

**TITLE 11**

**UTILITIES**

## **Title 11**

### **UTILITIES**

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## Chapter 11.04

### WATER CONNECTION AND USE

#### Sections:

- 11.04.010 Specification for Connection**
- 11.04.400 Size of Water Meters to Multi-Family Housing Units**
- 11.04.900 Certain Customers and Prospective Customers Outside the Corporate Limits**

**11.04.010 Specification for Connection.** An Ordinance to regulate the making of private connections with water and other like pipe and public conveniences and to compel owners of property to bring such connections inside the curb line of streets before the permanent improvement of such streets and on default of the owners making such connections to authorize the proper town officials to do so at the owners expense and to make such expense a lien on the property, collectable in the same manner as expenses for other street and sewer improvement, and to require public utilities to replace and renew defective pipes. (Ord. Feb. 15, 1923) (Sewer Connection Regulations Superseded by Ord. 1986-4, Chapter 11.42) (Gas Connection Chapter 11.80)

**11.04.400 Size of Water Meters to Multi-Family Housing Units.** All water meters hereafter installed by the Water Works Department of the City of Petersburg Municipal Water Works, for multi-family housing complexes, which complexes are hereby defined as residential buildings containing more than one separate housing unit, shall be of the following size:

<u>Number of Separate Units Served by Each Meter</u>	<u>Size of Meter</u>
1	3/4 inch meter
2 - 6	1 inch meter
more than 6 but not more than 20	2 inch meter

(Ord. 1992-1, S1, Mar. 16, 1992)

**11.04.900 Certain Customers and Prospective Customers Outside the Corporate Limits.** Certain customers and prospective customers of the Petersburg Municipal Waterworks, have requested the right to install their own water lines from the City water system to a point on their property where they desire the City of Petersburg to install a water meter. These situations involve persons who desire the water meter to be installed at such a distance from the City water system that the Petersburg Municipal Waterworks is neither required, nor is willing, to install the water line.

Beginning the date of this policy, if a person desires to have Petersburg Municipal Waterworks install a water meter on his or her property and have it connected to the

Petersburg Water System, at a point outside the corporate limits of the City of Petersburg, and if the water line required for such connection is too long for the Petersburg Municipal Waterworks to install, the customer may install the water line from the City water system, to a point on the customer's property where the property owner desires to have the water meter placed. Before installing the water line, the customer shall present a sample of the water line and any other material to be installed to the Petersburg Municipal Waterworks of the City of Petersburg, for examination and approval. All of the material must be at least equal to the quality of material then being used by the Petersburg Municipal Waterworks for similar installations. If all the material is approved, the customer may proceed to install the water line, but without connecting it either to the City water system, or to the water meter. The water line shall be installed no more than 36 inches deep, and no less than 30 inches deep.

After installing the water line, extended from the City water system to the point at which, the customer desires the water meter to be installed, and while the installation is still visible for inspection, the customer shall request the Petersburg Municipal Waterworks to inspect such installation and connect the same to the City water system, and to install the water meter.

If the City determines, after proper inspection, that the installation is of a quality at least equal to the quality of such installation made by the City of Petersburg, the City shall then approve the installation and connect the same to the City water system, and to a City water meter. The customer shall pay the tap charge for meter installation as provided by the then current schedule of rates and charges for the Petersburg Municipal Waterworks, and shall convey any necessary easement for the water meter to City of Petersburg.

Petersburg Municipal Waterworks shall not be required to connect any such customer installed water line to the City water system, nor to a water meter, until the material and construction meet reasonable quality standards of Petersburg Municipal Waterworks.

After the water line has been in use for a period of one (1) year, and has been proven to be an installation of the quality reasonably required by Petersburg Municipal Waterworks, the customer shall convey to City of Petersburg, the water line from the City water system to the water meter, and also convey a utility easement for the water line. The Petersburg Municipal Waterworks shall then assume responsibility for the repair and maintenance of the water line. Until the City of Petersburg has approved the water line at the end of the one year period, the Petersburg Municipal Waterworks shall not be responsible for the repair or maintenance of the water line.

The customer shall pay the Petersburg Municipal Waterworks for the inspection of the water line installation, for all time expended by the City Inspector, at the regular hourly rate paid by the City to that Inspector. This inspection fee does not include the time required to connect the water line to the City water system, nor to connect the water line to the water meter, because these connections are included in the tap charge, which is a part of the Schedule of Rates of Charges of the Petersburg Municipal Waterworks. (Department of Waterworks - Policy Statement, Sept. 8, 1992)

**Chapter 11.08**

**WATER RATES AND CHARGES**

**Sections:**

- 11.08.005 Water Meter Deposit**
- 11.08.010 Rates for Water Service**
- 11.08.020 Approval by the Indiana Utility Regulatory Commission**
- 11.08.030 Effective**

**11.08.005 Water Meter Deposit.**

- (1) The meter deposit for tenants establishing water service with the City of Petersburg, shall be a \$115.00 meter deposit.
- (2) If the Meter deposit is unclaimed by the tenant-depositor for more than one year from the termination of service, then said meter deposit shall be considered abandoned, and transferred to the water utility operating fund, and shall become the property of the City of Petersburg water utility.
- (3) In the event a refund of less than \$5.00 is due and owing to a tenant-depositor, that refund may only be obtained in person at City Hall. No longer will meter refund deposits of less than \$5.00 be made by check and mailed to the tenant-depositor.
- (4) This ordinance shall be effective upon its passage and publication as provided by law. (Ord. 2008-15, S1-4, Nov. 17, 2008)

**11.08.010 Rates for Water Service.** Subject to and to the extent of the approval of the Indiana Utility Regulatory Commission, there shall be and there are hereby established for the use of and the service rendered by the Waterworks Utility of the City of Petersburg, Indiana, the following rates and charges, based on the use of water supplied by said waterworks system:

(1)	<u>Monthly Consumption:</u>	<u>Monthly Rate per 1,000 Gallons</u>
	First 5,000 gallons	\$ 4.03
	Next 10,000 gallons	3.64
	Next 15,000 gallons	3.24
	Next 30,000 gallons	2.82
	Over 60,000 gallons	2.45

- (2) Each user shall pay a minimum monthly charge in accordance with the following applicable size of meter installed, for which the user will be entitled to the quantity of water set out in the above schedule of rates:

<u>Minimum Charge</u>	<u>Gallons Allowed</u>	<u>Monthly Rate per 1,000 Gallons</u>
3/4 inch meter or less	2,856	\$ 11.51
1 inch meter	5,007	20.18
1 1/4 inch meter	8,021	31.15
1 1/2 inch meter	10,028	38.45
2 inch meter	15,039	56.68
3 inch meter	30,071	105.35
4 inch meter	50,116	161.88

- (3) Fire Protection Per Month  
Municipal fire hydrant (Until December 31, 2010) \$ 404.30  
Private fire hydrant 404.30

Public Fire Hydrant (Beginning January 1, 2011)

<u>Meter Size</u>	<u>Per Month</u>
5/8"	\$ 2.86
3/4"	4.29
1"	7.15
1 1/4"	11.44
1 1/2"	14.30
2"	22.87
3"	42.89
4"	71.48
6"	142.96
8"	228.73
10"	328.80

<u>Private Sprinklers</u>	<u>Per Annum</u>
1 inch connection	\$ 6.70
1 1/4 inch connection	10.35
2 inch connection	26.57
3 inch connection	59.83
4 inch connection	106.49
6 inch connection	239.55
8 inch connection	425.76

- (4) Wholesale Rate: Per Month  
First 100,000 gallons (minimum) \$ 254.72  
Over 100,000 gallons (per 1,000 gallons) 1.60

- (5) Raw Water Rate per Month  
All consumption per 1,000 gallons \$ 0.23
- (6) Tap Fee Per Tap  
3/4 inch or less \$675.00 If tap is on the same side of the Road as the City main; \$675 if tap is on other side of road plus \$7.00 per foot for road crossing charge.

All taps requiring a meter larger than 3/4 inch shall be charged the actual cost of installation including labor, materials, and equipment, but not less than the charge of 3/4 inch meter.

- (7) Temporary Users:

Water furnished to temporary user such as contractors, etc. shall be charged the above rates based upon gallonage consumption estimated by the Waterworks Superintendent.

- (8) Turn-off Fee: \$10.00 per instance

- (9) Turn-on Fee: \$20.00 per instance

- (10) Bad Check Charge: \$27.50 per instance

- (11) Collection or Deferred Payment Charge:

A water service bill which has remained unpaid for a period of more than fifteen days from the due date thereof as stated in such bill, shall be subject to a collection or deferred payment charge of 10% on the first \$3.00 and 3% on the excess over \$3.00.

- (12) Tank Water:

Tank Water purchased at the Water Plant shall be charged the rate of \$0.27 per 100 gallons.

(Ord. 2009-9, S1, Sept. 21, 2009) (Res. 2002-1, May 6, 2002) (Ord. 2000-4, S1, May 30, 2000) (Ord. 1999-1, S1, Jan. 18, 1999) (Ord. 1992-1, S2, Mar. 16, 1992) (Ord. 1990-7, S1, June 11, 1990) (Ord. 1990-2, S1, Mar. 6, 1990) (Ord. 1989-6, S1, Nov. 6, 1989) (Ord. 1988-4, S1, 2, 3, May 2, 1988) (Ord. 1983-9, S1, Oct. 17, 1983) (Ord. 1976-8, Nov. 15, 1976)

**11.08.020 Approval by the Indiana Utility Regulatory Commission.** All schedules of rates and charges in conflict herewith are hereby superseded; provided, however, that the existing schedule of rates and charges shall remain in full force and effect until the schedule fixed by this Ordinance shall be approved by the Indiana Utility Regulatory

Commission. (Ord. 2009-9, S2, Sept. 21, 2009) (Ord. 2000-4, S2, May 30, 2000) (Ord. 1999, S2, Jan. 18, 1999) (Ord. 1990-7, S2, June 11, 1990) (Ord. 1990-2, S2, Mar. 6, 1990) (Ord. 1989-6, S2, Nov. 6, 1989) (Ord. 1988-4, S4, May 2, 1988)

**11.08.030 Effective.** This Ordinance shall be in full force and effect from and after its passage. Public fire hydrant rates shall convert to monthly charge effective January 1, 2011. All other rates and charges shall be charged as approved by the IURC, effective on the billing that is issued on or after thirty (30) days from the IURC order establishing such rates. (Ord. 2009-9, S3, Sept. 21, 2009)

## Chapter 11.11

### WATER PURCHASE CONTRACT (PIKE-GIBSON WATER, INC.)

This contract for the sale and purchase of water is entered into as the 15<sup>th</sup> day of June, 1981, between the City of Petersburg, Indiana, hereinafter referred to as the "City", and Pike-Gibson Water, Inc., hereinafter referred to as the "Corporation".

Witnesseth,

WHEREAS, the Corporation has been organized and established under the provisions of the non-profit Corporation laws of the State of Indiana, for the purposes of constructing and operating a water supply distribution system and does currently own and operate such a system in parts of Pike, Gibson and Warrick Counties in the State of Indiana and has a need to obtain an increased supply of treated water, and

WHEREAS, the City owns and operates a water works system with a capacity currently capable of serving the present customers of the City system and of supplying the Corporation with the amount of water set forth in this contract, and

WHEREAS, the City's water works system has been in need of certain additions in construction which will tend to bring about a more efficient and economical administration of said system, and

WHEREAS, the Corporation has agreed to pay a portion of the costs of said addition, and

WHEREAS, the purchase of water by the Corporation in large volume from the City would tend to bring about a more efficient and economical administration of the City's water works system, and

WHEREAS, by Resolution enacted on the 18<sup>th</sup> day of May, 1981, by the Board of Water Works Trustees and of the Common Council, of the City of Petersburg, Indiana, the sale of water to the Corporation in accordance with the provisions of the said Resolution was approved, and the execution of this contract carrying out the said Resolution of said Board, was duly authorized, and

WHEREAS, by Resolution of the Board of Directors of Pike-Gibson Water, enacted on the 10<sup>th</sup> day of April, 1981, the purchase of water from the City in accordance with the terms set forth in the said Resolution was approved, and the execution of the contract by said Board was duly authorized; and

WHEREAS, the Corporation and the City are bound by a previous Water Purchase contract executed on the 27<sup>th</sup> day of June, 1973 and modified on November 9, 1973 and again modified on January 20, 1975, and

WHEREAS, both parties agree to mutually rescind their present water contract in consideration of each party executing this Water Purchase Contract.

NOW THEREFORE, in consideration of the foregoing and the mutual agreements hereinafter set forth,

THE CITY AGREES:

- (1) (Quality and Quantity)
  - (a) To furnish the Corporation a maximum of 800,000 gallons per day of potable treated water, meeting applicable purity standards of the Indiana State Board of Health from the date of the execution of this agreement until June 1, 1983.
  - (b) To furnish the Corporation a maximum of 833,333 gallons per day of potable treated water meeting applicable purity standards of the Indiana Board of Health on and from June 1, 1983 to June 1, 1985.
  - (c) To furnish the Corporation a maximum of 866,666 gallons per day of potable treated water, meeting applicable purity standards of the Indiana State Board of Health on and from June 1, 1985 until the end of this contract.
- (2) (Point of Delivery and Pressure) Water shall be furnished at the following two points of delivery at the amount of pressure set forth therein.
  - (a) That water will be furnished at a reasonable constant pressure calculated at 20 psi from an existing eight inch main supply at a point located near the north edge of the property owned by the Pike County School Corporation and located in Section 13, Township South, Range 8 West, in Pike County, Indiana, and more particularly described as being at the terminus of the eight inch water main running parallel with State Highway #61 at the place where the Central High School connects to the eight inch water main and which point is shown on the Central High School plans as being approximately 300 feet South of State Highway #56. If a greater pressure than that normally available at the point of delivery is required by the Corporation, the cost of providing such greater pressure shall be borne by the Corporation. Emergency failures of pressure or supply due to main supply line breaks, power failure, flood fire and use of water to fight fire, earthquake or other catastrophe shall excuse the City from this provision for such reasonable period of time as may be necessary to restore service. City agrees to notify Corporation of emergency failures of pressure or supply.

- (b) That water will be furnished at a reasonable constant pressure calculated at 20 psi from an existing six inch supply located at a point located near the south corporate boundary of the City which point is located near the West edge of State Highway #57 in Section 27, Township 1 North, Range 8 West. If a greater pressure than that normally available at the point of delivery is required by the Corporation, the cost of providing such greater pressure shall be borne by the Corporation. Emergency failures of pressure or supply due to main supply breaks, power failure, flood, fire and use of water to fight fire, earthquake or other catastrophe shall excuse the City from this provision for such reasonable period of time as may be necessary to restore service. City agrees to notify Corporation of emergency failures of pressure or supply. It is understood that City may change the second point of connection and the Corporation will pay for the cost of such change. It is further understood that City will not change the second point of connection unless such change results in substantially separate distribution system for Corporation users and City users.
- (3) (Metering Equipment) To operate and maintain at its own expense, the metering equipment to be furnished and installed at the expense of the Corporation and to calibrate such metering equipment whenever requested by the Corporation, but not more frequently than once every twelve (12) months. A meter registering not more than two percent (2%) above or below the test result shall be deemed to be accurate. The previous readings of any meter disclosed by test to be inaccurate shall be corrected for the three (3) months previous to such test in accordance with the percentage of inaccuracy found by such tests. If any meter fails to register for any period, the amount of water furnished during such period shall be deemed to be the amount of water delivered in the corresponding period immediately prior to the failure, unless City and Corporation shall agree upon a different amount. The metering equipment shall be read on the 20<sup>th</sup> day of each month. An appropriate official of the Corporation at all reasonable times shall have access to the meter for a purpose of verifying its readings.
- (4) (Billing Procedure) To furnish the Secretary of the Corporation at P.O. Box 126, Oakland City, Indiana 47660, not later than the 5<sup>th</sup> day of each month, with an itemized statement of the amount of water furnished the Corporation during the preceding month.

THE CORPORATION AGREES:

- (1) (Payment) The Corporation agrees to pay the City the sum of Eight Thousand Four Hundred Eighty Seven Dollars and Fifty Cents (\$8,478.50)

as Corporation's share of the costs of the addition to the City's water works system.

- (2) (Estimated Normal Usage) To furnish the City at the beginning of the calendar year, a monthly estimate of water usage.
- (3) (Estimated Special Usage) To notify the City of any anticipated special usage in excess of the monthly estimate of water usage.
- (4) (Rates and Payment Date) To pay City, not later than the 15<sup>th</sup> day of each month, for water delivered in accordance with the following schedule of rates:
  - (a) \$84.60 for the first 100,000 gallons as a minimum rate per month;
  - (b) \$0.54 cents per 1000 gallons for water in excess of 100,000 gallons;

Provided, however, that the foregoing schedule of rates shall be deemed to be amended by any rate schedule which may, during the tenure of this agreement, be prescribed and/or approved for said City by the Public Service Commission of the State of Indiana. It is understood that either party may instigate proceedings with the Public Service Commission of the State of Indiana.

- (5) (Metering Equipment) To furnish and install, at its own expense at both points of delivery, the necessary metering equipment, including a meter house or pit, and required devices of standard type for properly measuring the quantity of water delivered by the City to the Corporation. Said metering equipment shall be approved by the City.
- (6) (Connection) To connect at the points of delivery, install and furnish all necessary appurtenances for connection.
- (7) (Drawing and Specification) To furnish City drawings and specifications of the system including the connection devices, metering equipment and a pit and pump stations.
- (8) (Draw) To draw water from the City's system at a uniform rate and in any event not in excess of 602 gallons per minute.

It is further mutually agreed between the City and the Corporation as follows:

- (1) (Term of Contract) That this contract shall extend for a term of ninety-nine (99) years from the date of execution of this contract, and, thereafter may be renewed or extended for such term, or terms as may be agreed

upon by the City and Corporation. Provided, however, that if there are legal prohibitions against the City contracting to sell water for that long a period of time, then the terms of this contract shall be the longest period that the City can legally enter into.

- (2) (Failure to Deliver) That the City will, at all times, operate and maintain its system in an efficient manner and will take such action as may be necessary to furnish the Corporation with quantities of water required by the Corporation. Temporary or partial failures to deliver water shall be remedied with all possible dispatch. In the event of an extended shortage of water, or the supply of water available to the City is otherwise diminished over an extended period of time, the supply of water to Corporation consumers shall be reduced or diminished in the same ratio or proportion as the supply to City consumers is reduced or diminished. Provided, however, that in the event the City's present water works system is unable to supply water in the volume set forth herein, City shall have no duty to replace its system with one which could supply a greater volume of water.
- (3) (Modification of Contract) That the provisions of this contract may be modified or altered by mutual agreement, save and except the provisions hereof relative to the rates to be paid by the schedule of rates as may be determined from time to time by the Public Service Commission of the State of Indiana.
- (4) (Regulatory Agencies) That this contract is subject to such rules, regulations, or laws as may be applicable to similar agreements in the State of Indiana and the City and Corporation will collaborate in obtaining such permits, certificates, or the like, as may be required to comply therewith.
- (5) (Miscellaneous) That the construction of the water supply distribution system by the Corporation has been financed by a loan from the United States of America acting through the Farmers Home Administration of the United States Department of Agriculture, and the original provisions hereof pertaining to the undertakings of the corporation are conditions upon the approval, in writing, of the State Director of Indiana, of the Farmers Home Administration.
- (6) (Successor to the Corporation) That in the event of any occurrence rendering the Corporation incapable of performing under this contract, any successor of the Corporation, whether the result of legal process, assignment, or otherwise, shall succeed to the rights of the Corporation hereunder. Any successor to the Corporation, whether the result of legal process, assignment or otherwise, or any new corporation in any way

related to the Corporation, whether the result of legal process, assignment or otherwise shall assume the duties of the Corporation under this contract.

IN WITNESS WHEREOF, the parties hereto, acting under authority of their respective governing bodies, have caused this contract to be duly executed.

COMMON COUNCIL AND BOARD OF  
WATER WORKS TRUSTEES, CITY OF  
PETERSBURG, INDIANA

AND

PIKE-GIBSON WATER, INC.

(Contract June 15, 1981) (Second Addendum Jan. 20, 1975) (Addendum Dec. 9, 1973)  
(Contract June 27, 1973) (Contract July 8, 1972)

## Chapter 11.12

### WATER PURCHASE CONTRACT (OTWELL WATER CORPORATION)

This contract for the sale and purchase of water is entered into as the 16<sup>th</sup> day of May, 1967, (Amended March 3, 1992) between the Board of Trustees of the Department of Waterworks of the City of Petersburg, Indiana, hereinafter referred to as the "City", and Otwell Water Corporation hereinafter referred to as the "Corporation".

#### WITNESSETH

WHEREAS, the Corporation has been organized and established under the provisions of the laws of the State of Indiana, for the purpose of constructing and operating a water supply distribution system serving water users within the area described in plans now on file in the office of the corporation and to accomplish this purpose, the Corporation will require a supply of treated water, and

WHEREAS, the City owns and operates a water supply distribution system with a capacity currently capable of serving the present customers of the City system and the estimated number of water users to be served by the said Corporation as shown in the plans of the system now on file in the office of the Corporation, and

WHEREAS, by Resolution enacted on the 15<sup>th</sup> day of May, 1967, by the Board of Trustees of the Department of Waterworks of the City of Petersburg, Indiana, the sale of water to the Corporation in accordance with the provisions of the said Resolution was approved, and the execution of this contract carrying out the said Resolution by the Board of Trustees of the Department of Waterworks of said City was duly authorized, and

WHEREAS, by Resolution of the Board of Directors enacted on the 12<sup>th</sup> day of May, 1967, the purchase of water from the City in accordance with the terms set forth in the said Resolution was approved, and the execution of this contract by the President and attested by the Secretary, was duly authorized;

NOW THEREFORE, in consideration of the foregoing and the mutual agreements hereinafter set forth,

#### THE CITY AGREES:

- (1) (Quality and Quantity) To furnish the Corporation, at the point of delivery hereinafter specified, during the term of this contract or any renewal or extension thereof, potable treated water meeting applicable purity standards of the State Board of Health in such quantity as may be required by the Corporation (not to exceed two million gallons per month)
- (2) (Point of Delivery and Pressure) That water will be furnished at a reasonably constant normal pressure calculated at seventy five (75) pounds from an existing six inch main supply at a point located at the intersection

of Indiana State Highway #356 and Lake View Drive in said City. If a greater pressure than that normally available at the point of delivery is required by the Corporation, the cost of providing such greater pressure shall be borne by the Corporation. Emergency failures of pressure or supply due to main supply line breaks, power failure, flood, fire and use of water to fight fire, earthquake or other catastrophe shall excuse the City from this provision for such reasonable period of time as may be necessary to restore service.

- (3) (Metering Equipment) To operate and maintain and repair or replace as required, at its own expense, the metering equipment initially furnished and installed at the expense of the Corporation and to calibrate such metering equipment whenever requested by the Corporation but not more frequently than once every twelve (12) months. A meter registering not more than two percent (2%) above or below the test result shall be deemed to be accurate. The previous readings of any meter disclosed by test to be inaccurate shall be corrected for the three (3) months previous to such test in accordance with the percentage of inaccuracy found by such tests. If any meter fails to register for any period, the amount of water furnished during such period shall be deemed to be the amount of water delivered in the corresponding period immediately prior to the failure, unless City and Corporation shall agree upon a different amount. The metering equipment shall be read on the 20<sup>th</sup> day of each month.
- (4) (Billing Procedure) To furnish the Secretary of the Corporation at Otwell, Indiana, not later than the 5<sup>th</sup> day of each month, with an itemized statement of the amount of water furnished the Corporation during the preceding month.

THE CORPORATION AGREES:

- (1) (Rates and Payment Date) To pay the City, not later than the 15<sup>th</sup> day of each month, for water delivered in accordance with the following schedule of rates:
  - (a) \$142.81 for the first 100,000 gallons as a minimum rate per month.
  - (b) \$0.90 cents per 1000 gallons for water in excess of 100,000 gallons;

Provided, however, Corporation shall pay City, at these rates for a minimum of 800,000 gallons of water each month, regardless of whether or not that amount of water is delivered, so long as the failure to deliver at least 800,000 gallons of water is not a result of the City's inability to supply at least 800,000 gallons of water in that month.

Provided, further however, that the foregoing schedule of rates shall be deemed to be amended by any rate schedule which may, during the tenure of this Agreement, be prescribed and/or approved for said City by the Indiana Utility Regulatory Commission.

- (2) (Metering Equipment) To furnish and install, at its own expense at point of delivery, the necessary metering equipment, including a meter house or pit, and required devices of standard type for properly measuring the quantity of water delivered by the City to the Corporation.

It is further mutually agreed between the City and the Corporation as follows:

- (1) (Term of Contract) That this contract shall extend for a term of fifty (50) years from the date of the initial delivery of any water by the City to the Corporation and, thereafter may be renewed or extended for such term, or terms as may be agreed upon by the City and Corporation.
- (2) (Delivery of Water) That ten (10) days prior to the estimated date of completion of construction of the Corporation's water supply distribution system the Corporation will notify the City in writing the date for the initial delivery of water.
- (3) (Water for Testing) When requested by the Corporation, the City will make available to the Contractor at the point of delivery, or other point reasonably close thereto, water sufficient for testing, flushing and trench filling the system of the Corporation during construction, irrespective of whether the metering equipment has been installed at that time, at a flat charge of One Hundred Dollars (\$100.00) which will be paid by the Contractor or, on his failure to, by the Corporation, provided however, the City reserves the right to make further and additional agreements for water for testing purposes with the Contractor.
- (4) (Failure to Deliver) That the City will, at all times, operate and maintain its system in an efficient manner and will take such action as may be necessary to furnish the Corporation with quantities of water required by the Corporation. Temporary or partial failures to deliver water shall be remedied with all possible dispatch. In the event of an extended shortage of water, or the supply of water available to the City is otherwise diminished over an extended period of time, the supply of water to Corporation consumers shall be reduced or diminished in the same ratio or proportion as the supply to City consumers is reduced or diminished.
- (5) (Modification of Contract) That the revisions of this contract may be modified or altered by mutual agreement, save and except the provision hereof relative to the rates to be paid by the Corporation to the City, and which said rates are to be subject to the schedule of rates as may be

determined from time to time by the Indiana Utility Regulatory Commission.

- (6) (Regulatory Agencies) That this contract is subject to such rules, regulations, or laws as may be applicable to similar agreements in the State of Indiana and the City and Corporation will collaborate in obtaining such permits, certificates, or the like, as may be required to comply therewith.
- (7) (Miscellaneous) That the construction of the water supply distribution system by the Corporation is being financed by a loan from the United States of America acting through the Farmers Home Administration of the United States Department of Agriculture, and the provisions hereof pertaining to the undertaking of the Corporation are conditioned upon the approval, in writing, of the State Director of Indiana, of the Farmers Home Administration. Similarly, any modification of the provisions of this contract, including any increase in the schedule of rates to be paid by the Corporation for the delivery of water shall be conditioned upon the prior approval, in writing, of the State Director of Indiana, of the Farmers Home Administration.
- (8) (Successor to the Corporation) That in the event of any occurrence rendering the Corporation incapable of performing under this contract, any successor of the Corporation, whether the result of legal process, assignment, or otherwise, shall succeed to the rights of the Corporation hereunder.

IN WITNESS WHEREOF, the parties hereto, acting under authority of their respective governing bodies, have caused this contract to be duly executed.

BOARD OF TRUSTEES

DEPARTMENT OF WATERWORKS OF  
THE CITY OF PETERSBURG, INDIANA

and

OTWELL WATER CORPORATION

## Chapter 11.13

### WATER AND WATER LINE PURCHASE CONTRACT (PIKE COUNTY SCHOOL BUILDING CORPORATION)

This contract for the sale and purchase of water and water line is entered into as the 11<sup>th</sup> day of December, 1972, between the CITY OF PETERSBURG, INDIANA, hereinafter referred to as the "City"; PIKE COUNTY SCHOOL BUILDING CORPORATION, hereinafter referred to as "Building Corporation"; and, PIKE COUNTY SCHOOL CORPORATION, hereinafter referred to as "School Corporation",

WITNESSETH,

WHEREAS, City owns and operates a water supply distribution system with a capacity currently capable of serving the present customers of the City system and the estimated users to be served by School Corporation as shown in the plans now on file in the office of School Corporation, and

WHEREAS, by Resolution enacted on the 6<sup>th</sup> day of November, 1972, by the Board of Public Works and Safety, of City, the sale of water to School Corporation, in accordance with the provisions of the said Resolution, was approved, and the execution of this contract carrying out the said Resolution by said Board was duly authorized, and

WHEREAS, Building Corporation is a holding company organized under the laws of the State of Indiana to construct a school and lease the same to School Corporation, on property owned by Building Corporation and located near the intersection of State Highway #56 and State Highway #61, in Pike County, Indiana, and commonly referred to as the "Poor Farm Property". Said property is more fully described as follows, to-wit:

A part of the east half of the Northwest quarter of Section 13, Township 1 South, Range 8 West and more particularly described as follows: Begin at a point in the centerline of State Road #61, 475.0 feet north of the south line of said half-quarter-section and run thence east 533.0 feet to a point 475.0 feet north of the south-east corner of said half-quarter-section, thence north 2165.4 feet to the north line, thence west 1373.8 feet to the center of the intersection of State Roads #56 and #61, thence along and with the centerline of State Road #61, as located June 1, 1970, 2370.6 feet to the point of beginning and containing 55.43 acres, more or less. Also, A part of the West half of the northwest quarter of section 18, Township 1 South, Range 7 West, and more particularly described as follows: Begin at the southwest corner of said Half-quarter-section and run thence east 1521.4 feet, thence north 1494.7 feet, thence west 1499.3 feet, thence south 1489.6 feet to the point of beginning and containing 51.74 acres, more or less.

WHEREAS, by Resolution enacted on the 4<sup>th</sup> day of December, 1972, by Directors of Building Corporation, the sale of property and use of property in accordance with the

provisions of the said Resolution was approved, and the execution of this contract carrying out the said Resolution by said Board, was duly authorized, and

WHEREAS, School Corporation is a reorganized school system under the laws of the State of Indiana, to educate the students of Pike County, Indiana, and

WHEREAS, by Resolution enacted on the 11<sup>th</sup> day of December, 1972, by the Board of Trustees of School Corporation, the purchase of water from City and use of property, in accordance with the provisions of the said Resolution, was approved, and the execution of this contract carrying out the said Resolution by said Board was duly authorized, and

WHEREAS, the Board of Trustees of the Department of Waterworks of City and School Corporation have previously entered into a Water Purchase Agreement which agreement is mutually rescinded by this Water and Water Line Purchase Agreement, and

WHEREAS, this Water and Water Line Purchase Agreement is the product of extensive negotiations between City, Building Corporation and School Corporation,

NOW THEREFORE, in consideration of the foregoing and the mutual agreements hereinafter set forth,

**CITY AGREES:**

- (1) (Quality and Quantity) To furnish School Corporation, at the point of delivery, hereinafter specified, during the term of this Contract, or any renewal or extension thereof, potable treated water, meeting application purity standards of the State Board of Health in such quantity as may be required by School Corporation (not to exceed One Million gallons per month).
- (2) (Point of Delivery and Pressure) The water will be furnished from a point located on School Corporation's west property line, and more specifically described on plans in the offices of School Corporation. The water will be furnished at a reasonably constant normal pressure calculated at approximately 20 psi. If a greater pressure than that normally available at the point of delivery is required by School Corporation, the cost of providing such greater pressure shall be borne by School Corporation. Emergency failures of pressure or supply due to main supply line breaks, power failure, flood, fire and use of water to fight fire, earthquake or other catastrophe shall excuse City from this provision for such reasonable period of time as may be necessary to restore service.
- (3) (Metering Equipment) To operate and maintain at its own expense, the metering equipment to be furnished and installed at the expense of Building Corporation and to calibrate such metering equipment whenever requested by School Corporation, but not more frequently than once every

twelve (12) months. A meter registering not more than two percent (2%) above or below the test result shall be deemed to be accurate. The previous readings of any meter disclosed by test to be inaccurate shall be corrected for the three (3) months previous to such test in accordance with the percentage of inaccuracy found by such tests. If any meter fails to register for any period, the amount of water furnished during such period shall be deemed to be the amount of water delivered in the corresponding period immediately prior to the failure, unless City and School Corporation shall agree upon a different amount. The metering equipment shall be read on the 20<sup>th</sup> day of each month.

- (4) (Billing Procedure) To furnish the Superintendent of School Corporation, not later than the 5<sup>th</sup> day of each month, with an itemized statement of the amount of water furnished School Corporation during the preceding month.
- (5) (Purchase of Water Line and Equipment) To purchase an 8" water line, metering equipment and other necessary equipment from Building Corporation for the sum of \$32,000.00. Said sum to be paid in 15 equal installments of \$2,133.33. The first payment shall be due on January 1, 1975, and a like sum on each January 1<sup>st</sup> thereafter until the full purchase price is paid. The unpaid balance shall bear interest at the rate of 2% per annum.

The water line, metering equipment and other necessary equipment shall be approved by City; shall meet the applicable standards of the State Board of Health and other regulatory agencies and shall be of standard type and condition suitable for delivering and measuring water during the term of this Agreement.

The water line, metering equipment and other necessary equipment are now being constructed by Building Corporation from the Industrial Park to the Building Corporation property above mentioned, and are more specifically described in plans and specifications located in the offices of School Corporation.

School Corporation Agrees:

- (1) (Exclusive Supplier) To use City as its exclusive supplier of water.
- (2) (Rates and Payment Date) To pay the City, not later than the 15<sup>th</sup> day of each month, for water delivered in accordance with the following schedule of rates:
  - (a) \$63.00 for the first 100,000 gallons as a minimum rate per month.

- (b) \$0.40 cents per 1000 gallons for water in excess of 100,000 gallons;

Provided, however, that the foregoing schedule of rates shall be deemed to be amended by any rate schedule which may, during the tenure of this Agreement, be prescribed and/or approved for said City by the Public Service Commission of the State of Indiana or other regulatory agency.

- (3) (Condition) The performance of City is dependent and conditioned upon performance of Building Corporation to provide and sell the water line, metering equipment and other necessary equipment as provided in this Agreement.

Building Corporation Agrees:

- (1) (Sale of Water Line and Equipment) To provide and sell an 8" water line, metering equipment and other necessary equipment to School Corporation for the sum of \$32,000.00. Said sum to be paid in 15 equal installments of \$2,133.33. The first payment shall be due January 1, 1975, and a like sum on each January 1<sup>st</sup> thereafter until the full purchase price is paid. The unpaid balance shall bear interest at the rate of 2% per annum.

The water line, metering equipment and other necessary equipment shall be approved by City; shall meet the applicable standards of the Sate Board of Health and other regulatory agencies and shall be of standard type and condition suitable for delivering and measuring water during the term of this Agreement.

The water line, metering equipment and other necessary equipment are now being constructed by Building Corporation from the Industrial Park to the Building Corporation property above mentioned, and are more specifically described in plans and specifications located in the offices of School Corporation.

- (2) (Condition) The performance of City is dependent and conditioned upon performance of School Corporation to purchase water as provided in this Agreement.

Corporations and City mutually agree:

- (1) (Term of Contract) That this contract shall extend for a term of fifty (50) years from the date of the execution, and, thereafter, may be renewed or extended for such term, or terms as may be agreed upon by the City and Corporations.

- (2) (Delivery of Water) That ten (10) days prior to the estimated date of completion of construction of Building Corporation's water supply distribution system, Building Corporation will notify the City in writing the date for the initial delivery of water.
- (3) (Failure to Deliver) That City will, at all times, operate and maintain its system in an efficient manner and will take such action as may be necessary to furnish the School Corporation with quantities of water required by them. Temporary or partial failures to deliver water shall be remedied with all possible dispatch. In the event of an extended shortage of water, or the supply of water available to the City is otherwise diminished over an extended period of time, the supply of water to School Corporation shall be reduced or diminished in the same ratio or proportion as the supply to City consumers is reduced or diminished.
- (4) (Modification of Contract) That the provisions of this contract may be modified or altered by mutual agreement, save and except the provisions hereof relative to the rates to be paid by the School Corporation to City and which said rates are to be subject to the schedule of rates as may be determined from time to time by the Public Service Commission of the State of Indiana, or other regulatory agency.
- (5) (Regulatory Agencies) That this contract is subject to such rules, regulations, or laws as may be applicable to similar agreements in the State of Indiana and the City and Corporation will collaborate in obtaining such permits, certificates, or the like, as may be required to comply therewith.
- (6) (Water for Testing) When requested by the Corporation the City will make available to the contractor at the point of delivery, or other point reasonably close thereto, water sufficient for testing, flushing and trench filling the system of the Corporation during construction, irrespective of whether the metering equipment has been installed at that time, at a flat charge of One Hundred Dollars (\$100) which will be paid by the contractor or, on his failure to, by the Corporation, provided, however, the City reserves the right to make further and additional agreements for water for testing purposes with the contractor.
- (7) (Successor to the Corporation) That in the event of any occurrence rendering the Corporations or City incapable of performing under this contract, any successor of the Corporations or City, whether the result of legal process, assignment, or otherwise, shall succeed to the rights and duties hereunder.
- (8) (Interpretation) If any provision of this lease shall be held invalid, the validity of the remainder shall not be affected thereby. The article

headings are for convenience only and not to define limit or describe the content. Words of any gender shall be held to include any other gender and words in the singular shall be held to include the plural when the sense requires.

IN WITNESS WHEREOF, the parties hereto, acting under authority of their respective governing bodies, have caused this contract to be duly executed.

BOARD OF PUBLIC WORKS AND  
SAFETY OF CITY OF PETERSBURG,  
INDIANA

and

COMMON COUNCIL OF CITY OF  
PETERSBURG, INDIANA

and

PIKE COUNTY SCHOOL BUILDING  
CORPORATION

and

PIKE COUNTY SCHOOL  
CORPORATION

## Chapter 11.17

### INDUSTRIAL PARK WATER HYDRANT

#### Sections:

**11.17.010 Declared as a Flush Hydrant - No Annual Fire Hydrant Fee shall be Charged**

**11.17.010 Declared as a Flush Hydrant - No Annual Fire Hydrant Fee shall be Charged.** The water hydrant at the end of the City of Petersburg water main, near Illinois Street, in what is commonly known as the Petersburg Industrial Park, is hereby declared to be a flush hydrant, and no annual fire hydrant fee shall be charged to any person or business, on account of the existence of this flush hydrant. (Res. 1992-3, May 4, 1992)

## Chapter 11.19

### WATER CONSERVATION AND RATIONING

#### Sections:

<b>11.19.010</b>	<b>Application</b>
<b>11.19.020</b>	<b>Declaration of Need</b>
<b>11.19.030</b>	<b>Voluntary Conservation</b>
<b>11.19.040</b>	<b>Mandatory Conservation</b>
<b>11.19.050</b>	<b>Rationing</b>
<b>11.19.060</b>	<b>Exceptions</b>
<b>11.19.070</b>	<b>Notice</b>
<b>11.19.080</b>	<b>Enforcement</b>
<b>11.19.090</b>	<b>Effective Date</b>

**11.19.010 Application.** This Ordinance shall apply to all persons, firms, partnership, associations, corporation, companies or organizations of any kind connected to the Petersburg public water system or using water therefrom (hereafter, users). (Ord. 1990-4, S1, May 21, 1990)

**11.19.020 Declaration of Need.** The City of Petersburg public water system is in imminent danger and is experiencing a shortage of water, and a water conservation emergency was declared at approximately 11:45 PM, May 19, 1990, by the Common Council of the City of Petersburg. (Ord. 1990-4, S2, May 21, 1990)

**11.19.030 Voluntary Conservation.** In accordance with Section 11.19.070, users are requested to reduce water consumption by practicing voluntary conservation techniques. The City of Petersburg shall suggest reasonable and meaningful action to help alleviate the existing water shortage, by communication to the public through local media. (Ord. 1990-4, S3, May 21, 1990)

**11.19.040 Mandatory Conservation.** In accordance with Section 11.19.070, users are prohibited from the water uses listed below, subject to reasonable terms, times and conditions as the Common Council shall determine.

- (1) Sprinkling, watering or irrigating of shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables or any other vegetation.
- (2) Washing of automobiles, trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment.
- (3) Cleaning or spraying of sidewalks, driveways, paved areas, or other outdoor surfaces.

- (4) Washing and cleaning of any business equipment or machinery.
- (5) The filling of swimming pools, wading pools and ornamental fountains.
- (6) Knowingly allowing leakage through defective plumbing.
- (7) Operating water softening equipment. (Ord. 1990-4, S4, May 21, 1990)

**11.19.050 Rationing.** In addition to the mandatory conservation measures identified in Section 11.19.040 and in accordance with Section 11.19.070, users shall be limited to water use per the following schedule:

Residential, business, commercial and industrial users shall be limited to twenty-five percent (25%) of the volume of water used during the corresponding month of the preceding year. Users that were not using water from the Petersburg Public Water System more than one year prior to the declaration of need shall be restricted to twenty-five percent (25%) of the average monthly volume of water used during the number of months of connection to the public water system. (Ord. 1990-4, S5, May 21, 1990)

**11.19.060 Exceptions.** The Common Council of the City of Petersburg reserves the right to establish alternative rationing requirements for the following:

- (1) Health Care providers.
- (2) A reasonable use of water to maintain adequate health and sanitary standards.
- (3) Those industrial and agricultural activities declared to be necessary for the public health and well being. (Ord. 1990-4, S6, May 21, 1990)

**11.19.070 Notice.** Notice of voluntary conservation measures shall be by publication in local newspapers of general circulation and other means as deemed appropriate by the Common Council. Said Notice shall be effective upon publication.

Notice of mandatory conservation or rationing shall be by first class United States Mail, or by other door-to-door distribution to each current user, and by electronic and print media. Said notice shall be deemed effective at the conclusion of door-to-door distribution, or at noon of the third day after depositing same in the United States Mail, whichever is earlier. (Ord. 1990-4, S7, May 21, 1990)

**11.19.080 Enforcement.** Any user who violates Section 11.19.040 or 11.19.050 of this Chapter may be punished by a fine of not more than \$2,500. Each day of violation shall constitute a separate offense. In addition to, or in the alternative to a fine, water service may be terminated for any user who violates Section 11.19.040 or 11.19.050 of this Chapter. (Ord. 1990-4, S8, May 21, 1990)

**11.19.090 Effective Date.** This Ordinance shall be in full force and effect upon passage, and shall continue in effect until terminated by Ordinance of the City of Petersburg. (Ord. 1990-4, S9, May 21, 1990)

## Chapter 11.42

### SEWAGE WORKS CONNECTION AND USE

#### Sections:

11.42.010	Definitions
11.42.020	Disposal of Wastes - Connection with Sewer
11.42.030	Private Disposal Facilities
11.42.040	Connecting to Public Sewer
11.42.050	Wastes Prohibited in Public Sewers
11.42.060	Pretreatment of Industrial Wastes
11.42.070	Plans and Specifications of Pretreatment or Control Facilities
11.42.080	Unpolluted Water Discharge
11.42.090	Industrial Cooling Water
11.42.100	Wastewater Flow Information
11.42.110	Sampling Wastewaters
11.42.120	Grease, Oil, and Sand interceptors
11.42.130	Unusual Flows
11.42.140	State/Federal Provisions
11.42.150	Tampering Prohibited
11.42.160	Inspection and Observation by City
11.42.170	Penalty for Violation
11.42.180	Conflicting Ordinances
11.42.190	Effective

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

- (1) "Biochemical oxygen demand" BOD shall mean the quantity of oxygen expressed in mg/l utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees C.
- (2) "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 the building and conveys it to the building sewer beginning three (3) feet outside the building wall.

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

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

- (3) "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.

- (4) "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

- (5) "Compatible pollutant" shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- (a) chemical oxygen demand,
- (b) total organic carbon,
- (c) phosphorus and phosphorus compounds,
- (d) nitrogen and nitrogen compounds, and
- (e) fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

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

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

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

- (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 sanitary sewage.
- (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, and combined 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 City, through its Common Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.
- (16) "Major contributing industry" shall mean an industry that:
  - (a) has a flow of 50,000 gallons or more per average work day;
  - (b) has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
  - (c) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) or 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 State pursuant to Section 402 of PL 92-500.
- (18) "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, 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 or group discharging any wastewater to the treatment works.
- (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 have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (25) "Public sewer" shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:

Collector sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

Interceptor sewer shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

Force main shall mean a pipe in which wastewater is carried under pressure.

Pumping station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.

- (26) "Sanitary sewer" shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.
- (27) "Sewage" shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, (including polluted cooling water). The three most common types of sewage are:

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

Industrial sewage shall mean a combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

Combined sewage shall mean wastes including sanitary sewage, industrial sewage, stormwater, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

- (28) "Sewage works" shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.
- (29) "Sewer" shall mean a pipe or conduit for carrying sewage.
- (30) "Shall" is mandatory; "May" is permissive.
- (31) "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 10 minutes more than 3 times the average 24 hours concentration of flows during normal operation and shall adversely affect the collection system.
- (32) "Standard methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, The American Water Works Association and the Water Pollution Control Federation.
- (33) "Storm sewer" shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

- (34) "Superintendent" shall mean the Superintendent of the municipal sewage works of the City of Petersburg, Indiana, or his authorized deputy, agent or representative.
- (35) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering under standard laboratory procedure.
- (36) "Total solids" shall mean the sum of suspended and dissolved solids.
- (37) "Toxic amount" shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of PL 92-500.
- (38) "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (39) "Volatile organic matter" shall mean the material in the sewage solids transformed to gases or vapors when heated at 55 degrees C for 15 to 20 minutes.
- (40) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 1986-4, S1, July 7, 1986)

**11.42.020 Disposal of Wastes - Connection with Sewer.**

- (1) DEPOSIT OF WASTES. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste. (Ord. 1986-4, S2a, July 7, 1986)
- (2) PROHIBITED DISCHARGES. 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. The City shall require the removal of unpolluted waters from any wastewater collection or treatment facility if such removal is cost-effective and is in the best interest of all users of those facilities. (Ord. 1986-4, S2b, July 7, 1986)

- (3) **DISCHARGES ADMITTED TO STORM SEWERS.** 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 City. No new connection shall be made to any sanitary combined or storm sewer unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids. (Ord. 1986-4, S2c, July 7, 1986)
- (4) **DISCHARGE OF POLLUTED WATERS UPON PUBLIC OR PRIVATE PROPERTY PROHIBITED.** No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the City any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this Ordinance and the NPDES Permit. (Ord. 1986-4, S2d, July 7, 1986)
- (5) **DISCHARGE TO NATURAL OUTLET.** No persons shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit. (Ord. 1986-4 S2e, July 7, 1986)
- (6) **PRIVATE DISPOSAL FACILITIES.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. (Ord. 1986-4, S2f, July 7, 1986)
- (7) **CONNECTION WITH PUBLIC SEWER.** The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the City is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line. (Ord. 1986-4, S2g, July 7, 1986)

**11.42.030 Private disposal facilities.**

- (1) **AUTHORIZED.** Where a public sanitary or combined sewer is not available under the provisions of Section 11.12.020(7), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. (Ord. 1986-4 S3a, July 7, 1986)

- (2) **PERMIT FOR CONSTRUCTION OF PRIVATE SEWAGE DISPOSAL SYSTEM.** Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of twenty-five dollars (\$25.00) shall be paid to the City at the time the application is filed. (Ord. 1986-4, S3b, July 7, 1986)
- (3) **INSPECTION OF PRIVATE SEWAGE DISPOSAL SYSTEM.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent. (Ord. 1986-4, S3c, July 7, 1986)
- (4) **PRIVATE SYSTEM DESIGN.** The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 1986-4, S3d, July 7, 1986)
- (5) **ABANDONMENT.** At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 11.12.030(4), a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Ord. 1986-4, S3e, July 7, 1986)
- (6) **OPERATION AND MAINTENANCE.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City. (Ord. 1986-4, S3f, July 7, 1986)
- (7) **CLEANING AND FILLING OF ABANDONED PRIVATE SYSTEM.** When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. 1986-4, S3g, July 7, 1986)
- (8) **ADDITIONAL REQUIREMENTS.** No statement contained in this section shall be construed to interfere with any additional requirements

that may be imposed by the Health Officer. (Ord. 1986-4, S3h, July 7, 1986)

#### **11.42.040 Connecting to Public Sewer.**

- (1) **PERMIT/TAP-IN FEE.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.

In addition, a service connection charge (tap-in fee) shall be paid before any sewer connection is completed. Said tap-in fee shall be in the amount of two hundred dollars (\$200.00) to be paid either in full, or to be paid in ten consecutive monthly installments of twenty dollars each, the last such payment to be paid before any sewer connection is completed. Before such connection is made twenty-four (24) hours notice must be given to the superintendent of public works. (Ord. 1986-4, S4a, July 7, 1986)

- (2) **APPLICATION FOR PERMIT.** There shall be two (2) classes of building sewer permits:

- (a) for residential and commercial service, and
- (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the said City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. Permit and inspection fees shall be twenty-five dollars (\$25.00) for a residential or commercial building sewer permit; and, permit and inspection fees shall be fifty dollars (\$50.00) for an industrial building sewer permit. (Ord. 1986-4, S4b, July 7, 1986)

- (3) **COSTS FOR INSTALLATION AND CONNECTION.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 1986-4, S4c, July 7, 1986)

- (4) **SEPARATE SEWER FOR EACH BUILDING.** A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. 1986-4, S4d, July 7, 1986)

- (5) **USE OF OLD BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this Ordinance. (Ord. 1986-4, S4e, July 7, 1986)
- (6) **SIZE, SLOPE, ALIGNMENT AND MATERIALS OF BUILDING SEWERS.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. (Ord. 1986-4, S4f, July 7, 1986)
- (7) **LOCATION, DEPTH AND ALIGNMENT.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 1986-4, S4g, July 7, 1986)
- (8) **CONNECTION OF DOWNSPOUTS AND SPECIFIED DRAINS PROHIBITED.** No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 1986-4, S4h, July 7, 1986)
- (9) **CONFORMANCE WITH APPROPRIATE SPECIFICATIONS.** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. 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. 1986-4, S4i, July 7, 1986)
- (10) **INSPECTION.** The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his representative. (Ord. 1986-4l, S4, July 7, 1986)

- (11) EXCAVATIONS. 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 City. (Ord. 1986-4, S4k, July 7, 1986)

**11.42.050 Wastes Prohibited in Public Sewers.**

- (1) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - (b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  - (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works or interfere with any treatment process.
  - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  - (e) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction of such discharge to the receiving waters.
  - (f) Any radioactive wastes or isotopes of such 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 amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 1986-4, S5a, July 7, 1986)
- (2) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substance or possess the characteristics enumerated in Section 11.12.050(1) of this article, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
  - (a) Require new industries or industries with significant increase in discharges to submit information on wastewater characteristics and obtain prior approval for discharges.
  - (b) Reject the wastes in whole or in part for any reason deemed appropriate by the City.
  - (c) Require pretreatment of such wastes to within the limits of normal sewage as defined.
  - (d) Require control or flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, or

- (e) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws. (Ord. 1986-4, S5b, July 7, 1986)

- (3) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. 1986-4, S5c, July 7, 1986)
- (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 by him so as to be safe and accessible at all times. Agents of the City, the State Water Pollution Control Agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing. (Ord. 1986-4, S5d, July 7, 1986)
- (5) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole, except for applications for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA published in the Federal Register (40 CFR Part 136) and any subsequent revisions subject to approval by the City. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a

premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples. (Ord. 1986-4, S5e, July 7, 1986)

- (6) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate Ordinance. (Ord. 1986-4, S5f, July 7, 1986)

**11.42.060 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) and published in the Federal Register on August 25, 1978 (40 CFR Part 403), and "Federal Guidelines Establishing Test Procedures for Analysis of Pollutants" published in the Federal Register on October 16, 1973 (40 CFR Part 136), in addition to any more stringent requirements established by the City and any subsequent State or Federal Guidelines and Rules and Regulations. (Ord. 1986-4, S6, July 7, 1986)

**11.42.070 Plans and specifications of Pretreatment or Control Facilities.** Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the City and no construction of such facilities shall be commenced until approval in writing, is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the City to determine that such facilities are being operated in conformance with applicable Federal, State and local laws and permits. The owner shall maintain operating records and shall submit to the City a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against City monitoring records. (Ord. 1986-4, S7, July 7, 1986)

**11.42.080 Unpolluted Water Discharge.** Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the City. Where a storm sewer is not available, discharge may be to a natural outlet approved by the City and by the State of Indiana. Where a storm sewer, combined sewer, or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the City. (Ord. 1986-4, S8, July 7, 1986)

**11.42.090 Industrial Cooling Water.** Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above Section. (Ord. 1986-4, S9, July 7, 1986)

**11.42.100 Wastewater Flow Information.** The City may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows and characteristics. Such measurements, tests, and analysis shall be made at the users' expense. If made by the City, an appropriate charge may be assessed to the user at the option of the City. (Ord. 1986-4, S10, July 7, 1986)

**11.42.110 Sampling 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 City may elect, or, at any place mutually agreed upon between the user and the City. Appropriate charges for sampling and analysis may be assessed to the user at the option of the City. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the City. (Ord. 1986-4, S11, July 7, 1986)

**11.42.120 Grease, Oil and Sand Interceptors.** Grease, oil, and sand interceptors or traps shall be provided when, in the opinion of the City they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the City and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight, water tight, and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Ord. 1986-4, S12, July 7, 1986)

**11.42.130 Unusual Flows.** Users of the treatment works shall immediately notify the City of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system. (Ord. 1986-4, S13, July 7, 1986)

**11.42.140 State/Federal Provisions.** All provisions of this Ordinance and limits set herein shall comply with any applicable State and/or Federal Requirements now, or projected to be in effect. (Ord. 1986-4, S14, July 7, 1986)

**11.42.150 Tampering Prohibited.** No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 1986-4, S15, July 7, 1986)

#### 11.42.160 Inspection and Observation by City.

- (1) CREDENTIALS AND IDENTIFICATION. The Superintendent, Inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. 1986-4, S16(a), July 7, 1986)
- (2) SAFETY. While performing the necessary work on private properties referred to in Section 11.12.160(1) above, the Superintendent or duly authorize employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 11.12.050(5). (Ord. 1986-4, S16(b), July 7, 1986)
- (3) ENTRY. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 1986-4, S16(c), July 7, 1986)
- (4) INSPECTION OF CONNECTIONS / DISCONNECTIONS
  - (a) Except as hereinafter provided, upon the change in ownership of every residential lot, parcel of real estate, or building that discharges sanitary waste into the sanitary sewer system of the city, said property shall be inspected for proper sanitary sewer connections, inflow and infiltration. No water service shall be provided to such property until a satisfactory CERTIFICATE OF INSPECTION has been issued by the inspector for the Petersburg Board of Public Works. The fee for the issuance of a satisfactory CERTIFICATE OF INSPECTION shall be \$25.00, which sum

shall be paid by the then owner of the property inspected. (Ord. 2005-1, S1, Mar. 7, 2005)

- (b) The inspection required hereunder shall be at the City's cost and may include televising and recording the condition of the sewer lateral leading from the premises to the City's sewer main; conducting smoke testing, and liquid dye testing; and entrance onto the property to verify that no sump pump, foundation drains, downspouts, or other prohibitive connections are connected to the sanitary sewer system. (Ord. 2005-1, S2, Mar. 7, 2005)
- (c) No water service shall be provided to such premises until such time as any defects or improper connections found by such inspection have been corrected at the owner's expense, and to the satisfaction of the City Services Manager, or his designee. (Ord. 2005-1, S3, Mar. 7, 2005)
- (d) Once inspected, any such property receiving a satisfactory CERTIFICATE OF INSPECTION shall not be subject to re-inspection under this section for a period of 5 years. (Ord. 2005-1, S4, Mar. 7, 2005)
- (e) When, for any reason, the owner of any property lawfully disconnects a building sewer from the public sewer, said property shall be inspected by the inspector for the Petersburg Board of Public Works, for proper disconnection from, and closure on, the public sanitary sewer, to insure that there will be no inflow and infiltration into the public sewer. (Ord. 2005-1, S5, Mar. 7, 2005)
- (f) The owner of any such property who fails or refuses to have said property inspected after transfer or disconnection, pursuant to this Ordinance, shall be guilty of an Ordinance Violation, and upon conviction shall be liable for a fine in the sum of \$25. Each day a violation continues after written notice to the owner for compliance with this ordinance, shall constitute a separate offense. (Ord. 2005-1, S6, Mar. 7, 2005)

**11.42.165 Voluntary Inspection of sewage works on private residential property.**

The City has the right under Section 11.42.160 to enter upon private property to inspect and observe sanitary sewer connections. The City of Petersburg, by Ordinance 2005-1, requires an inspection anytime residential real property changes ownership, and a Satisfactory Certificate of Inspection is required for water service to be reestablished at said residence. The fee for said Certificate is \$25. Private citizens have requested the City to inspect their residential sewer lines even when the property is not changing ownership. The City needs to establish a just and proper fee for the providing of this

inspection service to assist residential landowners that are customers of the sewer department.

- (1) The fee for the INSPECTION shall be \$25.00, which sum shall be paid in advance.
- (2) The inspection may include televising and recording the condition of the sewer lateral leading from the premises to the City's sewer main; conducting smoke testing, and liquid dye testing, all of which are observational.
- (3) Proper access (most notably a functioning clean out access) must be available and ready for the inspection (such as the clean out cap or water closet removed).
- (4) This service is merely to assist the residential property interest holder to assess the condition of their sanitary sewer pipes and connections. The City shall provide no other service than these observational tools.
- (5) Should illegal connections or conditions be noted, the City may take appropriate action to require a remedy of the illegal connection or condition.
- (6) This Ordinance shall become effective upon its passage and publication as provided by law. (Ord. 2009-1, Apr. 20, 2009)

**11.42.170 Penalty for Violation.**

- (1) Any person found to be violating any provision of this Ordinance except Section 11.12.170 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ord. 1986-4, S17(a), July 7, 1986)
- (2) Any person who shall continue any violation beyond the time limit provided for in Section 11.12.170(1) shall be guilty of a misdemeanor and in conviction thereof shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 1986-4, S17(b), July 7, 1986)
- (3) Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation. (Ord. 1986-4, S17(c), July 7, 1986)

**11.42.180 Conflicting Ordinances.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts. (Ord. 1986-4, S18, July 7, 1986)

**11.42.190 Effective.** This Ordinance shall be in full force and effect from and after its passage, approval, recordings, and publications as provided by law. (Ord. 1986-4, S19, July 7, 1986)

## Chapter 11.43

### LEAK ADJUSTMENT POLICY

#### Sections:

- 11.43.010 General Guidelines**
- 11.43.020 Process**
- 11.43.030 Determination of Credit**
- 11.43.040 Board Approval**
- 11.43.050 Special Circumstances**

#### **11.43.010 General Guidelines.**

- (1) Customer is allowed only one leak adjustment per sewage service connection per calendar year.
- (2) Customers may not receive a leak adjustment for the same leak and repair if spanning a period of two months if each of the months occurs in a separate calendar year. For example, a water leak occurs in December of year one and January of year two. In this event a customer will have the choice of which month they wish to receive the adjustment.
- (3) Leak adjustments will only be granted for water used that does not go into the sanitary sewage system. (Ord. 2006-7, S1, Nov. 6, 2006)

#### **11.43.020 Process.**

- (1) Customer shall notify the office of the Clerk-Treasurer that they are requesting a leak adjustment.
- (2) Customer will complete a leak adjustment request form to be supplied to the board for their decision. The form is attached to this resolution as exhibit A. A copy of the form will be given to the applicant upon completion, and before presentation to the board. The applicant may withdraw the request at any period prior to the issuance of the account credit by the office of the Clerk-Treasurer. (Ord. 2006-7, S2, Nov. 6, 2006)

**11.43.030 Determination of Credit.** Credit will be determined by computing the three month average of sanitary sewage bills of the applicant prior to the month containing the requested adjustment. The average of these bills will stand as the amount owed to the sewage utility. The difference between the now amount and the actual bill shall be credited by the clerk upon board approval. (Ord. 2006-7, S3, Nov. 6, 2006)

**11.43.040 Board Approval.** Upon presentation by the Clerk-Treasurer, a majority vote of the board will authorize the credit. (Ord. 2006-7, S4, Nov. 6, 2006)

**11.43.050 Special Circumstances.** Upon the presentation of special extenuating circumstances containing an application for adjustment, the Board of Public Works & Safety may approve a determination of creditor adjustment to this policy for just cause. The majority of the board shall constitute approval of such matters. Inability to pay is not considered an extenuating circumstance. (Ord. 2006-7, S5, Nov. 6, 2006)

## Exhibit A

### City of Petersburg Water Leak Adjustment Request Form

Date of Request: \_\_\_\_\_

Name: \_\_\_\_\_

Service Address: \_\_\_\_\_  
 \_\_\_\_\_

Source of Water Leak: \_\_\_\_\_  
 \_\_\_\_\_

Date of Leak Repair: \_\_\_\_\_

Repaired by Whom: \_\_\_\_\_

**Please Read and Acknowledge the following policy:**

When a leak occurs and a customer receives a higher than normal combined utility bill, they are allowed one (1) leak adjustment per calendar year. A customer may not apply for adjustments in consecutive months if they span two (2) calendar years unless it can be documented that the adjustment is for two (2) separate leaks & repairs

This leak adjustment will be calculated from the last three (3) months sewage bills prior to the leak. The customer will be responsible for payment of the average bill. A credit will be issued only on the difference between the high month sewage bill and the computed three month average bill. Regulations prohibit us from providing any credit to the water used. All water passing through a customer's meter is billed at the appropriate rate.

The Board of Public Works and Safety will then either approve or deny this leak adjustment. The Board of Public Works and Safety meets on the first and third Mondays of each month at 6:30 P.M. in the Council Chambers. You are welcome to attend this meeting to explain your situation if you would like to be present to provide input on your circumstances.

**We stress and suggest that if your bill is not extremely high we suggest not applying for an adjustment, as a more severe leak may occur later in the calendar year. Again, only one (1) leak adjustment is allowed per calendar year.** For example, you may take a \$14.00 adjustment in February only to have a \$134.00 adjustment denied in November, due to the small adjustment in February.

Please call City Hall at 354-8511 with any questions.

I have read and understand the policy concerning leak adjustments and request this application be forwarded to the Board for Approval.

Signature of Requestor \_\_\_\_\_

Official Use Only
Account #:
High Bill Month:
Amount of High Bill
Three Previous Month Bills
\$
\$
\$
Average of Previous 3 months Bills
\$
Total Adjustment Requested
\$
Board Action
Approved
Denied
Date of Board Action:

## Chapter 11.46

### SEWAGE WORKS RATES AND CHARGES

#### Sections:

<b>11.46.010</b>	<b>Definitions</b>
<b>11.46.020</b>	<b>User Charges</b>
<b>11.46.030</b>	<b>Rates and Charges</b>
<b>11.46.040</b>	<b>Quantity of Water Discharged</b>
<b>11.46.050</b>	<b>Strength and Content of Sewage as Basis for Adjustment of Charge</b>
<b>11.46.060</b>	<b>Billing and Collection</b>
<b>11.46.070</b>	<b>Rate Study</b>
<b>11.46.080</b>	<b>Establishment and Enforcement of Regulations</b>
<b>11.46.090</b>	<b>Separability</b>
<b>11.46.100</b>	<b>Special Rate Contracts</b>
<b>11.46.110</b>	<b>Appeal Procedure</b>
<b>11.46.120</b>	<b>Effective Date</b>

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

- (1) "Board" shall mean the Common Council of the City of Petersburg, Indiana, or any duly authorized officials acting in its behalf.
- (2) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance.
- (3) "City" shall mean the City of Petersburg, Indiana, acting by and through the Common Council.
- (4) "Debt Service Costs" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.
- (5) "Excessive Strength Surcharges" 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/l  
S.S. not more than 250 mg/l

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

(9) "Operation and Maintenance Costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement.)

(10) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges, other than User Charges, debt service charges and excessive strength surcharges.

(11) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(12) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(13) "S.S." (or suspended solids) shall have the same meaning as defined in the Sewer Use Ordinance.

(14) "Shall" is mandatory; "May" is permissive.

(15) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.

(16) "Sewer Use Ordinance" shall mean a separate 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 City 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 City, 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 publicly owned treatment works. (Ord. 2005-6, S1, Aug. 1, 2005) (Ord. 2000-2, S1, May 1, 2000) (Ord. 1998-4, S1, July 6, 1998) (Ord. 1986-3, S1, June 16, 1986)

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

- (1) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency, published in the Federal Register September 27, 1978 (re CFR 44022). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service 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:

- Class 1. - Residential
- Class 2. - Commercial
- Class 3. - Governmental/Institutional
- Class 4. - Industrial (Ord. 2005-6, S2, Aug. 1, 2005) (Ord. 2000-2, S2, May 1, 2000) (Ord. 1998-4, S2, July 6, 1998) (Ord. 1986-3, S2, June 16, 1986)

**11.46.030 Rates and Charges.** For the use of and the services rendered by said 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 City's sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewerage system of the City of Petersburg. Such rates and charges include User Charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

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

All Users

- (a) Treatment Rate per 1,000 gallons of usage per month:

	User <u>Charge</u>	Debt <u>Service</u>	<u>Total</u>
Phase I:	\$2.55	\$1.65	\$4.20
Phase II:	\$2.85	\$1.80	\$4.65
Phase III:	\$3.15	\$2.00	\$5.15

plus

(b) Base Rate - per month, as follows:

Phase I

<u>Base Rate</u>	<u>User</u>	<u>Debt</u>	<u>Total</u>
	<u>Charge</u>	<u>Service</u>	
5/8 inch water meter	\$ 6.30	\$ 5.35	\$ 11.65
3/4 inch water meter	6.70	8.80	15.50
1 inch water meter	9.05	16.85	25.90
1 1/4 inch water meter	11.75	28.25	40.00
1 1/2 inch water meter	15.05	42.00	57.05
2 inch water meter	22.70	73.90	96.60
3 inch water meter	46.35	172.95	219.30
4 inch water meter	77.30	311.90	389.20
6 inch water meter	170.10	700.55	870.65
8 inch water meter	299.50	1,250.70	1,550.20

Phase II

<u>Base Rate</u>	<u>User</u>	<u>Debt</u>	<u>Total</u>
	<u>Charge</u>	<u>Service</u>	
5/8 inch water meter	\$ 7.00	\$ 5.90	\$ 12.90
3/4 inch water meter	7.40	9.75	17.15
1 inch water meter	10.00	18.65	28.65
1 1/4 inch water meter	13.00	31.20	44.20
1 1/2 inch water meter	16.65	46.40	63.05
2 inch water meter	25.10	81.65	106.75
3 inch water meter	51.25	191.10	242.35
4 inch water meter	85.40	344.65	430.05
6 inch water meter	187.90	774.10	962.00
8 inch water meter	330.90	1,381.95	1,712.85

Phase III

<u>Base Rate</u>	<u>User</u>	<u>Debt</u>	<u>Total</u>
	<u>Charge</u>	<u>Service</u>	
5/8 inch water meter	\$ 7.75	\$ 6.55	\$ 14.30
3/4 inch water meter	8.20	10.75	18.95
1 inch water meter	11.05	20.65	31.70
1 1/4 inch water meter	14.40	34.45	48.85
1 1/2 inch water meter	18.40	51.30	69.70
2 inch water meter	27.75	90.20	117.95
3 inch water meter	56.65	211.15	267.80
4 inch water meter	94.35	380.85	475.20
6 inch water meter	207.60	855.35	1,062.95
8 inch water meter	365.55	1,527.00	1,892.55

- (2) **Unmetered Water Users.** For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined as an average of single family dwelling units (5,000 gallons per month), except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The rate shall include a base rate as listed above plus an estimated treatment charge as outlined on the schedule of rates and charges as follows:

	<u>Monthly Rate</u>		<u>Total</u>
	<u>User Charge</u>	<u>Debt Service</u>	
Residential:			
Phase I	\$19.05	\$13.60	\$32.65
Phase II	\$21.25	\$14.90	\$36.15
Phase III	\$23.50	\$16.55	\$40.05

Unmetered non “Residential Single Family Dwelling Units” shall be charged a rate to be determined by the City on an individual basis by applying the above metered rates to estimated usage and meter size.

- (3) For the service rendered to the City of Petersburg, said City shall be subject to the same rates and charges hereinabove provided, or to rates and charges established in harmony therewith.
- (4) In order to recover the cost of monitoring industrial wastes the City shall charge the user the actual cost of monitoring. This charge will be reviewed and revised on the same basis as all other rates and charges in the Ordinance. (Ord. 2005-6, S3, Aug. 1, 2005) (Ord. 2000-2, S3, May 1, 2000) (Ord. 1998-4, S3, July 6, 1998) (Ord. 1986-3, S3, June 16, 1986)

**11.46.040 Quantity of Water Discharged.** The quantity of water discharged into the sanitary sewerage system and obtained from sources other than the utility that serves the City shall be determined by the City in such manner as the City shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section. The City may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the City that such quantities do not enter the sanitary sewerage system.

- (1) **NON-MUNICIPAL WATER SOURCE.** In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial wastes, water or other liquids into the City's sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the water utility serving the City and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the City then the

amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rate or charge provided in this 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 City for the determining of sewage discharge.

- (2) **MEASURING WATER USAGE.** In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's sanitary sewerage system, either directly or indirectly, is a user of water supplied by the water utility serving the City, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.
- (3) **MULTIPLE UNITS ON A SINGLE METER.** In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewerage, water or other liquids into the City's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purpose, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges, and minimum charge shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.
- (4) **WATER USAGE IN EXCESS OF 10,000 GALLONS PER MONTH.** In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the City's sanitary sewerage system either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the City that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewerage 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 City for the determination of sewage discharge.
- (5) **ADJUSTING CHARGE FOR FIRE PROTECTION.** Where a metered water supply is used for fire protection as well as for other uses, the City may, in its discretion, make adjustments in the user charge as may be equitable. (Ord. 2005-6, S4, Aug. 1, 2005) (Ord. 2000-2, S4, May 1, 2000) (Ord. 1998-4, S4, July 6, 1998) (Ord. 1986-3, S4, June 16, 1986)

**11.46.050 Strength and Content of Sewage as Basis for Adjustment of Charge.** In order that the rates and charges may reflect the costs of providing service rendered to users, the City shall base its charges not only on the volume, but also the strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The City shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner and by such method as the City may deem practicable in order to determine the proper charge. The user shall furnish a central sampling point available to the City at all times.

- (1) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 250 milligrams per liter of fluid, suspended solids in excess of 250 milligrams per liter of fluid. 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 14 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 14 cents per pound of biochemical oxygen demand for BOD received in excess of 250 milligrams per liter of fluid.
- (2) The determination of Suspended Solids, Five-day Biochemical Oxygen Demand and Ammonia Nitrogen contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", Regulation CFR Part 136, published in the Federal Register on October 16, 1973. (Ord. 2005-6, S5, Aug. 1, 2005) (Ord. 2000-2, S5, May 1, 2000) (Ord. 1998-4, S5, July 6, 1998) (Ord. 1986-3, S5, June 16, 1986)

**11.46.060 Billing and Collection.** Such rates and charges shall be prepared, billed and collected by the City in the manner provided by law and Ordinance.

- (1) The rates and charges for all users shall be prepared and billed monthly.
- (2) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the City for the purpose of determining

whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

- (3) As is 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 fifteen (15) days after the date of mailing of the bill. (Ord. 2005-6, S6, Aug. 1, 2005) (Ord. 2000-2, S6, May 1, 2000) (Ord. 1998-4, S6, July 6, 1998) (Ord. 1986-3, S6, June 16, 1986)

**11.46.070 Rate Study.** In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the City shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which this ordinance goes into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the City shall cause a study to be made for the purpose of reviewing (1) the sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto; and (2) maintaining proportionality among the user classes of the rates and charges for sewerage services.

Said studies shall be conducted by officers or employees of the City, 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 City shall determine to be best under the circumstances. (Ord. 2005-6, S7, Aug. 1, 2005) (Ord. 2000-2, S7, May 1, 2000) (Ord. 1998-4, S7, July 6, 1998) (Ord. 1986-3, S7, June 16, 1986)

**11.46.080 Establishment and Enforcement of Regulations.** The City shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the City's sewerage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewerage 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 wastewater treatment facility.

The City is hereby authorized to prohibit dumping of wastes into the City's sewage system which, in its discretion, are deemed harmful to the operation of the sewage

treatment works of the City or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works. (Ord. 2005-6, S8, Aug. 1, 2005) (Ord. 2000-2, S8, May 1, 2000) (Ord. 1998-4, S8, July 6, 1998) (Ord. 1986-3, S8, June 16, 1986)

**11.46.090 Separability.** The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts. (Ord. 2005-6, S9, Aug. 1, 2005) (Ord. 2000-2, S9, May 1, 2000) (Ord. 1998-4, S9, July 6, 1998) (Ord. 1986-3, S9, June 16, 1986)

**11.46.100 Special Rate Contracts.** The Council is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs. (Ord. 2005-6, S10, Aug. 1, 2005) (Ord. 2000-2, S10, May 1, 2000) (Ord. 1998-4, S10, July 6, 1998) (Ord. 1986-3, S10, June 16, 1986)

**11.46.110 Appeal Procedure.** That the rules and regulations promulgated by the City, after approval of the City Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the Administrator for the user charge to the Common Council and that any decision concerning user charges of the Common Council may be appealed to a court of competent jurisdiction under the Appeal Procedures provided for in the Indiana Administrative Adjudication Act. (Ord. 2005-6, S11, Aug. 1, 2005) (Ord. 2000-2, S11, May 1, 2000) (Ord. 1998-4, S11, July 6, 1998) (Ord. 1986-3, S11, June 16, 1986)

**11.46.120 Effective Date.** The Phase I rates and charges as herein set forth shall become effective on the first full billing period occurring after adoption of this ordinance. The Phase II rates and charges as herein set forth shall become effective on the first full billing period occurring after January 1, 2007. The Phase III rates and charges as herein set forth shall become effective on the first full billing period occurring after January 1, 2008. Ordinance 2000-2 shall remain in effect until the first full billing period after adoption of this ordinance, at which time Ordinance 2000-2 will be repealed and replaced with this ordinance. (Ord. 2005-6, S12, Aug. 1, 2005) (Ord. 2000-2, S12, May 1, 2000) (Ord. 1998-4, S12, July 6, 1998) (Ord. 1986-3, S12, June 16, 1986)

## Chapter 11.48

### REFUSAL TO ACCEPT SEWER NO. 4

#### Sections:

#### 11.48.010 Legal Notice

**11.48.010 Legal Notice.** Notice is hereby given that the City of Petersburg does not own, operate and maintain what is commonly known as Sewer No. 4 south. The sewer was never accepted by the City of Petersburg, and no permits were ever given by the City to any owner or occupants of property to use the same, and the City is in no way responsible for such use.

All persons are hereby notified to forthwith cease using such sewer, and to disconnect their property therefrom for the reason that the further use of same is unsanitary and dangerous to the public health, and all users of such sewer are liable for any and all damages that may result therefrom.

This notice is given pursuant to a Resolution duly adopted by the Common Council of the City of Petersburg, Indiana. Dated this 18<sup>th</sup> day of November, 1935.

## Chapter 11.60

### DELINQUENT WATER AND SEWER ACCOUNTS

#### Sections:

<b>11.60.010</b>	<b>Delinquent</b>
<b>11.60.020</b>	<b>Late Payment Charge</b>
<b>11.60.030</b>	<b>Past Due Notice</b>
<b>11.60.040</b>	<b>Prior Delinquent Bills at the Date of Enactment of this Ordinance</b>
<b>11.60.050</b>	<b>Review of Case</b>
<b>11.60.060</b>	<b>All Fees Paid Prior to Reconnection</b>
<b>11.60.070</b>	<b>Notice Criteria</b>
<b>11.60.080</b>	<b>Termination of Service</b>
<b>11.60.090</b>	<b>Circumstances that allow Immediate Disconnection</b>

**11.60.010 Delinquent.** A sewer and water bill shall be delinquent if it is unpaid after seventeen (17) days following the mailing of the bill to the customer. (Ord. 1988-3, S1, May 2, 1988)

**11.60.020 Late Payment Charge.** A late payment charge shall be added to the delinquent water bill in the amount of ten percent (10%) of the first \$3.00 of the delinquent sum, and three percent (3%) of the excess of the delinquent sum over \$3.00, and a late payment charge of ten percent (10%) shall be added to the delinquent sewer bill. (Ord. 1988-3, S2, May 2, 1988)

**11.60.030 Past Due Notice.** If a sewer and water bill hereafter becomes delinquent and is not paid in full, including late payment charges, by the date of the mailing of the next bill, that next bill shall be mailed in an envelope with a notice informing the customer that the water service will be disconnected on the 18<sup>th</sup> day after the mailing of that bill, if that bill, including all delinquencies and late payment charges, is not paid in full before the 18<sup>th</sup> day after mailing of the bill. Such notice shall also inform the customer of the disconnect and reconnect fee for resumption of service; and the right of review of the customer, upon request, to the Waterworks Board; as hereinafter provided. (Ord. 1988-3, S3, May 2, 1988)

**11.60.040 Prior Delinquent Bills at the Date of Enactment of this Ordinance.** Sewer and water bills which are delinquent at the date of the enactment of this Ordinance shall be mailed in an envelope informing the customer that the water service will be disconnected on the 18<sup>th</sup> day after the mailing of that bill, if the current month's bill, and ten percent (10%) of the original arrearage, including late payment charges, is not paid each month. That notice shall also inform the customer of the disconnect and reconnect fee for resumption of service; and the right of review of the customer, upon request, to the Waterworks Board; as hereinafter provided. (Ord. 1988-3, S4, May 2, 1988)

**11.60.050 Review of Case.** Any person affected by a notice of disconnection received pursuant to this Ordinance, shall have the right to request, in writing, a review of the case by the Waterworks Board. Such written request shall be filed in the Office of the Waterworks Board, at City Hall, 704 East Main Street, Petersburg, Indiana 47567, before the date designated in the notice for disconnection of the water service. The Waterworks Board shall notify the requesting customer, in writing of the date and time and place for the customer to appear before the Board and present his case for review. After hearing and considering the customer's case, the Waterworks Board shall, within a reasonable time, notify the customer, in writing, that he must comply with either Section 11.20.030, or Section 11.20.040 of this Ordinance, before the 18<sup>th</sup> day after the mailing of the next bill, or notify the customer of the specific terms for the modified payment schedule.

No water meter shall be disconnected nor water service discontinued, before the extended dates set out in this Section 11.60.050; except as hereinafter provided. (Ord. 1988-3, S5, May 2, 1988)

**11.60.060 All Fees Paid Prior to Reconnection.** If water service is disconnected pursuant to the provisions of this Ordinance, it shall not be reconnected until a disconnect fee and a reconnect fee are paid, as provided by rates and charges of the Waterworks Board; and also not until all delinquencies and late payment charges are paid in full. (Ord. 1988-3, S6, May 2, 1988)

**11.60.070 Notice Criteria.** All notices given pursuant to this Ordinance shall be considered properly given, when mailed in the regular U.S. Mail, with sufficient first class postage affixed, to the address of the customer last provided by the customer, in writing, to the Waterworks Board. Said notice shall contain the telephone number of the Petersburg Waterworks, at which a customer may call during regular business hours to question a proposed disconnection or seek information concerning his rights. (Ord. 1988-3, S7, May 2, 1988)

**11.60.080 Termination of Service.** Except as provided in Section 11.20.090 water service which is disconnected pursuant to this Ordinance shall be disconnected only between the hours of 8:00 A.M., and 3:00 P.M., Petersburg time and the employee of the Waterworks Board designated to perform the disconnection service shall make a reasonable attempt to identify himself to the customer or other responsible person then upon the premises, and shall announce the purpose of his presence. The employee shall have in his possession, information sufficient to enable him to inform the customer or other responsible person, of the reason for disconnection, including the amount of any delinquent bill of the customer. The employee shall request from the customer any available verification that the outstanding bill has been satisfied or is currently the subject of a pending review pursuant to this Ordinance. Upon the presentation of such credible evidence, the service shall not be disconnected. The employee shall not be required to accept payment from the customer or other responsible person in order to prevent the service from being disconnected.

After the disconnection, the employee shall give to a responsible person at the customer's premises, or if no one is at home, shall leave a conspicuous notice on the premises, stating that service has been disconnected and stating the address and telephone number of the Petersburg Waterworks where the customer may, pursuant to the provisions of this Ordinance, arrange to have service reconnected. (Ord. 1988-3, S8, May 2, 1988)

**11.60.090 Circumstances that allow Immediate Disconnection.** Nothing herein contained shall prohibit the Waterworks Board from disconnecting service immediately.

- (1) If a condition dangerous or hazardous to life, physical safety or property exists; or
- (2) Upon order by any Court, the Utility Regulatory Commission, or other duly authorized public authorities; or
- (3) If fraudulent or unauthorized use of water is detected and the Waterworks Board has reasonable ground to believe the affected customer is responsible for such use; or
- (4) If the utility's regulating or measuring equipment has been tampered with and the Waterworks Board has reasonable grounds to believe that the affected customer is responsible for such tampering. (Ord. 1988-3, S9, May 2, 1988)

## Chapter 11.80

### CONNECTION TO GAS SERVICE

#### Sections:

#### 11.80.010 Specification for Connection

**11.80.010 Specification for Connection.** An Ordinance to regulate the making of private connections with gas, and other like pipe and public conveniences and to compel owners of property to bring such connections inside the curb line of streets before the permanent improvement of such streets, and on default of the owners making such connections to authorize the proper town officials to do so at the owners expense and to make such expense a lien on the property, collectable in the same manner as expenses for other street and sewer improvement, and to require public utilities to replace and renew defective pipes. (Ord. Feb. 15, 1923) (Sewer Connection Regulations Superseded by Ord. 1986-4, Chapter 11.42) (Water Connection Chapter 11.04)