limit provided for in Section 10.01.090(a) shall be subject to a fine of Twenty Dollars (\$20.00) per day for each day the violation continues commencing with the date of the notice.
- (3) Any person found to be in violation of the provisions of this chapter (ordinance) shall be liable to the Town for any costs, expenses, losses, or damages occasioned by the Town by reason of such violation or its enforcement of this ordinance, including all reasonable attorney's fees.
- (4) In addition to or as an alternative to recovery of fines, costs, expenses, losses or damages, the Town may apply to the appropriate Court for an order seeking the elimination of any cross connection. (Ord. 89-4 S9, 1989)

**10.01.100 Right of Access for Reasons other than Cross Connections and Penalties for Prohibition.** Every person or entity who has an application for water service on file with the Town of Ferdinand or owns property receiving water service, as a condition to receiving and continuing to receive such service, shall allow representatives of the Town of Ferdinand access to the property served by the public water system at any reasonable time and for all reasonable purposes including, but not limited to, purposes relating to the examination, reexamination, inspection or reinspection of the property served by the utility; the installation, reinstallation, or maintenance, inspection, repair or replacement of the metering devices or any other utility property; or verification of meter readings. The failure or refusal to provide such access shall be deemed a violation of this Ordinance and the Town of Ferdinand is authorized, in such an instance, to discontinue water service to any property where a violation of this Ordinance exists. In addition to or as an alternate to the

discontinuation of service, the Town of Ferdinand is further authorized to notify, in writing, any person found to be in violation of the provisions of this Ordinance, which notice shall state the nature of the violation and provide a time period for the satisfactory correction of the violation. The offender shall, within the period of time stated in the notice, permanently cease all violations. Any person who shall continue any violation beyond the time limit provided for in the notice shall be subject to a fine of Twenty Dollars (\$20.00) per day for each day the violation continues, commencing on the date indicated in the notice. Any person found to be in violation of the provisions of this Ordinance shall be liable to the Town for any costs and expenses, losses or damages occasioned by the Town by reason of such violation or its enforcement of this Ordinance including all reasonable attorney fees. In addition to or as an alternative to the recovery of fines, costs, expenses, losses or damages, the Town may apply to the appropriate court for an order seeking injunctive relief or a mandatory grant of access by court order, including all reasonable attorney fees incurred in so doing. (Ord. 2010-03, S1, April 13, 2010)

Chapter 10.02

WATER RATES AND CHARGES

Sections:

- 10.02.010 Metered User Block Schedule
- 10.02.020 Metered User Minimum Charge Per Month
- 10.02.030 Fire Protection Service
- 10.02.035 Fire Protection Charge
- 10.02.040 Fire Protection Surcharge
- 10.02.050 Temporary Users
- 10.02.060 Connection Charge
- 10.02.070 Reconnection Charge
- 10.02.080 Wholesale for Resale
- 10.02.090 Customer Meter Deposit
- 10.02.100 Collection and Deferred Payment Charges
- 10.02.110 Delinquent Payment-Disconnection
- 10.02.120 Removal from Indiana Utility Regulatory Commission (IURC)

There shall be and there are hereby established for the use of and the services rendered by the Waterworks Utility of the Town of Ferdinand, Indiana, the following rates and charges, based on the use of water supplied by said waterworks system:

**10.02.010 Metered User Block Schedule.** For use of and service rendered by the waterworks system of the Town, based on the use of water supplied by said waterworks system:

| <u>Consumption Per Month</u> |                 | <u>Rate per 1,000 gallons</u> |
|------------------------------|-----------------|-------------------------------|
| First                        | 2,500 gallons   | \$ 7.91                       |
| Next                         | 7,500 gallons   | 6.09                          |
| Next                         | 20,000 gallons  | 5.75                          |
| Next                         | 30,000 gallons  | 5.38                          |
| Next                         | 60,000 gallons  | 4.82                          |
| Over                         | 120,000 gallons | 4.27                          |

(Ord. 2008-15, S10.02.010, Dec. 9, 2008) (Ord. 2004-17, S1, Dec. 29, 2004) (Ord. 95-2, S1, 1995) (Ord. 93-6 S1, 1993) (Ord. 91-3 S1, 1991) (Ord. 0-86-5)

**10.02.020 Metered User Minimum Charge Per Month.** Each user shall pay a minimum monthly charge in accordance with the following applicable size of meter installed, based on the prevailing water rates.

| <u>Meter Size</u> |      | <u>Minimum Gallonage</u> | <u>Minimum Charge</u> |
|-------------------|------|--------------------------|-----------------------|
| 5/8 - 3/4         | inch | 2,500                    | \$ 19.78              |
| 1                 | inch | 5,616                    | 38.76                 |
| 1 1/4             | inch | 9,488                    | 62.34                 |
| 1 1/2             | inch | 14,401                   | 90.77                 |
| 2                 | inch | 28,147                   | 169.81                |
| 3                 | inch | 74,543                   | 411.96                |
| 4                 | inch | 162,238                  | 811.42                |

(Ord. 2008-15, S10.02.020, Dec. 9, 2008) (Ord. 2004-17, S2, Dec. 29, 2004) (Ord. 95-2, S2, 1995) (Ord. 93-6 S2, 1993) (Ord. 91-3 S1, 1991) (Ord. 0-86-5)

**10.02.030 Fire Protection Service.** In order to provide for a method of recovery of the costs and value of maintaining hydrants and other facilities for fire protection and for the production, storage, transmission, sale and delivery, or furnishing of water for public fire protection purposes, within the Town of Ferdinand, the following Fire Protection Service Rates apply:

|                                 | <u>Charge Per Annum</u> |
|---------------------------------|-------------------------|
| Municipal Hydrants, per hydrant | \$ 184.61               |
| Private Hydrants, per hydrant   | \$ 184.61               |
| Automatic Sprinklers:           |                         |
| 2 inch connection               | \$ 9.59                 |
| 4 inch connection               | \$ 18.11                |
| 6 inch connection               | \$ 26.16                |
| 8 inch connection               | \$ 34.21                |
| 10 inch connection              | \$ 42.26                |

(Ord. 2009-15, pt Sl, Dec. 8, 2009) (Ord. 2008-15, S10.02.030, Dec. 9, 2008) (Ord. 2007-16, S1, Dec. 18, 2007) (Ord. 95-2, S3, 1995)

**10.02.035 Fire Protection Charge.** Per meter charge exclusive of metered buildings paying monthly Automatic Sprinkler charges.

| <u>Meter Size</u> | <u>Charge Per Month</u> |
|-------------------|-------------------------|
| 5/8 - 3/4 inch    | \$ 1.75                 |
| 1 inch            | 2.80                    |
| 1 1/4 inch        | 3.50                    |
| 1 1/2 inch        | 4.20                    |
| 2 inch            | 5.60                    |
| 3 inch            | 8.40                    |
| 4 inch            | 11.20                   |
| 6 inch            | 16.80                   |

(Ord. 2009-15, pt Sl, Dec. 8, 2009)

**10.02.040 Fire Protection Surcharge.**

Service rendered outside the corporate limits \$4.33 per month

(Ord. 2008-15, S10.02.040, Dec. 9, 2008) (Ord. 95-2, S4, 1995) (Ord. 91-3 S1, 1991) (Ord. 0-86-5)

**10.02.050 Temporary Users.** Water furnished to temporary users such as contractors shall be charged on the basis of the metered rates hereinbefore set forth as estimated and established by the Waterworks Superintendent. (Ord. 0-86-5)

**10.02.060 Connection Charge.** \$850.00

Each user at the time of application for service with the water works system shall pay the connection fee to cover the costs of excavating and tapping the main and furnishing and installing a meter pit, yoke, back flow prevention, valve, meter and lid. Costs that exceed the connection fee will be assessed and billed to the customer upon completion of the installation and restoration of properties including but not limited to the roadway and curb. (Ord. 2004-17, S3, Dec. 29, 2004) (Ord. 97-2, S1, 1997) (Ord. 0-86-5)

**10.02.070 Reconnection Charge.** When the service is disconnected for non-payment, or for any other reason beyond the control of the Town, requiring a reconnection of services, a charge for such reconnection will be made. The charge, together with any arrears due the Town, shall be paid prior to reconnection. The charge shall be Twenty-Five Dollars (\$25.00), unless a reconnection is requested after normal business hours, in which event, the charge is Seventy-Five Dollars (\$75.00). (Ord. 2008-15, S10.02.070, Dec. 9, 2008) (Ord. 2003-07, S1, June 11, 2003) (Ord. 95-2, S5, 1995) (Ord. 0-86-5)

**10.02.080 Wholesale for Resale.**

All metered consumption: \$ 3.19 per 1,000 gallons  
Minimum charge (35,000 gallons per month) \$ 111.65 per month

(Ord. 2008-15, S10.02.080, Dec. 9, 2008) (Ord. 2004-17, S4, Dec. 29, 2004) (Ord. 2003-04, S1, Mar. 12, 2003) (Ord. 91-3 S1, 1991)

**10.02.090 Customer Security Deposit.** \$ 100.00

Said deposit shall be made by all customers making application for the respective service, when such customer, who shall be responsible for the monthly billing, does not own the property for which the service is sought. Said respective deposits, less the amount of any current and/or delinquent bills owing, shall be refunded to said customer at such time as said customer requests disconnection or termination of the respective service or at the conclusion of five (5) years of continuous service without any delinquent bills. (Ord. 99-17, S1, Dec. 15, 1999) (Ord. 92-10, S1, 1992) (Ord. 91-6 S1, 1991) (Ord. 0-86-5)

The Town's Utility Clerk shall make such refunds to all existing customers within sixty (60) days hereof, without interest, by payment of some or all of the deposit, or by crediting some or all of the deposit against any current or future amounts due the Town providing all sums are paid or credited within sixty (60) days. (Ord. 99-17, S2, Dec. 15, 1999)

Any future refund owed to an existing utility customer shall be paid by the Town's Utility Clerk, without interest, to the utility customer by payment of some or all of the deposit, or by crediting some or all of the deposit against the customer's current or next utility bill, providing any remaining deposit not so credited is then paid to the customer. (Ord. 99-17, S3, Dec. 15, 1999)

**10.02.100 Collection and Deferred Payment Charges.** All Utility bills not paid within fifteen (15) days from the due date as stated on such bill, shall be subject to a collection and deferred payment charge of Ten Percent (10%) of the first Three Dollars (\$3.00) and Three Percent (3%) on the amount in excess of Three Dollars (\$3.00). Any payment made by a check which is returned by the maker's bank for insufficient funds or for any reason will be considered a non-payment, and in addition to the above charges, an additional service charge of Twenty Dollars (\$20.00), plus any bank charges will be due the Town. (Ord. 2008-15, S10.08.100, Dec. 9, 2008) (Ord. 2003-07, S4, June 11, 2003) (Ord. 91-3, S1, 1991) (Ord. 0-86-5)

**10.02.110 Delinquent Payment-Disconnection.** All bills for said water service are due and payable on the 1st day of the month after the billing month and become delinquent after the 10th day of said month, and the penalty set out in the paragraph above is applicable; immediately, thereafter a notice of delinquency shall be mailed to each delinquent customer as of the 10th day of said month, informing said customer that unless said delinquent bill, plus penalty is not satisfied in full within ten (10) or fourteen (14) days thereafter, the respective service for which said delinquency is applicable shall be disconnected and shall not be reconnected until said delinquent bill, plus penalty and the reconnection charge is paid in full. A notice of delinquency may also be mailed to the owner of the property served if different from the customer and shall be mailed if the owner makes written request for such notification, indicating that he is the owner and indicating the address where notice is to be sent.

In case of delinquent or non-payment of Sanitary Sewer bills or charges, the foregoing notice shall be given ten (10) or fourteen (14) days prior to disconnection of water service, as required and provided by law.

The ten (10) day grace period prior to disconnection shall be effective from April 1 to November 1 of each year. The fourteen (14) day grace period prior to disconnection shall be effective from November 1 to April 1 of each year. (Ord. 92-10, S2, 1992) (Ord. 91-3 S1, 1991) (Ord. 0-86-5)

**10.02.120 Removal from Indiana Utility Regulatory Commission (IURC).** The Ferdinand Municipal Water Utility is hereby removed 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. (Ord. 90-12 S1, 1990)

## Chapter 10.03

### CONNECTION AND USE OF WATER SYSTEM

#### Sections:

- 10.03.010 Connections**
- 10.03.020 Application for Utilities**
- 10.03.030 Maintenance of Service Lines**
- 10.03.040 Prior Approval of Water Mains**
- 10.03.050 Larger Service Mains**
- 10.03.060 Temporary Service**

**10.03.010 Connections.** No unauthorized person shall uncover, make any connections with, use, alter, or disturb any municipal water facility, including but not limited to, lines and meters. Persons requesting or using a service connection for water service shall supply and maintain to the satisfaction of the Town, the customer service line to the meter and shall also maintain the surface height of the ground around the meter and the meter lid to the Town's satisfaction. The Town will make all taps, tubing connections and will provide the meter set to the height desired by the customer and will maintain the meter and the service line from the meter to the Town's water main. The Town will not set the meter on the customer's property more than twelve feet (12') beyond the customer's property line and will not be responsible for any yard or other repair to the customer's property caused by setting or maintaining the meter. The Town will install service lines only within streets or other rights-of-way accepted by the Town. (Ord. 89-5 S1, 1989)

**10.03.020 Application for Utilities (See Attachment).** Persons requesting a water service connection for purposes of service, shall, prior to commencement of construction and at least fourteen (14) days prior to the date service is desired, complete and file with the Utility Clerk, an "Application for Utilities", a copy of which is attached to this chapter (ordinance). (Ord. 89-5 S2, 1989)

**10.03.030 Maintenance of Service Lines.** Notwithstanding Section 10.03.010, customer services lines installed prior to January 1, 1976, must be maintained by the customer to the yard side of the curb or edge of the street where no curb exists. The Town will maintain only the meter. (Ord. 89-5 S3, 1989)

**10.03.040 Prior Approval of Water Mains.** Notwithstanding Section 10.03.010, in new developments where the water main cannot be reasonably constructed within the platted or reserved right-of-way of any street accepted by the Town as of January 1, 1988, or where existing mains are to be re-located, the developer shall submit detailed drawings to the Superintendent for prior approval. The developer shall be responsible for installation of all water mains installed to the Town's specifications and as set forth in the drawings and inspected and approved by the Town prior to acceptance. Final "as built" plans must be

filed with the Town as a condition for acceptance. The developer is deemed to have given the Town a warranty for one year from the date of the Town's acceptance, assuring that the mains are of sufficient quality and are installed so as to work properly for the period of the warranty. All residential water mains must be at least six inches in diameter, all industrial water mains must be at least eight inches in diameter, and all mains must have a "Class 900 PVC SDR 18 150 PSI" or "200 Cast Iron and Ductile Iron 150 PSI" industry standard classification. All valves shall be installed at locations specified by the Water Utility Superintendent. All mains must have at least three and one-half feet (3 1/2') of suitable cover and have provision for installation of fire hydrants by the Town every five hundred feet (500'). (Ord. 89-5 S4, 1989)

**10.03.050 Larger Service Mains.** Notwithstanding Section 10.03.010, customers desiring larger service lines or mains for sprinkler or other fire protection services shall be responsible for such installation to the Town's specifications and approval. The customer shall install a gate valve between the water main and the customer's property lines. The customer shall also pay for all sprinkler taps and road repairs. (Ord. 89-5 S5, 1989)

**10.03.060 Temporary Service.** The Town will provide only a three-quarter inch (3/4") temporary service line. The customer is responsible for meter maintenance to prevent freezing. (Ord. 89-5 S6, 1989)

# Municipal Light & Water Plant

123 W. 5th Street • P. O. Box 7  
FERDINAND, IN. 47532

JAMES R. MEYER, Utility Superintendent

Phone (812) 367-1011

## APPLICATION FOR UTILITIES

Date of Application \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

### MUNICIPAL ELECTRIC DEPARTMENT

Size Of Service \_\_\_\_\_

Type of Voltage \_\_\_\_\_

Temporary Service Required?  Yes  No

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### MUNICIPAL WATER DEPARTMENT

Size of Service \_\_\_\_\_

Temporary Service Required?  Yes  No

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Each application must have a drawing on back of this paper showing location of desired service.

All applications must be turned in at the utility office before construction begins.

Applications must be approved before temporary service is installed

Utilities will have 14 days after application is approved to install temporary service

Approved \_\_\_\_\_

UTILITIES SUPERINTENDENT

Date \_\_\_\_\_

Form FN 7761A

## Chapter 10.08

### SEWER SERVICE RATES AND CHARGES

#### Sections:

- 10.08.010 Definitions
- 10.08.020 User Classes
- 10.08.030 User Rates and Charges
- 10.08.040 Quantity of Water Discharged into the Sanitary Sewage System
- 10.08.050 Volume, Strength and Character of Sewage
- 10.08.060 Billing and Collection Procedure
- 10.08.070 Sewer Rate Study
- 10.08.080 Enforcement
- 10.08.090 Special Contracts
- 10.08.100 Appeal Decision or Charge

#### 10.08.010 Definitions.

- (1) "Council" shall mean the Town Council of the Town of Ferdinand, Indiana, or any duly authorized officials acting in its behalf. (Ord. 90-7 S1, 1990)
- (2) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance.
- (3) "Town" shall mean the Town of Ferdinand, Indiana, acting by and through the Town Council. (Ord. 96-13, S1, August 27, 1996)
- (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 N not more than 30 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 Ordinances (sic).
- (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 and companion enactment to this 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 pursuant to Section 204 (b) of Public Law 92-500.

- (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 wastewater treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

**10.08.020 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 U.S. 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.
- (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

**10.08.030 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 sewage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sewage system of the Town of Ferdinand. 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) Metered Rate. 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 is measured by the water meter there in use, plus a base charge based on the size of the water meter installed, except as herein otherwise provided. For the purpose of billing and collecting the 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

- 1) Treatment Rate per 1,000 gallons of usage per month: \$7.74  
plus
- 2) Base Rate Per Month - as follows:

|                    | <u>Monthly Base Rate</u> |
|--------------------|--------------------------|
| 5/8-3/4 inch meter | \$ 19.86                 |
| 1 inch meter       | 46.81                    |
| 1 1/4 inch meter   | 73.65                    |
| 1 1/2 inch meter   | 105.89                   |
| 2 inch meter       | 181.08                   |
| 3 inch meter       | 413.74                   |
| 4 inch meter       | 718.09                   |
| 6 inch meter       | 1,630.92                 |

(Ord. 2008-14, S10.08.030(1), December 9, 2008) (Ord. 2000-7, S1, Aug. 9, 2000)



Any future refund owed to an existing utility customer shall be paid by the Town's Utility Clerk, without interest, to the utility customer by payment of some or all of the deposit, or by crediting some or all of the deposit against the customer's current or next utility bill, providing any remaining deposit not so credited is then paid to the customer. (Ord. 99-17, S3, Dec. 15, 1999)

**10.08.040 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 reasonably 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, then 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 this requirement.
- (2) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or their 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.
- (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.

- (4) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial water, water or other liquids into the Town's sewage system, either directly or indirectly, and uses water in excess of 5,000 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 the determination of sewage discharge.
- (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.
- (6) The Utility Bookkeeper of the Town of Ferdinand shall have authority in his discretion, to adjust a user's sewage rates and charges on a case by case basis when there has been an extraordinary usage of metered water as a result of an accident or Act of God, and such usage of water has not benefited the user or any other person, and where such extraordinary usage is stopped within a reasonable time considering the nature and amount of the problem and the amount of usage. The amount of adjustment shall be within the discretion of the Bookkeeper. In the event the user is dissatisfied with the decision or amount of adjustment made by the Bookkeeper, he may appeal such decision to the Town Council pursuant to Section II (10.08.100). (Ord. 90-7 S 1b, 1990)

**10.08.050 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 30 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 \$0.41 cents 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 \$0.41 cents per pound of biochemical oxygen demand received in excess of 250 milligrams per liter of fluid.
  - C. Rate Surcharge Based Upon NH<sub>3</sub>N. There shall be an additional charge of \$0.41 cents per pound of ammonia for NH<sub>3</sub>N received in excess of 30 milligrams per liter of fluid. (Ord. 2008-14, S10.02.050(1), December 9, 2008) (Ord. 90-7 S1, 1990)
- (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.

**10.08.060 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.
- (2) All bills for said sanitary sewer service are due and payable on the 1st day of the month after the billing month and become delinquent after the 10th day of said month, and the penalty set out in the paragraph above is applicable; immediately, thereafter a notice of delinquency shall be mailed to each delinquent customer as of the 10th day of said month, informing said customer that unless said delinquent bill, plus penalty is not satisfied in full within ten (10) or fourteen (14) days thereafter, the respective service for which said delinquency is applicable shall be disconnected and shall not be reconnected until said delinquent bill, plus penalty and the reconnection charge is paid in full. A notice of delinquency may also be mailed to the owner of the property served if different from the customer and shall be mailed if the owner makes written request for such notification, indicating that he is the owner and indicating the address where notice is to be sent.

The ten (10) day grace period prior to disconnection shall be effective from April 1 to November 1 of each year. The fourteen (14) day grace period prior to disconnection shall be effective from November 1 to April 1 of each year. (Ord. 92-10, S5, 1992)

- (3) As provided by statute, all rates and charges not paid when due are 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 twenty (20) days after the date of mailing of the bill.
- (4) **Reconnection Charge.** When the service is disconnected for non-payment, or for any other reason beyond the control of the Town, requiring a reconnection of services, a charge for such reconnection will be made. The charge, together with any arrears due the Town, shall be paid prior to reconnection. The charge shall be Twenty-Five Dollars (\$25.00), unless a reconnection is requested after normal business hours, in which event, the charge is Seventy-Five Dollars (\$75.00). (Ord. 2008-14, S10.08.060(4), December 9, 2008) (Ord. 2003-07, S3, June 11, 2003)
- (5) **Bad Check Charges.** Any payment made by a check which is returned by the maker's bank for insufficient funds or for any reason, will be considered as non-payment, and in addition to the above charges, an additional service charge of Twenty Dollars (\$20.00), plus any Bank charges will be due the Town. (Ord. 2008-14, S10.08.060(5), December 9, 2008) (Ord. 2003-07, S3, June 11, 2003)

**10.08.070 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 bi-annually, 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 and 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 (a) reviewing the sufficiency of the revenues to properly operate the waste water treatment facility and all appurtenances attached thereto; and (b) maintaining proportionality among the user classes of the rates and charges for sewage services.

Said studies shall be conducted by officers and 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.

**10.08.080 Enforcement.** The Town shall make and enforce such ordinances, by-laws and regulations as may be deemed necessary for the safe, economical and 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 sewerage 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.

**10.08.090 Special Contracts.** The Council 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. 90-7 S1, 1990)

**10.08.100 Appeal of Decision or Charge.** A user shall have the right to appeal a decision of the Utility Bookkeeper or the administrator of the sewage system and user charge system to the Town Council and 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. 90-7 S1, 1990; Ord. 88-8)

## Chapter 10.10

### PUBLIC AND PRIVATE SEWERS

#### Sections:

- 10.10.010 Definitions
- 10.10.020 Unlawful to Deposit Objectionable Wastes in an Unsanitary Manner
- 10.10.030 Private Disposal System
- 10.10.040 Specifications
- 10.10.045 Permit, Inspection and Connection Fees
- 10.10.050 Discharges Prohibited
- 10.10.060 Pretreatment of Industrial Wastes
- 10.10.070 Pretreatment Plans and Specifications
- 10.10.080 Disposal of Unpolluted Water
- 10.10.090 Industrial Cooling Water
- 10.10.100 Wastewater Data
- 10.10.110 Determination of Strength of Wastewaters
- 10.10.120 Grease, Oil and Sand Interceptors
- 10.10.125 Sump Pumps
- 10.10.130 Notification to Town
- 10.10.140 Applicability of State and Federal Regulations
- 10.10.150 Damage Violation
- 10.10.160 Only Authorized Employees Can Enter Public and Private Properties
- 10.10.170 Notice of Violation, Penalties
- 10.10.180 Validity of Ordinance
- 10.10.190 Right to Appeal

**10.10.010 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 ( $\text{NH}_3^+$ ).
- (2) "Biochemical oxygen demand" (or BOD) shall mean the quantity of oxygen expressed in mg/1 utilized in the biochemical oxidation of organic matter under standard laboratory procedures with nitrification inhibition in five (5) days at twenty (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 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 stormwater 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 eighty percent (80%) or greater. Minor incidental removals in the order of ten to thirty percent (10 to 30%) 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 employees 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 Town Council, to inspect and approve the installation of building sewers and their connection to the public sewer system. (Ord. 96-13, S1, August 27, 1996)
- (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 (5%) 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 two 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 of 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 Ferdinand, 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.

**10.10.020 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 an unsanitary manner on public or private property within the Town or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or other objectionable waste.
- (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.
- (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.

- (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.
- (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.
- (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.
- (7) The owner of any parcel of real estate as shown on the records of the Recorder of Dubois County as of the date official notice as provided for herein is sent, on which is located houses and buildings 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 ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of any house or building used for human occupancy, employment, recreation or other purposes.

#### **10.10.030 Private Disposal System.**

- (1) Where a public sanitary sewer is not available under the provisions of Section 4.04.020(g), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- (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 connection and inspection fee in the amount provided for in Section 10.10.045 shall be paid to the Town at the time the application is filed. (Ord. 96-13, S3, August 27, 1996)
- (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, but only during regular working hours.

- (4) The type, capacities, location and layout of a private sewage disposal system shall comply with all requirements 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.
- (5) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 4.04.020(g), 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.
- (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.
- (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.
- (8) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

#### **10.10.040 Specifications.**

- (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 Superintendent.
- (2) There shall be five (5) classes of Building Sewer Permits:
  - A. Residential
  - B. Duplex, Multi-Family
  - C. Nursing Home
  - D. Commercial
  - E. Industrial

The owner or his agent shall make application on forms furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit, connection and inspection fee in the amount provided for in Section 10.10.045 shall be paid to the Town at the time the application is filed. (Ord. 96-13, S4, August 27, 1996)

- (3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The building sewer must be constructed from the building to the public sewer. The public sewer will only be constructed by the Town or by a developer as provided herein within streets or other rights-of-way accepted by the Town. The Town will make the tap, or in cases where a tap exists, provide measurements to assist in locating the tap. The owner and the person installing the building sewer for said owner shall indemnify said Town from any loss or damage that may directly or indirectly be occasioned by said installation, and said building sewer shall be continuously maintained to the Town's satisfaction.
- (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.
- (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.
- (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 the Ten States Standards current manual shall apply. (Ord. 96-13, S5, August 27, 1996)
- (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.
- (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.

- (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 in the Ten States Standards current manual. 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. 96-13, S6, 1996)
- (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.
- (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.
- (12) In new developments or where changes to existing sewer mains are proposed, the developer shall submit detail drawings to the Superintendent for prior approval. The developer shall be responsible for installation of all public sanitary sewer lines which must be constructed to the specifications set forth in (i) above, and as set forth in the drawings, and inspected and approved by the Town prior to backfilling and as a condition for acceptance. Final "as built" plans must be filed with the Town as a condition for acceptance. The permit inspection and connection fees to the public sanitary sewer may be paid by the developer or person applying for a connection, and are as provided for in Section 10.10.030(b). Approved manholes must be placed every four hundred feet (400'). The developer shall be responsible for one year, after acceptance of the public sanitary sewer lines, for any defective product or installation, and reimburse the Town for all costs of repair and all other consequential damages. Notwithstanding this paragraph, the developer shall not be required to construct the public sanitary sewer line where the same can be reasonably constructed within the platted or reserved right-of-way of any street accepted by the Town as of January 1, 1988. (Ord. 96-13, S7, August 27, 1996)
- (13) The permit fees are applicable and must be paid for each tap whether said tap is made prior to or after acceptance of the public sanitary sewer line constructed by a developer.

**10.10.045 Permit, Inspection and Connection Fees.** The following fees are hereby established, to be paid upon application for issuance of a sanitary sewer permit:

- |  |             |
|--|-------------|
| (1) Residential (4" to 6" size)<br>plus costs  | \$ 850.00   |
| (2) Duplex, Multi-Family (6" size)<br>plus costs per each unit   | \$ 850.00   |
| (3) Nursing Home (6" to 8" size)<br>plus costs per each unit   | \$ 1,000.00 |
| (4) Commercial (6" size)<br>plus \$15.00 per each toilet and sink<br>for the first ninety toilets and sinks, plus costs        | \$ 1,000.00 |
| (5) Industrial (6" to 10" size)<br>plus \$15.00 per each toilet and sink<br>for the first ninety toilets and sinks, plus costs | \$ 1,000.00 |

Costs in addition to the above minimum fees will be assessed when materials and labor costs exceed minimum fees. Factors bearing on such costs include, but are not limited to, depth of sewer lines, location of sewer lines, trackhoe work, hauling required, rock removal, backfill material, yard re-seeding, asphalt removal, inspections and smoke testing. (Ord. 01-7, S1, May 9, 2001) (Ord. 96-13, S8, August 27, 1996)

**10.10.050 Discharges 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 as defined in S307(a) of the Clean Water Act, enacted by P.L. 92-500, 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 with jurisdiction of such discharge to the receiving waters.
  - F. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
  - 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 sulfate.)
    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 amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (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 4.04.050, 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 industries to submit information on wastewater quantities characteristics and obtain prior approval for discharges.
- B. Reject the wastes in whole or in part for any reason deemed appropriate by the 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.

- (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.
- (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.

- (5) All measurements, test, 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 "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole, except the 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 premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD, suspended solids and NH analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.
- (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.

**10.10.060 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.

**10.10.070 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.

**10.10.080 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.

**10.10.090 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.

**10.10.100 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.

**10.10.110 Determination of Strength of Wastewaters.** 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.

**10.10.120 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. Any restaurant or institutional kitchen established or constructed after October 1, 1996, shall have a grease trap with capacity sufficient to satisfy the Superintendent but no less than fifty pounds (50 lbs.) capacity. Any grease trap installed after October 1, 1996, shall be approved by the Superintendent prior to purchase and installation. (Ord. 96-13, S9, August 27, 1996)

**10.10.125. Sump Pumps.** Except for replacement of a previously existing sump pump, no sump pump installed after October 1, 1996, shall be located near any floor drain or any drain receiving discharges which is ultimately connected to the sanitary sewer system. All such sump pumps shall be registered with the Superintendent to show location and point of discharge. (Ord. 96-13, S10, August 27, 1996)

**10.10.130 Notification to Town.** 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.

**10.10.140 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.

**10.10.150 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 and criminal prosecution.

**10.10.160 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.
- (2) The Superintendent and other duly authorized employees of the Town 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.

**10.10.170 Notice of Violation, Penalties.**

- (1) Any person found to be violating any provision of this ordinance (chapter) shall be sent a written notice from the Town stating the nature of the violation and providing a 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 violation beyond the time limit provided for in Section 4.04.170 shall be subject to a fine of Twenty Dollars (\$20.00) per day for each day the violation continues.

- (3) Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation, including all reasonable attorney's fees in enforcing this ordinance and as a result of the violation.
- (4) The Town may apply to the appropriate Court for injunctive relief in order to stop any continuing violation of this ordinance.
- (5) The Town Council has determined that the measures heretofore set out are a reasonable means of insuring compliance with this ordinance and are further necessary to protect and insure the health, safety and welfare of the citizens of Ferdinand and surrounding areas. (Ord. 90-7 S1, 1990)

**10.10.180 Validity of Ordinance.** 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.

**10.10.190 Right to Appeal.** 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. 90-7 S1, 1990)

## Chapter 10.15

### SPECIAL WATER & SEWER CONNECTION FEES FOR THE I-64 CORRIDOR UTILITY DEVELOPMENT PROJECT

#### Sections:

- 10.15.010 Anticipated Costs of the I-64 Corridor Utility Development Project
- 10.15.020 Recovery of Costs of I-64 Corridor Utility Development Project
- 10.15.030 Apportionment Based on Calculations
- 10.15.040 Establishment of Special Connection Fee
- 10.15.050 Fees
- 10.15.060 Water Utility & Sewer Utility Apportionment
- 10.15.070 Connection Fees Due When
- 10.15.080 Extended Payment Schedule
- 10.15.090 Placement of Fees Received by the Water Utility
- 10.15.100 Placement of Fees Received by the Sanitary Sewer Utility
- 10.15.110 Additional Areas Benefiting from the I-64 Corridor project may be Added
- 10.15.120 Invalidity of Ordinance

**10.15.010 Anticipated Costs of the I-64 Corridor Utility Development Project.** The total anticipated construction costs for water lines and appurtenances is the sum of \$123,863.00. The total anticipated construction costs for sanitary sewer lines and appurtenances is the sum of \$469,649.50. The total anticipated construction costs are therefore \$593,512.50. The total anticipated non-construction costs are \$256,487.50. Total anticipated project costs are therefore \$850,000.00, exclusive of interest charges. The Town has used and will continue to use a State loan of \$425,000.00 and a State grant of \$425,000.00 to pay for the project. The State required the Town to first use the loan proceeds and such funds have been expended. Based on the construction contract, non-construction costs to date, and anticipated future non-construction costs, the Town anticipates that all grant funds will be expended. (Ord. 99-3, S1 Findings, April 13, 1999)

**10.15.020 Recovery of Costs of I-64 Corridor Utility Development Project.** The Town's project costs are the \$425,000.00 loan plus interest paid thereon, and any costs in excess of loan proceeds. The Town believes it is reasonable to recover such costs by apportioning the same among those seeking to connect to and use the water and sanitary sewer lines constructed as part of the project. (Ord. 99-3, S2 Findings, April 13, 1999)

**10.15.030 Apportionment Based on Calculations.** The Town believes it is reasonable to apportion such recovery as provided for in this Ordinance (Chapter), based on the calculations of the Town's engineers, which calculations have been filed with the Town. (Ord. 99-3, S3 Findings, April 13, 1999)

**10.15.040 Establishment of Special Connection Fee.** There is hereby established a special connection fee to be assessed and collected from each user seeking to connect to the Town's sanitary sewer system or water system which has been constructed upon or as serving certain property as part of the I-64 Corridor Utility Development Project. (Ord. 99-3, S1, April 13, 1999)

**10.15.050 Fees.** The fees for connection to any part of the water or sanitary sewer system constructed as part of the project and available to serve certain property shall be in the amounts hereinafter provided, namely:

- (1) That real estate more particularly described as follows:

A part of the East Half of the Southeast Quarter of the Northeast Quarter, a part of the East Half of the Northeast Quarter of the Northeast Quarter, all in Section 32, Township 3 South, Range 4 West, and a part of the Southwest Quarter of the Northwest Quarter of Section 33, Township 3 South, Range 4 West.

ALSO:

Part of the Northeast Quarter of the Southeast Quarter, a part of the East Half of the Southeast Quarter of the Northeast Quarter, and a part of the East Half of the Northeast Quarter of the Northeast Quarter, all in Section 32, Township 3 South, Range 4 West.

ALSO:

A part of the Southeast Quarter of the Southeast Quarter of Section 32, Township 3 South, Range 4 West.

ALSO:

A part of the Northeast Quarter of the Southeast Quarter and a part of the Southeast Quarter of the Southeast Quarter, all in Section 32, Township 3 South, Range 4 West.

ALSO:

A part of the East Half of the Southeast Quarter of the Northeast Quarter of Section 32, and a part of the Southwest Quarter of the Northwest Quarter of Section 33, all in Township 3 South, Range 4 West.

(Deed Record 228, page 40; Deed Record 183, page 35; Deed Record 213; page 335; Deed Record 177, page 35; and Deed Record 188; page 561. Miscellaneous Record 90, page 491 and Miscellaneous Record 89, page 387.)

Currently owned by Progressive Investment Corporation or its grantee. Water: \$6,899.87; Sewer: \$85,562.79.

- (2) That real estate more particularly described as follows:

A part of the East one-half of the Northeast Quarter of the Northeast Quarter of Section 32, Township 3 South, Range 4 West.

(Deed Record 214, page 96)

Currently owned by Mobel, Inc. or its grantee. Sewer: \$6,839.84.

- (3) That real estate more particularly described as follows:

A part of the Southwest Quarter of the Northwest Quarter of Section 33, Township 3 South, Range 4 West.

(Deed Record 228, page 382)

Currently owned by Transitional Health Partners or its grantee. Sewer: \$7,852.50.

- (4) That real estate more particularly described as follows:

Part of the Northwest Quarter of the Southwest Quarter of Section 33, Township 3 South, Range 4 West, in Ferdinand and Dubois County, Indiana (also known as Part of Lots 1 through 4 in Ferdinand Crossing Subdivision).

(Deed Record 183, page 35 & Deed Record 177, page 35)

Currently owned by Bettag Corporation or its grantee. Water: \$8,415.00; Sewer: \$63,782.50.

- (5) That real estate more particularly described as follows:

Part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 3 South, Range 4 West.

(Deed Record 203, page 549)

Currently owned by B. Edward Ewing and Oliver C. Boileau, or their grantee. Water: \$11,432.50; Sewer: \$49,205.00.

- (6) That real estate more particularly described as follows:

A part of the Southwest Quarter of the Northwest Quarter of Section 33, Township 3 South, Range 4 West.

(Deed Record 231, page 1)

Currently owned by David A. Luebbehusen, et al, or their grantee. Water: \$7,522.50; Sewer: \$9,297.50.

- (7) That real estate more particularly described as follows:

A part of the Northwest Quarter of the Northeast Quarter of Section 33, Township 3 South, Range 4 West.

(Deed Record 178, page 450)

Currently owned by James J. Boeckman and Dennis Boeckman, or their grantee. Sewer: \$15,800.00.

- (8) That real estate more particularly described as follows:

Lot Number Forty-five (45) in Wagners Addition to the Original Town of Ferdinand.

ALSO, Lot Number Twenty-nine (29) in Wagners Addition to the Original Town of Ferdinand.

(Deed Record 210, page 133)

Currently owned by Bernard Pund, et al, or their grantee. Sewer: \$14,780.00.

- (9) That real estate more particularly described as follows:

Part of the Southwest Quarter of the Northwest Quarter of Section 33, Township 3 South, Range 4 West,

And,

Part of the Northwest Quarter of the Southwest Quarter of Section 33, Township 3 South, Range 4 West, in Ferdinand, Dubois County, Indiana.

(Deed Record 183, page 35 & Deed Record 177, page 35)

Currently owned by Leo F. Demuth Estate, or its grantee. Water: \$13,855.00; Sewer: \$11,890.00. (Ord. 99-3, S2, April 13, 1999)

**10.15.060 Water Utility & Sewer Utility Apportionment.** The Water Utility shall pay from its funds \$40,077.50 in non-apportioned construction costs and the Sanitary Sewer Utility shall pay from its funds \$71,787.50 in non-apportioned construction costs. (Ord. 99-3, S3, April 13, 1999)

**10.15.070 Connection Fee Due When.** The connection fee shall be a one-time fee, and shall be due and payable for each respective property described above prior to the connection to and use of the sanitary sewer or waterline, when the first connection to such sanitary sewer or water line is requested. All special connection fees established by this Ordinance shall be in addition to all existing or future tap fees or other existing or future charges, and are in addition to all other water and sanitary sewer rates and charges as now exist or as may exist in the future. (Ord. 99-3, S4, April 13, 1999)

**10.15.080 Extended Payment Schedule.** Upon a request and the approval of the Town Council, up to seventy-five percent (75%) of the connection fee may be paid, with interest at three and one-half percent (3.5%) per annum, over three (3) years, with payments of one-fourth (1/4) of the connection fee and all accrued interest thereon due and payable annually. The unpaid portion of the connection fee shall be evidenced by a conventional promissory note which shall also provide for acceleration, payment of costs and attorney fees, and interest at eighteen percent (18%), upon default. The note shall be properly secured by conventional security documents and by sufficient collateral, the nature, extent, and value of such collateral being within the Council's sole discretion. (Ord. 99-3, S5, April 13, 1999)

**10.15.090 Placement of Fees Received by the Water Utility.** All special connection fees received by the Water Utility will be used to reimburse the Water Utility for its share of the Town's project costs, including interest costs. The Water Utility shall retain all fees received by the Water Utility as needed to reimburse the Water Utility for payments of project loan principal and interest, as well as project costs not covered by loan or grant funds. Thereafter, all fees received by the Water Utility shall be placed in a dedicated fund carried on the books of the Water Utility. All fees placed in this fund shall be used to reimburse the Water Utility for any project loan principal and interest payments not previously reimbursed, and any project costs not covered by loan or grant funds and not previously reimbursed. Any connection fees placed in this fund which are not needed for any of the above purposes shall be retained until such time as the fund has sufficient monies to pay its share of all future project loan principal and interest payments, as the same shall come due. At such time, the connection fee shall terminate as to future water connections. (Ord. 99-3, S6, April 13, 1999)

**10.15.100 Placement of Fees Received by the Sanitary Sewer Utility.** All special connection fees received by the Sanitary Sewer Utility will be used to reimburse the Sewer Utility for its share of the Town's project costs, including interest costs. The Sewer Utility shall retain all fees received by the Sewer Utility for payments of project loan principal and interest, as well as project costs not covered by loan or grant funds. Thereafter, all fees received by the Sewer Utility shall be placed in a dedicated fund carried on the books of the Sewer Utility. All fees placed in this fund shall be used to reimburse the Sewer Utility for any project loan principal and interest payments not previously reimbursed, and any project costs not covered by loan or grant funds and not previously reimbursed. Any connection fees placed in this fund which are not needed for any of the above purposes shall be retained until such time as the fund has sufficient monies to pay its share of all future project loan principal and interest payments, as the same shall come due. At such time, the connection fee shall terminate as to future sanitary sewer connections. (Ord. 99-3, S7, April 13, 1999)

**10.15.110 Additional Areas Benefiting from the I-64 Corridor Project may be Added.**

The Town may, at its sole discretion, and as long as the connection fees remain in effect, amend this Ordinance so as to add additional areas in the future and reapportion the connection fees accordingly in a manner deemed fair and reasonable by the Town. In such event, the Town shall reimburse in a fair and reasonable manner, without interest, a portion of the special connection fee previously paid to the Town. Said reimbursement shall be paid to the original payor or their assignee as designated in writing. Such additional areas, shall be those areas, as determined by the Town from time to time, to be reasonably benefiting from the project. (Ord. 99-3, S8, April 13, 1999)

**10.15.120 Invalidity.** In the event that this Ordinance (Chapter), or any connection fee or any part thereof is ruled invalid by a Court of competent jurisdiction, such ruling shall not invalidate any prior special connection fees previously paid to the Town, and payment of such fees shall be deemed to be irrevocably paid and such payment shall constitute a complete waiver of any right to challenge the validity or amount of such fee or to seek recovery of part or all of such fee in the event this Ordinance (Chapter), or any part thereof is held invalid, and regardless whether such payment was made prior to the effective date of this Ordinance. In such event, the Town reserves the right to enact subsequent ordinances or amendments to recover its unreimbursed construction costs and interest thereon and in conjunction therewith, make any reimbursement of connection fees or assess additional connection fees as it deems fair and reasonable. (Ord. 99-3, S9, April 13, 1999)

## Chapter 10.30

### CONNECTION AND USE OF ELECTRIC SYSTEM

#### Sections:

#### **10.30.010 Connections**

#### **10.30.020 "Application for Utilities" See Attachment**

#### **10.30.030 Supply and Maintenance for Residential Service**

#### **10.30.040 Supply and Maintenance for Commercial or Industrial Service**

#### **10.30.050 Supply and Maintenance for Primary Metered Electric Customers**

#### **10.30.060 Temporary Service**

#### **10.30.070 Right of Access and Penalty for Prohibition**

**10.30.010 Connections.** No unauthorized person shall uncover, make any connections with, use, alter, or disturb any municipal electric facility, including but not limited to lines, meters, poles, and transformers. (Ord. 89-3 S1, 1989)

**10.30.020 Application for Utilities.** Persons requesting a service connection for purposes of electric service, shall, prior to commencement of construction and at least fourteen (14) days prior to the date service is desired, complete and file with the Utility Clerk, an "Application for Utilities", a copy of which is attached to this chapter (ordinance). (Ord. 89-3 S2, 1989)

**10.30.030 Supply and Maintenance for Residential Service.** Persons requesting or using a service connection for purposes of residential electric service shall supply and maintain to the satisfaction of the Town, the conduit, meter box, wiring to and including the weatherhead, and the mounting bracket for the service line. The Town will supply and maintain the overhead service line to the customer's weatherhead and the meter. Customers desiring an underground service line must provide the line and install a side pole. (Ord. 89-3 S3, 1989)

**10.30.040 Supply and Maintenance for Commercial or Industrial Service.** Persons requesting or using a service connection for purposes of commercial or industrial electric service shall supply and maintain to the satisfaction of the Town, the conduit, metering devices, meter box, wiring to and including the weatherhead, and the mounting bracket for the service line. The Town will supply and maintain the overhead service line to the customer's weatherhead and the meter. Customers desiring an underground primary service line must reimburse the Town for the additional cost in excess of the cost of installation of an overhead line and the customer must install and maintain the conduit the underground lines are run through. The Town will not provide underground secondary lines. (Ord. 89-3 S4, 1989)

**10.30.050 Supply and Maintenance for Primary Metered Customers.** All primary metered electric customers must supply and maintain all electric facilities, including but not

limited to lines, wiring, and transformers from the metering pole. The Town will supply and maintain all wiring and metering devices from the metering pole to the electric system as well as the meter. (Ord. 89-3 S5, 1989)

**10.30.060 Temporary Service.** The Town will install a 15 AMP temporary service on the nearest existing available pole. Customers requiring a larger or closer service shall reimburse the Town for the cost of all additional materials required. (Ord. 89-3 S6, 1989)

**10.30.070 Right of Access and Penalty for Prohibition.** Every person or entity who has an application for electric service on file with the Town of Ferdinand or owns property receiving electric service, as a condition to receiving and continuing to receive such service, shall allow representatives for the Town of Ferdinand access to the property served by the public electric system at any reasonable time and for all reasonable purposes including, but not limited to, purposes relating to the examination, reexamination, inspection or reinspection of the property served by the utility; the installation, reinstallation, or maintenance, inspection, repair or replacement of the metering devices or any other utility property; or verification of meter readings. The failure or refusal to provide such access shall be deemed a violation of this Ordinance and the Town of Ferdinand is authorized, in such an instance, to discontinue electric service to any property where a violation of this Ordinance exists. In addition to or as an alternate to the discontinuation of service, the Town of Ferdinand is further authorized to notify, in writing, any person found to be in violation of the provisions of this Ordinance, which notice shall state the nature of the violation and provide a time period for the satisfactory correction of the violation. The offender shall, within the period of time stated in the notice, permanently cease all violations. Any person who shall continue any violation beyond the time limit provided for in the notice shall be subject to a fine of Twenty Dollars (\$20.00) per day for each day the violation continues, commencing on the date indicated in the notice. Any person found to be in violation of the provisions of this Ordinance shall be liable to the Town for any costs and expenses, losses or damages occasioned by the Town by reason of such violation or its enforcement of this Ordinance, including all reasonable attorney fees. In addition to or as an alternative to the recovery of fines, costs, expenses, losses or damages, the Town may apply to the appropriate court for an order seeking injunctive relief or a mandatory grant of access by court order, including all reasonable attorney fees incurred in so doing. (Ord. 2010-03, S2, April 13, 2010)

# Municipal Light & Water Plant

123 W. 5th Street • P. O. Box 7  
FERDINAND, IN. 47532

JAMES R. MEYER, Utility Superintendent

Phone (812) 367-1011

## APPLICATION FOR UTILITIES

Date of Application \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

### MUNICIPAL ELECTRIC DEPARTMENT

Size Of Service \_\_\_\_\_

Type of Voltage \_\_\_\_\_

Temporary Service Required?  Yes  No

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### MUNICIPAL WATER DEPARTMENT

Size of Service \_\_\_\_\_

Temporary Service Required?  Yes  No

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Each application must have a drawing on back of this paper showing location of desired service.

All applications must be turned in at the utility office before construction begins.

Applications must be approved before temporary service is installed

Utilities will have 14 days after application is approved to install temporary service

Approved \_\_\_\_\_

UTILITIES SUPERINTENDENT

Date \_\_\_\_\_

Form FN 7761A

## Chapter 10.32

### ELECTRIC RATES AND CHARGES - WHOLESALE

#### Sections:

- 10.32.010 Availability
- 10.32.020 Rate
- 10.32.030 Minimum Charge
- 10.32.040 Determination of Billing Demand
- 10.32.050 Fuel Cost Adjustment
- 10.32.060 Deferred Payment Charge
- 10.32.070 Tax Clause
- 10.32.080 Change in Rates
- 10.32.090 Contract

**10.32.010 Availability.** To any public utility for resale purposes where all requirements are purchased from the Company (Southern Indiana Gas and Electric). Service will be supplied and metered at the most conveniently available primary or transmission voltage. Not available where service is used as auxiliary or stand-by to another source of power. (Ord. 0-82-5)

#### **10.32.020 Rate.**

Demand Charge: \$7.79 per kwh per month of billing demand  
Energy Charge: \$2.30 per kwh for all kwh used per month (Ord. 0-88-1)

**10.32.030 Minimum Charge.** The minimum monthly charge shall be the demand charge or as specified in contract. (Ord. 88-1)

**10.32.040 Determination of Billing Demand.** The billing demand for the current month shall be the average load in kilovolt-amperes during the 15-minute period of maximum use in such month, as determined by suitable instruments installed by the Company, but not less than 60% of the highest billing demand so determined during the 12 months preceding the billing date.

Off-peak demands which will be disregarded in determining the billing demand shall be those demands created at night from 8 p.m. to 7 a.m., on Saturdays, Sundays, and holidays designated by the Company; providing that the billing demand for the month shall never be less than 50% of the maximum demand created during such month regardless of when such maximum demand occurred. The Company reserves the right, upon thirty days' notice, to change the off-peak periods when peak load conditions on the Company's system make such

modification necessary. The Company shall not be required to increase the capacity of any service facilities in order to furnish off-peak demands. (Ord. 88-1)

**10.32.050 Fuel Cost Adjustment.** The Energy Charge shall be increased or decreased, to the nearest 0.0001 cents per KWH, based on the following adjustment factor:

$$\text{Adjustment Factor} = \frac{F_m}{S_m} - \frac{F_b}{S_b} \times \text{Loss Factor} \times \text{Tax Factor}$$

Where: "F" is the expense of fossil and nuclear fuel in the base (b) and current (m) periods; "S" is the KWH sales in the base and current periods;

$$\frac{F_b}{S_b} = 1.1986 \text{ cents per kwh};$$

"Loss Factor" is the ratio of one minus the percentage system losses to one minus the percentage wholesale losses; and "Tax Factor" is one plus the percentage gross receipts tax.

Fuel costs (F) shall be the cost of:

- (1) fossil and nuclear fuel consumed in the utility's own plants, and the utility's share of fossil and nuclear fuel consumed in jointly owned or leased plants.
- (2) the actual identifiable fossil and nuclear fuel costs associated with energy purchased for reasons other than identified in (c) below.
- (3) the net energy cost of energy purchases, exclusive of capacity or demand charges (irrespective of the designation assigned to such transaction) when such energy is purchased on an economic dispatch basis. Included therein may be such costs as the charges for economy energy purchases and the charges as a result of scheduled outage, all such kinds of energy being purchased by the buyer to substitute for its own higher cost energy; and less
- (4) the cost of fossil and nuclear fuel recovered through inter-system sales including the fuel costs related to economy sales and other energy sold on an economic dispatch basis.

Sales (S) shall be the sum of generation, purchased, interchange-in, less energy associated with pumped storage operations, less inter-system sales referred to in (d) above, less total system losses.

This adjustment factor shall be applied to the energy supplied during the second month next succeeding the most recent month for which information is available. (Ord. 88-1)

**10.32.060 Deferred Payment Charge.** Bills will be rendered and due monthly. To all such bills not paid within fifteen days, beginning with and including the due date, there will be added deferred payment charges of 2%. (Ord. 88-1)

**10.32.070 Tax Clause.** Bills may be increased to off-set the imposition of any new or increased tax levied by any city, county or any other local taxing authority on the Company's property or operations after October 1, 1981. (Ord. 88-1)

**10.32.080 Change in Rates.** Nothing contained herein shall be construed as affecting in any way the right of the party furnishing service under this rate schedule to unilaterally change the rates. (Ord. 97-11, S1, November 19, 1997) (Ord. 88-1)

**10.32.090 Contract.** Written contract cancelable only upon a minimum of five years notice. (Ord. 88-1)

**Chapter 10.33**

**Electrical Rates and Charges - Retail**

**Sections:**

- 10.33.010 Residential Service (Schedule A)**
- 10.33.015 Commercial Service (Schedule B)**
- 10.33.020 Industrial Service (Schedule C)**
- 10.33.025 Large Industrial Service (Schedule D)**
- 10.33.030 Dusk to Dawn Lighting**
- 10.33.035 Public Street Lighting**
- 10.33.040 Purchased Power Cost Adjustment**
- 10.33.045 Prediction of Residential/Commercial Rates**
- 10.33.050 Non-Recurring Charges**
- 10.33.055 Reconnection Charge**
- 10.33.060 Billing and Collection Procedure, Delinquent Payment -  
Disconnection**
- 10.33.065 Bad Check Charges**

There shall be and there are hereby established for the use of and the services rendered by the Electric Utility of the Town of Ferdinand, Indiana, the following rates and charges, based on the use of electricity supplied by said utility system:

**10.33.010**

**SCHEDULE A**

**RESIDENTIAL**

**AVAILABILITY**

Available to single family dwellings, which are being used strictly as a residence as determined by the electric utility's rules and regulations, who regularly use the electric utility's service throughout the year and who are located on the electric utility's distribution lines suitable and adequate for supplying the service requested per electric utility rules and regulations.

**CHARACTER OF SERVICE**

Alternating current, sixty hertz, single phase, at a voltage of approximately 120 volts two-wire, or 120/240 volts three-wire.

**MONTHLY RATES**

|                          |         |           |
|--------------------------|---------|-----------|
| Consumer Charge          | \$ 9.00 | per month |
| Energy Charge to 300 kWh | \$ .077 | per kWh   |
| 301 to 2,000 kWh         | \$ .068 | per kWh   |
| Over 2,000 kWh           | \$ .059 | per kWh   |

## **MINIMUM MONTHLY CHARGE**

The customer's minimum monthly payment under this rate shall be the consumer charge.

## **CONDITIONS OF SERVICE**

- (1) Service shall be provided based upon the electric utility Rules and Regulations.
- (2) Service under this schedule shall be used only for basic residential purposes; energy used for other purposes shall be separately billed.

## **RATE ADJUSTMENT**

The charges derived in the above rates are subject to adjustment for:

PURCHASED POWER COST ADJUSTMENT TRACKING FACTOR.

Refer to Appendix A.

## **NONRECURRING CHARGES**

Refer to Appendix B. (Ord. 2008-09, S10.20.010, July 8, 2008) (Ord. 2003-12, S10.20.010, Oct. 8, 2003)

**10.33.015**

### **SCHEDULE B**

#### **COMMERCIAL SERVICE**

##### **AVAILABILITY**

Available to any building or home in which a business is operated from or has multiple occupants fed from the same meter who regularly use the company's service throughout the year and who are located on the electric utility's distribution lines suitable and adequate for supplying service requested.

##### **CHARACTER OF SERVICE**

Alternating current, sixty hertz, single-phase service at a voltage of approximately 120 volts two-wire or 120/240 volts three-wire.

##### **MONTHLY RATES**

Rates charged for service rendered under this schedule are based upon the measurement of the electrical energy at a voltage supplied to the customer on the secondary side of the transformers furnished by the electric utility.

The rates for electrical energy supplied hereunder shall be as follows:

|                          |          |           |
|--------------------------|----------|-----------|
| Consumer Charge          | \$ 17.50 | per Month |
| Energy Charge to 500 kWh | \$ .079  | per kWh   |
| 501 to 2,000 kWh         | \$ .069  | per kWh   |
| Over 2,000 kWh           | \$ .062  | per kWh   |

### **MINIMUM MONTHLY CHARGE**

The minimum payment for service shall be the Consumer Charge for single-phase service.

### **CONDITIONS OF SERVICE**

- (1) Service shall be provided based upon the electric utility Rules and Regulations.
- (2) The electric utility will supply service from its electrical supply lines at only such frequency, phase, regulation and voltage as it has available in the location where service is required. Any applicant requiring service differing from that to be supplied by the electric utility as herein provided shall provide proper converting, transforming, regulating or other equipment upon his own premises and at his own expense.
- (3) All motors or apparatuses with a starting current in excess of 200 amps at 240 volts shall require electric utility approval.
- (4) The electric utility may require measures to be taken by the customer for any motor or other apparatus, which in the opinion of the electric utility will cause or is causing unacceptable voltage fluctuation to other consumers. Unless otherwise determined by the utility, the maximum primary voltage fluctuation will not exceed three percent (3%).

### **RATE ADJUSTMENT**

The charges derived in the above rates are subject to adjustment for:

PURCHASED POWER COST ADJUSTMENT TRACKING FACTOR.

Refer to Appendix A.

### **NONRECURRING CHARGES**

Refer to Appendix B. (Ord. 2008-09, S10.20.015, July 8, 2008) (Ord. 2003-12, S10.20.015, Oct. 8, 2003)

**SCHEDULE C  
INDUSTRIAL SERVICE**

**AVAILABILITY**

Available to any power consumer for year round service who is located on the electric utility's distribution lines suitable and adequate for supplying the service requested.

**CHARACTER OF SERVICE**

Alternating current, sixty hertz, three-phase service at a voltage of approximately 240 volts three-wire, 120/208 volts four-wire or other voltage approved by the utility.

**MONTHLY RATES**

Rates charged for service rendered under this schedule are based upon the measurement of the electrical energy at a voltage supplied to the customer on the secondary side of the transformers furnished by the electrical utility.

The rates for electrical energy supplied hereunder shall be as follows:

|                 |          |           |
|-----------------|----------|-----------|
| Consumer Charge | \$ 35.00 | per month |
| Energy Charge   |          |           |
| 1 to 2,000 kWh  | \$ .076  | per kWh   |
| Over 2,000 kWh  | \$ .063  | per kWh   |

**MINIMUM MONTHLY CHARGE**

The minimum payment for this service shall be the Consumer Charge for three-phase service.

**CONDITIONS OF SERVICE**

- (1) Service shall be provided based upon the electric utility Rules and Regulations.
- (2) The electric utility will supply service from its electrical supply lines at only such frequency, phase, regulation and voltage as it has available in the location where service is required. Any applicant requiring service differing from that to be supplied by the electric utility as herein provided shall provide proper converting, transforming, regulating or other equipment upon his own premises and at his own expense.

- (3) All motors or apparatuses with a starting current in excess of 200 amps at 240 volts shall require electric utility approval.
- (4) The electric utility may require measures to be taken by the customer for any motor or other apparatus, which in the opinion of the electric utility will cause or is causing unacceptable voltage fluctuation to other consumers. Unless otherwise determined by the utility, the maximum primary voltage fluctuation will not exceed three percent (3%).

**RATE ADJUSTMENT**

The charges derived in the above rates are subject to adjustment for:

PURCHASED POWER COST ADJUSTMENT TRACKING FACTOR.

Refer to Appendix A.

**NONRECURRING CHARGES**

Refer to Appendix B (Ord. 2008-09, S10.20.020, July 8, 2008) (Ord. 2003-12, S10.20.020, Oct. 8, 2003)

**10.33.025**

**SCHEDULE LI**

**LARGE INDUSTRIAL**

**AVAILABILITY**

Available to any consumer for service in excess of a monthly metered demand of 250 kW and is located in the electric utility's service area adjacent to a distribution line of the electric utility's that is adequate and suitable for supplying required service. Service under this schedule is provided on a yearly basis and is not applicable as a standby service.

**CHARACTER OF SERVICE**

The type of service rendered under this schedule shall be three-phase, 60 Hertz, approximately 277/480 volts, 4 wire, 480 volts, 3 wire or other voltages as may be mutually agreed upon in writing.

**MONTHLY RATES**

|                 |                     |
|-----------------|---------------------|
| Consumer Charge | \$ 100.00 per month |
| Demand Charge   | \$ 5.75 per kW      |
| Energy Charge   |                     |
| All kWh         | \$ .047 per kWh     |

## **DETERMINATION OF BILLING DEMAND**

The billing demand for any such month shall be the maximum kilowatt demand established by the consumer for any fifteen (15) minute period for month's billing period. The load shall be as indicated or recorded by suitable recording instruments provided by the electric utility and adjusted for power factor as provided within this schedule.

When highly fluctuating or intermittent loads (such as welding machines, electric furnaces, x-rays and the like) are in operation by the consumer, the utility reserves the right to set the minimum billing demand at the nameplate or volt-ampere rating of the equipment.

## **POWER FACTOR**

The consumer agrees to maintain unity power factor as nearly as practical. The electric utility will measure the power factor. Should such measurements indicate that the power factor is less than 90% (lagging or leading) at time of non-coincident peak, then the demand for billing purposes will be adjusted for the monthly coincident peak demand period by multiplying the demand as indicated or recorded on the demand meter by 90% and divide by the percent power factor.

## **PRIMARY METERING CREDIT**

Each consumer who is metered at the primary distribution level and owns, operates and maintains all the facilities beyond the point of common coupling will be given a Ninety-Five Cents (\$.95) credit per monthly billing demand.

## **MINIMUM MONTHLY CHARGE**

The minimum monthly charge shall be the greater of the contract amount or the Consumer Charge.

## **TERMS AND CONDITIONS OF SERVICE**

- (1) Service shall be provided based upon the electric utility Rules and Regulations.
- (2) The consumer will be required to give satisfactory assurance by means of a written agreement as to the amount and duration of the business offered.
- (3) The electric utility may require corrective measures to be taken by the customer for any motor or other apparatus, which in the opinion of the electric utility will cause or is causing voltage fluctuation to other consumers. Unless otherwise determined, the maximum primary voltage fluctuation will not exceed three percent (3%).
- (4) The electric utility will furnish and maintain, at its expense, one transformation. All poles, lines, wiring and other electrical equipment beyond the metering point is considered the distribution system of the

consumer and shall be furnished and maintained by the consumer. The metering equipment shall be furnished and maintained by the electric utility. When primary metering is required, the metering equipment, transformer and other protective equipment will also be furnished and maintained by the electric utility.

- (5) Voltage and current limits as defined within IEEE Standard 519 shall be considered acceptable for utility distribution facilities.
- (6) The consumer shall be responsible for installing under voltage, over voltage, phase reversed and/or loss of phase relays for the protection of their equipment.

### **RATE ADJUSTMENT**

The charges derived in the above rates are subject to adjustment for:

PURCHASED POWER COST ADJUSTMENT TRACKING FACTOR.

Refer to Appendix A

### **NONRECURRING CHARGES**

Refer to Appendix B. (Ord. 2008-09, S10.20.025, July 8, 2008) (Ord. 2003-12, S10.20.025, Oct. 8, 2003)

### **10.33.030**

#### **SCHEDULE SL DUSK TO DAWN LIGHTING**

#### **AVAILABILITY**

Available to any consumer for continuous year-round service of outdoor lighting where 120 volt service exists ahead of the meter loop.

#### **CHARACTER OF SERVICE**

Dusk to dawn outdoor lighting service using lamps and equipment available under this schedule. This includes photoelectric control equipment, standard lighting fixtures, mast arm, and where needed, one span of secondary conductor.

#### **MONTHLY RATES**

Light Fixture Including Energy

|                               |                             |
|-------------------------------|-----------------------------|
| 175 watt mercury vapor        | \$ 7.00 per light per month |
| 100 watt high pressure sodium | \$ 7.00 per light per month |

## **EXTRA CHARGES**

For consumers requesting lighting at locations other than locations where the electric utility has available facilities, the consumer shall pay the installation, labor, and material charges for pole and line.

When a transformer is required or the consumer requesting lighting service does not have an active account at same location, a charge of \$9.00 shall be added to the monthly security light charge.

## **BILLING**

The dusk to dawn light charge will be billed separately on the member's regular bill and shall be paid at the same time and on the same terms as the member's bill.

## **MAINTENANCE AND OWNERSHIP**

The electric utility shall install, own and maintain lights installed under this schedule. Maintenance of light shall be routinely scheduled during normal working hours at the electric utility convenience.

## **TERMINATION OF SERVICE**

If the light is requested to be disconnected prior to being billed 12 consecutive months, a disconnect fee will be charged. This fee will be the months the light is not billed, up to 12, times the monthly light charge.

The member may request termination of service at his option and the electric utility will remove its property upon such notice with reasonable diligence. The electric utility may remove its fixture and cancel scurrility lighting service when such action is necessary to protect the electric utility from fraud or abuse. (Ord. 2008-09, S10.20.030, July 8, 2008) (Ord. 2003-12, S10.20.030, Oct. 8, 2003)

### **10.33.035**

## **SCHEDULE ST PUBLIC STREET LIGHTING**

### **AVAILABILITY**

To the Town of Ferdinand or any public owned facility for providing year round lighting.

### **CHARACTER OF SERVICE**

The monthly rate includes a standard fixture, lamps, photoelectric control equipment, maximum six foot mast arm, one span of secondary conductor.

**MONTHLY RATES INCLUDING ENERGY**

|   |                              |
|---|------------------------------|
| 100 watt high pressure sodium               | \$ 6.00 per light per month  |
| 175 watt mercury vapor                      | \$ 7.00 per light per month  |
| 250 watt mercury vapor                      | \$ 10.00 per light per month |
| 400 watt mercury vapor                      | \$ 13.00 per light per month |
| 250 Watt decorative HPS                     | \$ 12.00 per light per month |
| <br>Pole charge for sole use light fixtures | <br>\$ 3.00 per pole         |

(Ord. 2008-09, S10.20.035, July 8, 2008) (Ord. 2003-12, S10.20.035, Oct. 8, 2003)

**APPENDIX A**

**10.33.040**

**PURCHASED POWER COST ADJUSTMENT**

(Applicable to Schedules: A, B, C, LI, and SL)

The purchased power cost adjustment in dollars per kilowatt hour shall be the same as most recently billed to the Ferdinand Municipal Electric Utility by its purchased power supplier in excess of the existing rate per kilowatt hour and will be added to the Energy Charge. (Ord. 2008-09, S10.20.040, July 8, 2008) (Ord. 2003-12, S10.20.040, Oct. 8, 2003)

**10.33.045**

**PREDICTION OF RESIDENTIAL/COMMERCIAL RATES**

In those borderline cases, in which the bulk use of the energy will be for residential purposes, in which it is desired to utilize a small amount for nonresidential purposes, this will be permitted only when the equipment use can be supplied from a 20 ampere 110 volt residential appliance branch circuit, or is less than 2,000 watts, and the total consumption is less than the residential use on the premises. When the non-residential equipment exceeds the above-stated maximum limit, the customer will be billed at the commercial rate, unless he would separate his residential wiring from his non-residential wiring so that it can be metered separately. (Ord. 2008-09, S10.20.045, July 8, 2008) (Ord. 2003-12, S10.20.045, Oct. 8, 2003)

**APPENDIX B**

**10.33.050**

**NON-RECURRING CHARGES**

**DESCRIPTION OF CHARGE**

Penalty for Late Payment: 10% first \$3.00; 3% on remaining unpaid balance.

Customer Security Deposit: \$ 100.00

Said deposit shall be made by all customers making application for the respective service, when such customer, who shall be responsible for the monthly billing, does not own the property for which the service is sought. Said respective deposits, less the amount of any current and/or delinquent bills owing, shall be refunded to said customer at such time as said customer requests disconnection or termination of the respective service or at the conclusion of five (5) years of continuous service without any delinquent bills.

The Town's Utility Clerk shall make such refunds to all existing customers within sixty (60) days hereof, without interest, by payment of some or all of the deposit, or by crediting some or all of the deposit against any current or future amounts due the Town providing all sums are paid or credited within sixty (60) days.

Any future refund owed to an existing utility customer shall be paid by the Town's Utility Clerk, without interest, to the utility customer by payment of some or all of the deposit, or by crediting some or all of the deposit against the customer's current or next utility bill, providing any remaining deposit not so credited is then paid to the customer. (Ord. 2008-09, S10.20.050, July 8, 2008) (Ord. 2003-12, S10.20.050, Oct. 8, 2003)

#### **10.33.055**

### **RECONNECTION CHARGE**

When the service is disconnected for non-payment, or for any other reason beyond the control of the Utility, requiring a re-connection of services, a charge for such re-connection will be made. The charge, together with any arrears due the Utility, shall be paid prior to re-connection. The charge shall be Twenty-Five Dollars (\$25.00), unless a re-connection is requested after normal utility employee work hours, in which event, the charge is Seventy-Five Dollars (\$75.00). (Ord. 2008-16, S10.20.055, Dec. 9, 2008) (Ord. 2008-09, S10.20.055, July 8, 2008) (Ord. 2003-12, S10.20.055, Oct. 8, 2003)

#### **10.33.060**

### **BILLING AND COLLECTION PROCEDURE, DELINQUENT PAYMENT - DISCONNECTION**

All bills for said electric service are due and payable on the 1<sup>st</sup> day of the month after the billing month and become delinquent after the 10<sup>th</sup> day of said month, and the penalty set out in Section 1.20.050 above is applicable; immediately thereafter a notice of delinquency shall be mailed to each delinquent customer as of the 10<sup>th</sup> day of said month, informing said customer that unless said delinquent bill, plus penalty is not satisfied in full within ten (10) or fourteen (14) days thereafter, the respective service for which said delinquency is applicable shall be disconnected and shall not be reconnected until said delinquent bill, plus penalty and the reconnection charge is paid in full. A notice of delinquency may be mailed to the owner of the property served if different from the customer and shall be mailed if the owner makes written request for such notification, indicating that he is the owner and indicating the address where notice is to be sent.

The ten (10) day grace period prior to disconnection shall be effective from April 1 to November 1 of each year. The fourteen (14) day grace period prior to disconnection shall

be effective from November 1 to April 1 of each year. (Ord. 2008-09, S10.20.060, July 8, 2008) (Ord. 2003-12, S10.20.060, Oct. 8, 2003)

**10.33.065**

**BAD CHECK CHARGES**

Any payment made by a check which is returned by the maker's bank for insufficient funds or for any reason will be considered as non-payment, and in addition to the above charges, an additional service charge of Twenty Dollars (\$20.00), plus any bank charges will be due the Utility. (Ord. 2008-09, S10.20.030, July 8, 2008) (Ord. 2003-12, S10.20.065, Oct. 8, 2003)

## Chapter 10.35

### ELECTRIC UTILITY DEMAND RESPONSE PARTICIPATION POLICY

#### Sections:

- 10.35.010** Town of Ferdinand sole entity to bid demand response for Town retail customers, into any FERC approved system
- 10.35.020** Policy regarding participation in demand response program
- 10.35.030** Town of Ferdinand sole entity to bid ancillary services for Town retail customers into any FERC approved system
- 10.35.040** Prior authorization necessary to participate in demand response system
- 10.35.050** Prior Ordinances
- 10.35.060** Separability
- 10.35.070** Effective Date

**10.35.010** Town of Ferdinand sole entity to bid demand response for Town retail customers, into any FERC approved system. The Town of Ferdinand or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the Town directly into any FERC-approved independent system operator's or regional transmission organization's organized electric markets. (Ord. 09-07, S1, June 9, 2009)

**10.35.020** Policy regarding participation in demand response program. Retail customers served by the Town wishing to bid their demand response into a FERC-approved independent system operator's or regional transmission organization's organized electric markets may do so by participating in the program to be established by the Town. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Town. (Ord. 09-07, S2, June 9, 2009)

**10.35.030** Town of Ferdinand sole entity to bid ancillary services for Town retail customers into any FERC approved system. The Town or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the Town directly into any FERC-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff). (Ord. 09-07, S3, June 9, 2009)

**10.35.040** Prior authorization necessary to participate in demand response system. Retail customers served by the Town wishing to bid their demand response into the FERC-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional

equivalent in the FERC-approved independent system operator's or regional transmission organization's tariff) may do so by participating in a program to be established by the Town or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Town. (Ord. 09-07, S4, June 9, 2009)

**10.35.050 Prior Ordinances.** All ordinances and/or parts of ordinances in conflict herewith are hereby repealed. (Ord. 09-07, S5, June 9, 2009)

**10.35.060 Separability.** If any section, subsection, sentence clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 09-07, S6, June 9, 2009)

**10.35.070 Effective Date.** This ordinance shall be in full force and effect from and after its passage by the Town Council. (Ord. 09-07, S7, June 9, 2009)

## Chapter 10.50

### IDENTITY THEFT PREVENTION PROGRAM

#### Sections:

- 10.50.010 Adoption of Identity Theft Prevention Program
- 10.50.020 Implementation
- 10.50.030 Validity

**10.50.010 Adoption of Identity Theft Prevention Program.** The attached Exhibit A be adopted as the Identity Theft Prevention Program as required by the Red Flag Rule of the Federal Trade Commission and be effective upon passage. (Ord. 09-10, S1, July 7, 2009)

**10.50.020 Implementation.** Town Staff are hereby authorized and directed to implement the Program in accordance with its terms. (Ord. 09-10, S2, July 7, 2009)

**10.50.03 Validity.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. (Ord. 09-10, S3, July 7, 2009)

**EXHIBIT A**

**Identity Theft Prevention Program**

**For**

**Ferdinand Municipal Utilities**

**2065 Main Street**

**Ferdinand, IN 47532**

**July 7, 2009**

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**Ferdinand Municipal Utilities Identity Theft Prevention Program**

This Plan is intended to identify red flags that will alert employees of the Ferdinand Municipal Utilities (hereinafter referred to as Town Staff) when new or existing accounts are opened or transferred using false information, protect against the establishment of false accounts, methods to ensure existing accounts were not manipulated using false information, and measures to respond to such events.

The Senior Management Person responsible for this plan is Beverly Schulthise, Clerk-Treasurer. The phone number is 812-367-2280.

The Governing Body Members of the Utility are:  
Council Members

Kenneth Sicard

Debra Johnson.

Ronald Weyer

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**Risk Assessment**

The Ferdinand Municipal Utilities, consisting of electric, water and sewer utilities, has conducted an internal risk assessment to evaluate how at risk the current procedures are at allowing customers to create a fraudulent account and evaluate if current accounts are being manipulated. This risk assessment evaluated how new accounts were opened and the methods used to access the account information. Using this information the utility was able to identify red flags that were appropriate to prevent identity theft of new accounts opened in person or fax or account information accessed in person, via web, or telephone. Effective immediately, Town Staff will require a written application for utility service to be completed and proof of identity provided (driver license or picture ID) by any person applying for or transferring utility service to a new account.

**Detection (Red Flags):**

Upon receipt of such application and identification, the Town Staff will look for the following, which may be red flags of potential identity theft. These are not intended to be all-inclusive and other suspicious activity may be investigated as necessary:

1. Notice of address discrepancy provided by consumer.
2. Recent and significant increase in volume of inquiries indicated by consumer report.
3. Identification documents appear to be altered.
4. Photo and physical description do not match appearance of applicant.
5. Other information is inconsistent with information provided by applicant.
6. Other information provided by applicant is inconsistent with information on file for a customer.
7. Application appears altered or destroyed and reassembled.
8. Personal information provided by applicant does not match other sources of information.
9. Customer fails to provide all information requested.
10. Applicant cannot provide information requested beyond what could commonly be found in a purse or wallet.
11. Identity theft is reported or discovered.
12. Social security number, address, or telephone number is the same as that of other customer at utility.

### **Response**

Any member of Town Staff that may suspect fraud or detect a red flag will implement the following response as applicable. All detections or suspicious red flags shall be reported to the senior management official.

1. Ask applicant for additional documentation.
2. Any member of Town Staff who becomes aware of a suspected or actual fraudulent use of a customer or potential customers identity must notify the Senior Management Person.
3. The Senior Management Person will notify the Ferdinand Police Dept. of any attempted or actual identity theft.
4. Do not open the account.
5. Close the account
6. Do not attempt to collect against the account but notify authorities.

The Ferdinand Municipal Utilities adopts the following as its security procedures to prevent identity theft:

1. Paper documents, files, and electronic media containing secure information will be stored in locked file cabinets. File cabinets will be stored in a locked room.
2. Only specially identified employees with a legitimate need will have keys to the room and cabinet.
3. Files containing personally identifiable information are kept in locked file cabinets except when an employee is working on the file.
4. Employees will not leave sensitive papers out on their desks when they are away from their workstations.
5. Employees store files when leaving their work areas.
6. Employees log off their computers when leaving for the day.
7. Employees lock file cabinets when leaving for the day.
8. Employees lock file room doors when leaving for the day.
9. Any sensitive information shipped will be shipped using a shipping service that allows tracking of the delivery information.
10. No visitor will be given any entry codes or allowed unescorted access to the office.
11. Access to sensitive information will be controlled by using passwords. Employees will choose passwords with a mix of letters and numbers. User names and passwords will be different. Passwords will be changed monthly.
12. Passwords will not be shared or posted near workstations.
13. Anti-virus and anti-spyware programs will be run on individual computers daily.
14. Computer passwords will be required.
15. The use of laptops is restricted to those employees who need them to perform their jobs.
16. Laptops are stored in secure place.
17. The computer network will have a firewall where network connects to the Internet.
18. Access to customer's personal information is limited to employees with a "need to know".
19. Procedures exist for making sure that workers who leave employment or transfer to another part of the company no longer have access to sensitive information.

20. Employees are required to notify the Senior Management Person immediately if there is a potential security breach, such as lost or stolen office equipment and/or papers.
21. Service providers will notify the Senior Management Person of any security incidents they experience, even if the incidents may not have led to an actual compromise of data.
22. Paper records will be shredded and data storage media incinerated or holes punched in before being placed in the trash.
23. Require and keep only the kinds of customer information that are necessary for Town purposes.

### **Approval**

That this Program shall be approved by the Ferdinand Town Council before its inception. After initial approval by the Town Council, the Senior Management Person shall be responsible for the continuing oversight, implementation and administration of the Program. This Program shall be reviewed at least annually or more often if the need arises. At the time of review, the Senior Management Person shall consider whether any updates need to be made to the Program based on incidents or identity theft that the Ferdinand Municipal Utilities have encountered, changes in method of identity theft, changes in methods to detect, prevent and mitigate identity theft, changes in accounts that the utilities offers or maintains, and changes in the utilities business arrangements. Any changes or updates made to the Program will be taken to the Town Council for approval.

### **Training**

Upon approval of this Program, Town Staff is responsible for implementing the Program and shall be trained on their requirements and responsibilities under this Program. Any new member of the Town Staff shall be trained at the start of employment with the Ferdinand Municipal Utilities.

### **Compliance/Reporting**

A report on compliance with this Program shall be given to the Ferdinand Town Council at least annually. The Senior Management Person shall be responsible for preparing said report and will present the report to the Town Council. The report shall address material matters related to the Program and evaluate the effectiveness of the polices and procedures of the Ferdinand Municipal Utilities in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts, significant incidents involving identity theft and what the utilities' response was to the incident, and recommendations for material changes to the Program. All identity theft incidents or Red Flag occurrences will be recorded in a log to be monitored by the Senior Management Person.