

TITLE 18
UTILITIES

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Chapter 18.05

WATER UTILITY RATES AND CHARGES

Sections:

- 18.05.010 Water rates and charges
- 18.05.020 Removal from Indiana Utility Regulatory Commission

18.05.010 Water rates and charges. There shall be and are hereby established for use of water supplied by the waterworks system of the Town of Troy, Indiana, the following rates and charges:

(1)

<u>Monthly Service Charge</u>	<u>Billing and Meter Charge</u>
5/8 inch	\$3.35
1 inch	4.69
1 1/2 inch	6.03
2 inch	9.72
3 inch	36.85
4 inch	46.90
6 inch	70.35
8 inch	97.15

(Ord. 7-88, pt. S1, Oct. 19, 1988) (Ord. 1-81, pt. S1, Feb. 18, 1981) (Ord. 2-77, pt. S1, July 27, 1977)

(2)

<u>Metered Rates Per Month</u>	<u>Rate Per 1,000 Gallons</u>	
	<u>Non Ridge Road Customers</u>	<u>Ridge Road Customers</u>
First 12,000 gallons	\$2.15	\$2.58
Over 12,000 gallons	1.53	1.95

(Ord. 7-88, pt. S1, Oct. 19, 1988) (Ord. 1-81, pt. S1, Feb. 18, 1981) (Ord. 2-77, pt. S1, July 27, 1977)

(3) Fire Protection Service

Municipal hydrants, each per annum \$197.00

Private hydrants, each per annum \$197.00

Automatic Sprinkler charges per annum

1 1/2 inch connection \$12.00

2 inch connection 22.00

4 inch connection 88.00

6 inch connection 197.00

8 inch connection 350.00

10 inch connection 547.00

12 inch connection 788.00

(Ord. 7-88, pt. S1, Oct. 19, 1988) (Ord. 1-81, pt. S1, Feb. 18, 1981) (Ord. 2-79, S1, Apr. 11, 1979) (Ord. 2-77, pt. S1, July 27, 1977)

(4) Non-Recurring Charges

Tap Fees

5/8 – 3/4 inch \$261.00

1 inch or larger Actual Cost, but
not less than \$261.00

(Ord. 7-88, pt. S1, Oct. 19, 1988) (Ord. 1-81, pt. S1, Feb. 18, 1981) (Ord. 2-77, Amended, Dec. 22, 1977) (Ord. 2-77, pt. S1, July 27, 1977)

(5) Meter Deposit \$10.00

(Ord. 7-88, pt. S1, Oct. 19, 1988)

(6) Collection or Deferred Payment 10% of 1st \$3.00

3% over \$3.00

(Ord. 7-88, pt. S1, Oct. 19, 1988) (Ord. 1-81, pt. S1, Feb. 18, 1981)

(7) Turn on Fee \$5.00

(Ord. 7-88, pt. S1, Oct. 19, 1988)

(8) Bad Check Charge \$5.00

(Ord. 7-88, pt. S1, Oct. 19, 1988)

18.05.020 Removal from Indiana Utility Regulatory Commission. That the Utility Services Board of the Town of Troy be removed from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness. (Ord. 4-88, Sept. 21, 1988)

Chapter 18.10

SEWER USE ORDINANCE

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18.10.100.140	Lateral sewer
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18.10.100 DEFINITIONS

18.10.100.010 Terms adopted in latest Edition of Standard Methods for the Examination of Water and Wastewater. Unless otherwise defined herein, terms shall be as adopted in the latest Edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and American Water Works Association, and the Water Pollution Control Federation and as set forth in 40CFR136. Waste constituents and characteristics shall be measured by Standard Methods or in such other method established by state or federal regulatory agencies. Monitoring and metering will be carried out by customarily accepted methods. (Ord. 1-85, Art. 1, S1, Jan. 16, 1985)

18.10.100.020 Town. The Town of Troy, Indiana. (Ord. 1-85, Art. 1, S2, Jan. 16, 1985)

18.10.100.030 Board. The Utility Service Board of the Town of Troy, Indiana. It is the governing body of the sewerage system of the Town, which system is a public service. (Ord. 1-85, Art. 1, S3, Jan. 16, 1985)

18.10.100.040 Superintendent. The Superintendent of the Sewer Department, subject to the control of the Board in all matters. (Ord. 1-85, Art. 1, S4, Jan. 16, 1985)

18.10.100.050 Inspector. A person authorized by the Board or the Superintendent to perform inspection duties assigned to him by the Board or Superintendent. (Ord. 1-85, Art. 1, S5, Jan. 16, 1985)

18.10.100.060 Person. Any natural person, or public or private corporation, or any other entity whatever. (Ord. 1-85, Art. 1, S6, Jan. 16, 1985)

18.10.100.070 User. A person who introduces into or discharges into, including both the owner and occupant of real estate from which is introduced or discharged into the sewerage system any substances whatever. (Ord. 1-85, Art. 1, S7, Jan. 16, 1985)

18.10.100.080 User classes.

- (1) "Residential User" - A user who introduces only normal domestic sewage from a single family or multifamily dwelling into the sewerage system.
- (2) "Commercial User" - Transit lodging, retail and wholesale establishments or places engaged in providing merchandise for personal, household or industrial consumption and/or rendering services to others.
- (3) "Institutional User" - A Publicly or privately owned school, hospital, nursing home, prison, or other similar institution whose wastes are segregated domestic wastes.
- (4) "Governmental User" - A user engaged in legislative, judicial or administration activities of federal, state, and local governments, such as court houses, police and fire stations, city halls and similar governmental users.
- (5) "Industrial User" - A user engaged in the manufacturing, production or processing of goods, materials or other tangible products. (Ord. 1-85, Art. 1, S8, Jan. 16, 1985)

18.10.100.090 Industrial wastes. Any solid, liquid or gaseous substance or form of energy discharged, permitted to flow into or enter the sewerage system from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person and shall further mean any waste from an industrial user, but not including sanitary sewage or storm water. (Ord. 1-85, Art. 1, S9, Jan. 16, 1985)

18.10.100.100 Major contributor. A user discharging or introducing into the sewerage system

- (1) A flow of more than 50,000 gallons per average workday;
- (2) A toxic pollutant in toxic amounts as defined in 8307 U.S. Public Law 92-500 as now adopted or as hereafter amended;
- (3) A flow or pollutant concentration as now or hereafter defined or identified as a problem pollutant or flow by applicable state or federal regulations or by the Board;
- (4) An effluent of significant impact, either singly or in combination with other contributors, on the wastewater treatment plant or the quality of its effluent; or
- (5) Any substance unusual or unique in quality or quantity requiring special attention or processing in order to effect proper wastewater treatment. (Ord. 1-85, Art. 1, S10, Jan. 16, 1985)

18.10.100.110 Receiving sewer system. The Troy Town Municipal Sewer System. (Ord. 1-85, Art. 1, S11, Jan. 16, 1985)

18.10.100.120 Sewerage system. The network of publicly owned sewers and appurtenances used for collection, transporting, and pumping wastewater to the wastewater treatment plant, and the wastewater treatment plant itself. (Ord. 1-85, Art. 1, S12, Jan. 16, 1985)

18.10.100.130 Building and building drain. Building is any structure having a roof supported by columns or walls, for the shelter, support, enclosure, or protection of persons, animals, chattels or other property. When separated by a party wall, without opening through such wall, each portion of such a building shall be considered a separate building. Building Drain is the lowest horizontal piping of a building drainage system which receives the discharge from soil pipes, waste pipes and other drainage pipes inside a building and conveys it to a point outside of the building. (Ord. 1-85, Art. 1, S13, Jan. 16, 1985)

18.10.100.140 Lateral sewer. The extension from the building drain to the sewerage system or other place of disposal. (Ord. 1-85, Art. 1, S14, Jan. 16, 1985)

18.10.100.150 Public sewer. A sewer owned by the Town. (Ord. 1-85, Art. 1, S15, Jan. 16, 1985)

18.10.100.160 Sewer. A pipe or conduit laid for carrying sewage or other liquids, and solids suspended or entrained therein. (Ord. 1-85, Art. 1, S16, Jan. 16, 1985)

18.10.100.170 Combined sewer. A sewer which carries storm, surface, or ground water runoff in addition to sewage. (Ord. 1-85, Art. 1, S17, Jan. 16, 1985)

18.10.100.180 Effluent. The water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet. (Ord. 1-85, Art. 1, S18, Jan. 16, 1985)

18.10.100.190 Sanitary sewer. A sewer intended to carry only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, government buildings, industrial buildings and institutions. (Ord. 1-85, Art. 1, S19, Jan. 16, 1985)

18.10.100.200 Storm sewer. A sewer intended to carry only storm waters, surface runoff, street wash waters, and drainage. (Ord. 1-85, Art. 1, S20, Jan. 16, 1985)

18.10.100.210 Wastewater Treatment Plant. Any arrangement of devices and structures used by the Town for treatment and disposing of sewage, sludge, and other sewage constituents and products. (Ord. 1-85, Art. 1, S21, Jan. 16, 1985)

18.10.100.220 Beneficial users. These include, but are not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by state or federal law. (Ord. 1-85, Art. 1, S22, Jan. 16, 1985)

18.10.100.230 Waste. Sanitary sewage and any and all other waste substances, liquid, solid, gaseous, or radio-active, associated with human habitation, or of human or animal origin, or from any producing, processing, manufacturing, or industrial operation of whatever nature, including such waste placed within containers or whatever nature prior to, and for purposes of disposal. (Ord. 1-85, Art. 1, S23, Jan. 16, 1985)

18.10.100.240 Wastewater. The water-carried waste from residences, commercial buildings, government buildings, institutions and industrial buildings, singular or in any combination, together with such ground, surface and storm waters as may be present. (Ord. 1-85, Art. 1, S24, Jan. 16, 1985)

18.10.100.250 Sanitary sewage. Sewage such as, and having the characteristics of, domestic sewage from dwellings including apartment houses and hotels, office buildings, factories, or institutions free from storm and surface water and industrial wastes. (Ord. 1-85, Art. 1, S25, Jan. 16, 1985)

18.10.100.260 Normal domestic sewage. Sewage such as discharge by residential users with a BOD₅ concentration not in excess of 275 milligrams per liter and a suspended solids concentration not in excess of 275 milligrams per liter. (Ord. 1-85, Art. 1, S26, Jan. 16, 1985)

18.10.100.270 Infiltration. The water entering the sewerage system directly or via private sewers, building drains and building sewers connected therewith, from the ground, through such means as, but not limited to, defective pipe joints, connections, or manhole walls. (Ord. 1-85, Art. 1, S27, Jan. 16, 1985)

18.10.100.280 Inflow. Water other than wastewater entering the sewerage system from sources such as leaders, cellars, yard areas, and foundation drains, drains from springs and

swampy areas, manhole areas, cross connections between storm and sanitary sewers, catch basins, cooling towers, storm water, surface runoff and wastewater or drainage. (Ord. 1-85, Art. 1, S28, Jan. 16, 1985)

18.10.100.290 Pollution. An alteration of the quality of water by waste, contaminants or pollutants to a degree which renders such water unfit for beneficial users. (Ord. 1-85, Art. 1, S29, Jan. 16, 1985)

18.10.100.300 Compatible pollutants. Wastewater having or containing:

- (1) Measurable biochemical oxygen demand,
- (2) Suspended solids,
- (3) pH,
- (4) Fecal coliform bacteria, or
- (5) Additional pollutants identified or defined in the City's National Pollutant Discharge Elimination System (NPDES) permit or by the state or Board. (Ord. 1-85, Art. 1, S30, Jan. 16, 1985)

18.10.100.310 Incompatible pollutants. Any pollutants which are not compatible pollutants. (Ord. 1-85, Art. 1, S31, Jan. 16, 1985)

18.10.100.320 NPDES Permit. National Pollutant Discharge Elimination System Permit now or hereafter held by the Town and setting forth conditions for the discharge of any pollutants or combination of pollutants. (Ord. 1-85, Art. 1, S32, Jan. 16, 1985)

18.10.100.330 Nuisance. Any substance which is injurious to health or offensive to the senses of an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property. (Ord. 1-85, Art. 1, S33, Jan. 16, 1985)

18.10.100.340 Constituents and characteristics. (of wastewater) The chemical, physical, bacteriological and radiological properties, including volume, flow rate and such other properties which serve to define, classify or measure the contents, quality, quantity and strength of wastewater. (Ord. 1-85, Art. 1, S34, Jan. 16, 1985)

18.10.100.350 Garbage. Any solid wastes from the preparation, cooking, or dispensing of food or from the handling, storage or sale of produce. (Ord. 1-85, Art. 1, S35, Jan. 16, 1985)

18.10.100.360 Shredded garbage. Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one-half (1/2) inch in dimension. (Ord. 1-85, Art. 1, S36, Jan. 16, 1985)

18.10.100.370 pH. The conventional scientific measure of the degree of acidity or alkalinity. (Ord. 1-85, Art. 1, S37, Jan. 16, 1985)

18.10.100.380 Biochemical Oxygen Demand. (or BOD) of sewage, sewage effluent, polluted waters, or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five (5) days at 20° Celsius. The laboratory determinations of BOD shall be made in accordance with procedures set forth in Standard Methods, therein and conventionally referred to as BOD₅. (Ord. 1-85, Art. 1, S38, Jan. 16, 1985)

18.10.100.390 Chemical Oxygen Demand. (or COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set for in Standard Methods. (Ord. 1-85, Art. 1, S39, Jan. 16, 1985)

18.10.100.400 Suspended solids. Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in Standard Methods. (Ord. 1-85, Art. 1, S40, Jan. 16, 1985)

18.10.100.410 May. May means that the act referred to is both permissible and approved. (Ord. 1-85, Art. 1, S41, Jan. 16, 1985)

18.10.100.420 Shall. Shall means the act referred to is mandatory. (Ord. 1-85, Art. 1, S42, Jan. 16, 1985)

18.10.200 GENERAL ADMINISTRATIVE PROVISIONS

18.10.200.010 By-laws and regulations of the Utility Service Board. The Utility Service Board may adopt and enforce such reasonable regulations not in conflict herewith as it may be deemed necessary for the safe, economical and efficient management of the Town's sewerage system and wastewater treatment plant and for the construction and use of building lateral sewers and connections to the sewerage system, which regulations may include limitations of or prohibition of introduction of or infiltration by storm water, surface water, and ground water into the sewerage system. (Ord. 1-85, Art. 2, S1, Jan. 16, 1985)

18.10.200.020 Right of entry of Superintendent and Inspector to any premises. The Superintendent, inspector or other duly authorized employee of the Town, upon reasonable notice to any person who is owner, tenant, or occupant of any real estate, is empowered to enter, upon presentation of proper credentials, all premises for the purposes of inspection, observation, measuring, sampling and testing water, sewage and industrial waste. (Ord. 1-85, Art. 2, S2, Jan. 16, 1985)

18.10.200.030 Notification of accidental discharges. A user shall notify the Superintendent immediately upon discharging accidentally or otherwise, chemicals, corrosive substances, or any other matter that is or may be deleterious to the sewerage system or

treatment process, or wastewaters in violation of this Ordinance, to enable countermeasures to be taken by the Town to minimize damage to the sewerage system, treatment processes and the receiving stream. (Ord. 1-85, Art. 2, S3, Jan. 16, 1985)

18.10.200.040 Written reports. This notification shall be followed within seven (7) days of the date of occurrence by a detailed written report, signed by the user, describing the causes of the discharge and the measures being taken to prevent future similar occurrences. (Ord. 1-85, Art. 2, S4, Jan. 16, 1985)

18.10.200.050 Liability for accidental discharges. Such notification will not relieve users or liability for any expense, loss or damage to the sewerage system, wastewater treatment plant, or treatment process, or any fines or penalties imposed by the Town which expense, loss or damage shall be paid for by the user. (Ord. 1-85, Art. 2, S5, Jan. 16, 1985)

18.10.200.060 Limitations on point of discharge. No person shall discharge any substance directly into a manhole or other opening in the sewerage system other than through the approved building or house lateral sewer, except in accordance with the terms of this Ordinance or by express permission of the Board. (Ord. 1-85, Art. 2, S6, Jan. 16, 1985)

18.10.200.070 Licensed commercial or industrial waste hauling. A person who is a licensed commercial or industrial waste hauler may not discharge compatible pollutants and those incompatible pollutants transported pursuant to such license within the limits of admissibility set out herein to the wastewater treatment plant at any time or place; however, the Board may accept such discharge if it elects in given cases to do so. Wastewater so received must have been generated within Perry County. (Ord. 1-85, Art. 2, S7, Jan. 16, 1985)

18.10.200.080 Special agreements. Special agreements and arrangements between the Town and any person within Perry County may be established by the Board within the terms and intent of this Ordinance when, in the opinion of the Board, unusual or extraordinary circumstances compel special terms and conditions whereby an unusual wastewater may be accepted for treatment, subject to payment of applicable fees. (Ord. 1-85, Art. 2, S8, Jan. 16, 1985)

18.10.200.090 Damaging, defacing, etc., sewerage works property. A person shall not maliciously, willfully or recklessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Town sewerage system. (Ord. 1-85, Art. 2, S9, Jan. 16, 1985)

18.10.200.100 Falsifying information. A person shall not knowingly make or submit to the Town a false statement, representation, record, report, plan or other document required to be filed hereunder or under a duly adopted regulation of the Board, or voluntarily filed with the intent that the Town rely thereon, or falsify, tamper with, or knowingly render inaccurate any monitoring, testing, measuring, or timing device required or installed under these regulations. A person shall not, during any monitoring or surveillance period, alter industrial processes or other activities for the purpose of rendering samples drawn or measurements

taken during said monitoring or surveillance unrepresentative or uncharacteristic of normal operations, flows or concentrations of pollutants. (Ord. 1-85, Art. 2, S10, Jan. 16, 1985)

18.10.300 CONNECTION TO SEWERAGE SYSTEM

18.10.300.010 Privies, septic tanks, cesspools, etc. Except as otherwise provided by the Board, the Town, or the State of Indiana or any of its agencies, a person shall not construct or maintain a privy, septic tank, cesspool or other facility intended or used for the disposal of wastewater; except that existing septic tank system and fields may be repaired and maintained in accordance with applicable laws and ordinances. (Ord. 1-85, Art. 3, S1, Jan. 16, 1985)

18.10.300.020 When connection to the sewerage system is required. Any person owning or occupying a house or other building for residential, commercial, institutional, governmental or industrial use, located on any property situated within the Town and abutting on any street, alley or easement in which there is now located or may in the future be located a public sewer or combined sewer of the Town, is required at his expense to install suitable wastewater facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this or any other ordinance, within ninety (90) days after date of official notice to do so, provided that the public sewer is within one hundred fifty (150) feet of the property line. Said persons shall not discharge sewage elsewhere than into the sewage system. Nothing in this section shall be construed to require the connection of any such structure to a sewer if wastewater is not generated in such structure. (Ord. 1-85, Art. 3, S2, Jan. 16, 1985)

18.10.300.030 Construction of building or house to lateral sewers. The size, shape, alignment, materials or construction of a building or house lateral sewer and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench shall conform to the standards of the Town and the State of Indiana. (Ord. 1-85, Art. 3, S3, Jan. 16, 1985)

18.10.300.040 Determining major contributor. Each commercial and industrial user shall supply the Town with information about expected wastewater constituents and characteristics to be used in determining whether or not the user will be a major contributor. (Ord. 1-85, Art. 3, S4, Jan. 16, 1985)

18.10.300.050 Separate sewer requirements. A separate and independent building or house lateral sewer shall be provided for every building or house; except where one building or house stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building or house through an adjoining alley, court, yard, or driveway. In such cases, the building or house lateral sewer from the front building or house may be extended to the rear building or house and the whole considered as one building or house lateral sewer. Nothing in this Section 18.10.300.050 shall be construed to apply to lateral sewer connections between different facilities of an industrial user located on contiguous properties. (Ord. 1-85, Art. 3, S5, Jan. 16, 1985)

18.10.300.060 Use of old building or house lateral sewer for a new building or house. Old building or house lateral sewers may be used in connection with new buildings or

houses only when they are determined, upon examination and test by the inspector, to meet all requirements of this ordinance. (Ord. 1-85, Art. 3, S6, Jan. 16, 1985)

18.10.300.070 Elevation and location of building or house lateral sewer. Whenever reasonably possible, the building or house lateral sewer shall be brought to the building or house at an elevation below the basement floor. In all buildings or houses in which any building or house drain is too low to permit gravity flow to the appropriate public sewer, wastewater carried by such building or house drain shall be lifted by an appropriate means and discharged to the building or house lateral sewer. (Ord. 1-85, Art. 3, S7, Jan. 16, 1985)

18.10.300.080 Connection of downspouts, drains, etc. No user shall hereafter connect or reconnect roof downspouts, footing drains, areaway drains, driveways, parking lots, or other sources of surface, runoff or groundwater, to a building or house lateral sewer or building or house drain which is in turn connected directly or indirectly to the sewerage system. (Ord. 1-85, Art. 3, S8, Jan. 16, 1985)

18.10.300.090 Inspection, supervision of connection. The applicant for the building or house lateral sewer permit shall notify the Board or its designated representative when a building or house lateral sewer is ready for inspection and connection to the sewerage system. The connection shall be made under the supervision of the inspector or his representative using materials and techniques conforming to the requirements of the Board. The applicant shall give notice before the burial or covering of the lateral sewer and shall not cover or bury the sewer until the inspection is completed and the connection approved. (Ord. 1-85, Art. 3, S9, Jan. 16, 1985)

18.10.300.100 Connections outside corporate limits. A person shall not directly or indirectly make any connections with or openings into the sewerage system for the purpose of serving any areas outside the corporate boundaries of the Town without first securing a specific resolution of the Board describing the real estate and property to be served and authorizing such connection. (Ord. 1-85, Art. 3, S10, Jan. 16, 1985)

18.10.300.110 Prohibition of discharge to natural outlets. It shall be unlawful to discharge to any natural outlet within the Town of Troy or in any areas under the jurisdiction of said Town, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance. (Ord. 1-85, Art. 3, S11, Jan. 16, 1985)

18.10.300.120 Right to prohibit new connections. The Town shall have the right to prohibit new connections when the excess capacity of the sewerage system is deemed insufficient by the Board to accommodate the expected flow, BOD, suspended solids or other constituents of wastewater discharged by the prospective sewer user. (Ord. 1-85, Art. 3, S12, Jan. 16, 1985)

18.10.300.130 Continued failure to meet wastewater admissibility requirements or the terms of major contributor permits. The Board shall have the following methods of recourse in the event of repeated or willful failure by a user to meet the wastewater admissibility requirements provided in 18.10.600 of this Chapter. In addition, the Town shall have and the Board may exercise all other legally available remedies.

- (1) "Submission of Time Schedule" - When the Town finds that a discharge of wastewater has been taking place in violation of the admissibility requirements prescribed in 18.10.600 of this Chapter or the provisions of a major contributor permit, the Town may require the user to submit for approval a detailed time schedule of specific actions, acceptable to the Board, which the user shall take in order to prevent or correct a violation of requirements.

- (2) "Issuance of Cease and Desist Orders" – When the Town finds that a discharge of wastewater has taken place or is likely to take place in violation of the admissibility requirements of 18.10.600 of this Chapter, or a major contributor permit, the Board may issue an order to cease and desist, and may direct that the user not complying with such requirements to:
 - A. comply forthwith,
 - B. comply with a time schedule set forth by the Board, or
 - C. take appropriate remedial or preventive action.

- (3) "Injunction" – When the Town finds that a discharge of wastewater is in violation of the admissibility requirements of 18.10.600 of this Chapter or the provisions of a major contributor permit, or otherwise causes or threatens to cause a condition of pollution or nuisance, the Board, on behalf of the Town may petition any court of proper jurisdiction for the issuance of a preliminary or permanent injunction or both, as may be appropriate, in restraining the continuance of such a discharge.

- (4) "Termination of Service" - The Town may revoke any major contributor permit or terminate or cause to be terminated wastewater service in whole or in part if a violation of any provisions of this Ordinance (Chapter) or the major contributor permit is found to exist, or if a discharge causes or threatens to cause a condition of pollution or nuisance as defined in this Ordinance (Chapter), or causes the City to violate the terms of its NPDES Permit or any state or federal law or regulations.

- (5) "Administrative Appeals" - Any user affected by any decision, action, or determination, including cease and desist orders made by the Superintendent, interpreting or implementing the provisions of this Ordinance, any permit issued herein, or any action, decision, or regulation of the Board adopted pursuant thereto, may file with the Board a written request for review and reconsideration within ten (10) days of such a decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration.

The appeal shall, if reasonably possible, be heard by the Board within thirty (30) days from the date of filing. The Superintendent's decision, action, or determination shall remain in effect during such period of reconsideration,

unless the Board otherwise determines on request of the user. (Ord. 1-85, Art. 3, S13, Jan. 16, 1985)

18.10.400 PRIVATE WELLS

18.10.400.010 Registration of wells. Every owner or occupant of real estate within the corporate limits of the Town or real estate from which there is a lateral sewer or other means or path of direct or indirect flow into the sewerage system, shall, on a form provided by the Board, report the existence of any well to the Superintendent. The information furnished on such form by the owner or occupant shall include, among other items, the name of the owner and occupant of such real estate, the location on said real estate of such well, the size of the well pipe, the size (voltage, amperage and horsepower where ascertainable) of the well pump motor, and the purpose for which the well water is used by the owner, occupant or others. (Ord. 1-85, Art. 4, S1, Jan. 16, 1985)

18.10.400.020 Metering of well water. The Board shall determine by any reasonable means, including, but not limited to, the use of water meters and timing devices, the flow of such well in order to determine the amount of sewage entering the sewage system. The owner or occupant of such real estate shall pay for such metering device, which shall be of a type approved by the Board, and which shall remain the property of the owner but shall be under the exclusive control of the Board and shall not under any circumstances be tampered with by the owner, occupant or any other person. In the case of wells for household use only the Board may, in lieu of metering or timing the use of the well, provide for use of reasonable estimated regarding water volume. (Ord. 1-85, Art. 4, S2, Jan. 16, 1985)

18.10.400.030 Inspection of wells. The Board may direct the Superintendent, inspector or any other employee to enter upon private property for the purpose of inspecting to determine the existence or private wells, to oversee or to direct the installation of metering or timing devices, and to read such meters and devices. (Ord. 1-85, Art. 4, S3, Jan. 16, 1985)

18.10.400.040 Well digging. A person shall not hereafter dig or drive a well within the Town limits without first making application therefore to the Superintendent, which application shall be on a form approved by the Board and shall show all pertinent data regarding size and flow. The application shall be signed by both the installer of the well (the contractor or other person doing the work) and the owner or his agent other than the installer. The failure to file such an application shall be a violation of this ordinance. (Ord. 1-85, Art. 4, S4, Jan. 16, 1985)

18.10.500 WASTEWATER ADMISSIBILITY

18.10.500.010 Major contributor permits. Any industrial user and any other user of demand of the Board shall provide the Town with sufficient information to determine if he is a major contributor. Any user determined to be a major contributor shall be required to obtain a permit which describes the wastewater constituents and characteristics allowed and which sets forth the applicable surveillance schedule and the monitoring requirements the user shall be subject to in order to discharge into the sewerage system. A major contributor permit shall be valid for four (4) years unless processing changes are made that, in the opinion of the Superintendent or Board, alter the wastewater constituents and characteristics significantly. In the event of such a change, a new application shall be filed accordingly. A

permit may be renewed without reapplication at the end of four (4) years at the discretion of the Town.

Nothing in a major contributor permit shall constitute an exception to the prohibitions and limitations on wastewater admissibility as set forth herein. Major contributors are subject to all applicable fees, rates, and charges set forth in 18.11.200 or Article II of the Town's Sewer Rate Ordinance.

The holder of any NPDES permit from the State shall file with the Superintendent a copy of each report or application such permit holder files with the State, such copy to be filed with the City not later than three (3) business days after the filing with the appropriate state authority. Each user who applies to the State for an NPDES permit shall similarly file a copy of such application and all supporting documents with the Town within said three (3) day time period. (Ord. 1-85, Art. 5, S1, Jan. 16, 1985)

18.10.500.020 Major contributor permit applications: Fees. Major contributors shall make application for the proposed discharge on a form provided by the Town. The permit application shall be supplemented by any plant, specifications, studies, or other information considered pertinent by the Board.

"Fees"

Permit fees for major contributors shall be as follows:

	<u>Permit Fees</u>
Initial Major Contributor Permit	
Industries connected to sewerage prior to the effective date of this Ordinance	20.00
Industries connected to sewerage works after the effective date of this Ordinance (Ord. 1-85, Art. V, S2, Jan. 16, 1985)	\$100.00

18.10.500.030 Surveillance of major contributors. To establish a feasible surveillance schedule, the following class of major contributors are formed:

<u>Class</u>	<u>Qualification</u>	<u>Minimum Surveillance Schedule</u>
A	Flow one hundred thousand (100,000) gallons per day or more per average workday	Quarterly
B	Flow from 40,000 to 100,000 per average workday or discharge with constituents or characteristics that result in a major contributor classification	Semiannually

The surveillance period will normally be for a period of a seven (7) consecutive days, but can be of longer or shorter duration at the discretion of the Board or Superintendent. In cases where the surveillance periods extend for a greater number of consecutive days than seven (7), the Town shall have the prerogative of selecting the seven (7) consecutive days of its choice for establishing rates and charges as provided for in Article II (18.11.200) of the Town's Sewer Rate Ordinance. (Ord. 1-85, Art. 5, S3, Jan. 16, 1985)

10.18.500.040 Surveillance survey charge. The charge for each surveillance survey shall be Twenty Dollars (\$20.00) per day with a maximum charge for seven (7) days of One Hundred Forty Dollars (\$140.00). The Board may adopt a schedule of lower, but not higher, surveillance fees and may waive surveillance fees in proper instances, particularly when surveillance is to detect or determine improper discharge found not to exist.

Where the industry has an ongoing pretreatment facility or system approved by the State or by the Board, there will be no surveillance fee, unless the Board finds that the user having such a pretreatment facility or system has repeatedly violated the effluent standards applicable to such user. (Ord. 1-85, Art. 5, S4, Jan. 16, 1985)

10.18.500.050 Monitoring of major contributors. A major contributor shall install at its own expense:

- (1) A suitable control manhole or other access means, together with such necessary appurtenances in or on each building lateral sewer to facilitate observation, sampling and measurement of the wastewater, and
- (2) Such sampling devices as may be reasonably necessary, all unless otherwise instructed by the Town. A user may be required by the Town to install such manholes or other access means to verify his status as a major contributor or otherwise. Such manholes or other access means and sampling and testing devices shall be constructed and maintained to the Town's satisfaction at the expense of the user. The Town shall have the right of access to such manhole and sampling and testing devices at all times in order to verify the accuracy of the equipment and obtain samples.

The Town may provide monitoring equipment during a surveillance period for control manholes or other access means.

Monitoring equipment shall, unless otherwise specified by the Town, include a device for automatically measuring flow and a device for automatically taking a composite sample of wastewater during a twenty-four (24) hour period. Nothing in this 18.10.500.050 shall be construed to require sewer access or sampling equipment for lateral sewers of facilities in which no industrial wastes are generated or disposed of in the sewage system. (Ord. 1-85, Art. 5, S5, Jan. 16, 1985)

18.10.600 ADMISSIBILITY – PROHIBITIONS ON DISCHARGE/ADMISSIBILITY REQUIREMENTS

18.10.600.010 Admissibility – Wastes causing damage to destruction. No person shall discharge to the sewerage system wastes which cause, threaten to cause, or are capable of causing either alone or by interaction with other substances any of the following occurrences:

- (1) A fire or explosion;
- (2) Obstruction to the flow in sewers or other interference with the operation of the plant;
- (3) Danger to life or safety of personnel;
- (4) Inhibition of biological activity in the plant resulting in interference due to the discharge of heat, but in no case may heat be discharged in such quantities that the temperature at the treatment works influent exceeds 40° C.;
- (5) A nuisance or hindrance of the effective maintenance or operation of the sewer system, such as though having an unusually strong or unpleasant odor;
- (6) Air pollution by the release of toxic or unusually malodorous gases or malodorous gas-producing substances;
- (7) Corrosive or structural damage to the system, but in no case discharges with a pH lower than 5.0; or,
- (8) The wastewater treatment plant's effluent or any other product of the treatment process, residues, sludges, or scum, to be unsuitable for reclamation, disposal, or to interfere with the reclamation process, or to fail to meet any of the limitations set by the federal or state agency or the terms of the Town NPDES Permit. (Ord. 1-85, Art. 6, S1, Jan. 16, 1985)

18.10.600.020 Admissibility – Prohibition of unpolluted waters. Unpolluted water shall not be discharged through direct or indirect connection to the sewerage system. Limitations on the amount of unpolluted water that is discharged shall be part of the major contributor's permit. (Ord. 1-85, Art. 6, S2, Jan. 16, 1985)

18.10.600.030 Admissibility – Limitations on radioactive wastes. No person shall discharge or cause to be discharged any radio-active waste into the sewerage system. (Ord. 1-85, Art. 6, S3, Jan. 16, 1985)

18.10.600.040 Admissibility – Limitations on the use of garbage grinders. Only properly shredded garbage, as defined in 18.10.100.360 may be discharged into the sewerage system. (Ord. 1-85, Art. 6, S4, Jan. 16, 1985)

18.10.600.050 Admissibility – Limitations on wastewater strength. All constituents and characteristics which singularly or in combination may damage structures, impair the operation of the wastewater treatment plan, interfere with treatment process or impair the

quality of the receiving stream or its tributaries including, but not limited to, the following constituents and characteristics, with maximum concentration as shown below. (Ord. 1-85, Art. 6, S5, Jan. 16, 1985)

18.10.600.060 Application of surcharges wastewater concentrations. Any person discharging wastewater with pollutants in excess of the following concentration shall be subject to a surcharge as specified in Article II (18.11.200) of the Town's Sewer Rate Ordinance.

- (1) A BOD₅ concentration in excess of 275 milligrams per liter; or,
- (2) A suspended solids concentration in excess of 275 milligrams per liter. (Ord. 1-85, Art. 6, S6, Jan. 16, 1985)

18.10.600.070 Admissibility – Wastewater concentrations prohibited. A person shall not discharge any wastewater containing waste concentration in excess of those allowed under the applicable National Pretreatment Standards. If no pretreatment standard exists, the following shall apply, unless modified by the Board:

- (1) a temperature higher than 150° F (65.5° C);
- (2) a pH lower than 6.0 or higher than 9.0;
- (3) 0.20 mg/l cadmium;
- (4) 0.25 mg/l hexavalent chromium (Cr, VI) for one day, or 0.09 mg/l hexavalent chromium for any thirty (30) consecutive day average;
- (5) 2.00 mg/l copper;
- (6) 0.20 mg/l cyanide amenable to chlorination (CN, A) for one (1) day or 0.08 mg/l cyanide amenable to chlorination any thirty (30) consecutive day average;
- (7) 0.64 mg/l cyanide, total (CN, T) for on (1) day, or .24 mg/l cyanide total for any thirty (30) consecutive day average;
- (8) 1.00 mg/l lead;
- (9) 0.20 mg/l mercury;
- (10) 0.80 mg/l nickel;
- (11) 0.10 mg/l silver;
- (12) 0.50 mg/l zinc;
- (13) 200 mg/l oil and grease (animal or vegetable origin);

- (14) 100 mg/l oil and grease (mineral or petroleum origin);
- (15) 1.0 mg/l phenolic compounds which cannot be removed by the Town's wastewater treatment process;
- (16) any of the above, (1) through (15), in other concentration than stated above if applicable state or federal regulations or regulations of the Board, set different maximum concentrations;
- (17) any other substance or concentration thereof prohibited to all users or classes of users by state or federal law, or regulation now or hereafter adopted by the Board;
- (18) any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard to humans or animals or to create any hazard in the receiving waters of the treatment plant. (Ord. 4-2-95, Apr. 12, 1995) (Ord. 4-1-95, Apr. 12, 1995) (Ord. 1-85, Art. 6, S7, Jan. 16, 1985)

18.10.600.080 Technological findings. The limitations imposed in Section 18.10.600.070 (1) through (18), are found by the Board of Trustees to be those attainable by the best practical technology. Limitations adopted by the Board shall in all cases be based on the best practical technology. (Ord. 1-85, Art. 6, S8, Jan. 16, 1985)

18.10.600.090 Grease, oil and sand interceptors. Such interceptors shall be provided at:

- (1) All restaurants, and at
- (2) All industrial or commercial enterprises when, in the opinion of the Town, they are necessary to contain grease, flammable wastes or sand and other harmful inert materials. All interceptors shall be approved by the Town and shall be readily and easily accessible for cleaning and inspection. All grease, oil and sand interceptors shall be installed and maintained by the user, at his expense, in continuously efficient operation at all times. (Ord. 1-85, Art. 6, S9, Jan. 16, 1985)

18.10.600.100 Liability for maintenance of pretreatment and other equipment. Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the user at his expense, and shall at all reasonable times be open to inspection and testing by the Town. (Ord. 1-85, Art. 6, S10, Jan. 16, 1985)

18.10.600.110 Right to reject waste. The Town shall have the right to reject waste and prohibit the introduction of rejected waste into the sewerage system or the Town may require pretreatment of the waste when the strength or character of the waste is such that it could cause damage to or interfere with the operation of the sewerage system. (Ord. 1-85, Art. 6, S11, Jan. 16, 1985)

18.10.700 PENALTIES

18.10.700.010 Notice. Any user found to be violating any provision of this Ordinance may be served by the Board 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. 1-85, Art. 7, S1, Jan. 16, 1985)

18.10.700.020 Fines. Any user who shall violate any provision of this Ordinance shall be guilty of a infraction, and upon conviction thereof, shall be fined in an amount of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 1-85, Art. 7, S2, Jan. 16, 1985)

18.10.700.030 Liability. Any user violating any provisions of this Ordinance (Chapter) shall become liable to the Board for any expense, loss, or damage including attorneys' fees occasioned the Board by reason of such violation. (Ord. 1-85, Art. 7, S3, Jan. 16, 1985)

18.10.700.040 Other remedies. Nothing in this Article shall restrict any right which may be provided by statute or common law to the Agency to bring other actions, at law or at equity. (Ord. 1-85, Art. 7, S4, Jan. 16, 1985)

18.10.800 ENVIRONMENTAL PROTECTION AGENCY REGION V

18.10.800.010 Evidence of approval. Approval of this Ordinance by the Regional Administrator of Region V of the Environmental Protection Agency is evidenced by the authorization received by the Town of Troy on the 23rd day of November 1983 which authorization is reproduced herein. (Ord. 1-85, Art. 8, S1, Jan. 16, 1985)

18.10.900 EFFECTIVE AND SEVERABILITY

18.10.900.010 Effective date. The provisions of this Ordinance shall be in full force and effect forthwith upon its passage and signing by the Town Executive and publication according to law. (Ord. 1-85, Art. 9, S1, Jan. 16, 1985)

18.10.900.020 Severability. 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. 1-85, Art. 9, S2, Jan. 16, 1985)

18.10.900.030 Repeal of other Ordinances. Ordinance Number 8-63 passed and adopted on September 13, 1963 by the Town Board of Trustees and all other ordinances and parts of ordinances in conflict herewith are hereby repealed. (Ord. 1-85, Art. 9, S3, Jan. 16, 1985)

Chapter 18.11

SEWER RATES AND CHARGES

Sections:

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18.11.500.010	Effective date
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18.11.500.030	Repeal of other Ordinances

18.11.100 DEFINITIONS

18.11.100.010 Terms adopted in latest Edition of Standard Methods for the Examination of Water and Wastewater. Unless otherwise defined herein, terms shall be as adopted in the latest Edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and American Water Works Association, and the Water Pollution Control Federation and as set forth in 40CFR136. Waste constituents and characteristics shall be measured by Standard Methods or in such other method established by state or federal regulatory agencies. Monitoring and metering will be carried out by customarily accepted methods. (Ord. 2-85, Art. 1, S1, Jan. 16, 1985)

18.11.100.020 Town. The Town of Troy, Indiana. (Ord. 2-85, Art. 1, S2, Jan. 16, 1985)

18.11.100.030 Board. The Sewer Utility Board of the Town of Troy, Indiana. It is the governing body of the sewerage system of the Town, which system is a public service. (Ord. 2-85, Art. 1, S3, Jan. 16, 1985)

18.11.100.040 Person. Any natural person, or public or private corporation, or any other entity whatever. (Ord. 2-85, Art. 1, S4, Jan. 16, 1985)

18.11.100.050 User. A person who introduces into or discharges into, including both the owner and occupant of real estate from which is introduced or discharged into the sewerage system, any substance whatever. (Ord. 2-85, Art. 1, S5, Jan. 16, 1985)

18.11.100.060 User classes.

- (1) "Residential User" - A user who introduces only normal domestic sewage from a single family or multifamily dwelling into the sewerage system.
- (2) "Commercial User" - Transit lodging, retail and wholesale establishments or places engaged in providing merchandise for personal, household or industrial consumption and or rendering services to others.
- (3) "Institutional user" - A publicly or privately owned school, hospital, nursing home, prison, or other similar institution whose wastes are segregated domestic wastes.
- (4) "Governmental User" - A user engaged in legislative, judicial or administrative activities of federal, state, and local governments, such as court houses, police and fire stations, city halls and similar governmental users.
- (5) "Industrial User" - A user engaged In the manufacturing, production or processing of goods, materials or other tangible products. (Ord. 2-85, Art. 1, S6, Jan. 16, 1985)

18.11.100.070 Industrial wastes. Any solid, liquid or gaseous substance or form of energy discharged, permitted to flow into or enter the sewerage system from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person and shall further mean any waste from an industrial user, but not including sanitary sewage or storm water. (Ord. 2-85, Art. 1, S7, Jan. 16, 1985)

18.11.100.080 Major contributor. A user discharging or introducing into the sewerage system:

- (1) A flow of more than 50,000 gallons per average workday;
- (2) A toxic pollutant in toxic amounts as defined in §307 U.S. Public Law 92-500 as now adopted or as hereafter amended;
- (3) A flow or pollutant concentration as now or hereafter defined or identified as a problem pollutant or flow by applicable state or federal regulations or by the Board;
- (4) An effluent of significant impact, either singly or in combination with other contributors, on the wastewater treatment plant or the quality of its effluent;
or

- (5) Any substance unusual or unique in quality or quantity requiring special attention or processing in order to effect proper wastewater treatment. (Ord. 2-85, Art. 1, S8, Jan. 16, 1985)

18.11.100.090 Receiving sewer system. The Troy Town Municipal Sewer System. (Ord. 2-85, Art. 1, S9, Jan. 16, 1985)

18.11.100.100 Sewerage system. The network of publicly owned sewers and appurtenances used for collection, transporting, and pumping wastewater to the wastewater treatment plant, and the wastewater treatment plant itself. (Ord. 2-85, Art. 1, S10, Jan. 16, 1985)

18.11.100.110 Public sewer. A sewer owned by the Town. (Ord. 2-85, Art. 1, S11, Jan. 16, 1985)

18.11.100.120 Sewer. A pipe or conduit laid for carrying sewage or other liquids, and solids suspended or entrained therein. (Ord. 2-85, Art. 1, S12, Jan. 16, 1985)

18.11.100.130 Sanitary sewer. A sewer intended to carry only sanitary or sanitary and industrial waste waters from residences, commercial buildings, government buildings, industrial buildings and institutions. (Ord. 2-85, Art. 1, S13, Jan. 16, 1985)

18.11.100.140 Wastewater Treatment Plant. Any arrangement of devices and structures used by the Town for treatment and disposing of sewage, sludge, and other sewage constituents and products. (Ord. 2-85, Art. 1, S14, Jan. 16, 1985)

18.11.100.150 Waste. Sanitary sewage and any and all other waste substances, liquid, solid, gaseous, or radio-active, associated with human habitation, or of human or animal origin, or from any producing, processing, manufacturing, or industrial operation of whatever nature, including such waste placed within containers or whatever nature prior to, and for purposes of, disposal. (Ord. 2-85, Art. 1, S15, Jan. 16, 1985)

18.11.100.160 Wastewater. The water-carried waste from residences, commercial buildings, government buildings, institutions and industrial buildings, singular, or in any combination, together with such ground, surface and storm waters as may be present. (Ord. 2-85, Art. 1, S16, Jan. 16, 1985)

18.11.100.170 Sanitary sewage. Sewage such as, and having the characteristics of, domestic sewage from dwellings including apartment houses and hotels, office buildings, factories, or institutions, free from storm and surface water and industrial wastes. (Ord. 2-85, Art. 1, S17, Jan. 16, 1985)

18.11.100.180 Normal domestic sewage. Sewage such as discharged by residential users with a BOD₅ concentration not in excess of 275 milligrams per liter and a suspended solids concentration not in excess of 275 milligrams per liter. (Ord. 2-85, Art. 1, S18, Jan. 16, 1985)

18.11.100.190 Biochemical Oxygen Demand. (or BOD) of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by

aerobic biochemical action under standard laboratory procedures for five (5) days at 20° Celsius. The laboratory determinations of BOD shall be made in accordance with procedures set forth in Standard Methods therein and conventionally referred to as BOD₅. (Ord. 2-85, Art. 1, S19, Jan. 16, 1985)

18.11.100.200 Chemical Oxygen Demand. (or COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in Standard Methods. (Ord. 2-85, Art. 1, S20, Jan. 16, 1985)

18.11.100.210 Suspended Solids. Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in Standard Methods. (Ord. 2-85, Art. 1, S21, Jan. 16, 1985)

18.11.100.220 User charge. A charge levied on users of a treatment works, or that portion of the ad valorem taxes paid by a user, for the user's proportionate share of the cost of operation and maintenance including replacement of such works. (Ord. 2-85, Art. 1, S22, Jan. 16, 1985)

18.11.100.230 Debt service charge. A charge levied on users of a treatment works to fund debt service on outstanding revenue bonds and current capital costs. (Ord. 2-85, Art. 1, S23, Jan. 16, 1985)

18.11.100.240 Sewage charges. The total of the User Charge and the Debt Service Charge. (Ord. 2-85, Art. 1, S24, Jan. 16, 1985)

18.11.100.250 Surcharge. A charge for sewerage services in addition to the basic sewage charge. This charge is assessed users whose sewage is of such a nature that it imposes upon the Sewage Works a burden greater than that covered by the basic sewage charges. (Ord. 2-85, Art. 1, S25, Jan. 16, 1985)

18.11.100.260 Replacement. 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. The term "operation and maintenance" includes replacement. (Ord. 2-85, Art. 1, S26, Jan. 16, 1985)

18.11.100.270 Operation and maintenance. All expenses related directly to the operating and maintaining including replacement of the sewage works as identified in the "Uniform System of Accounts for Wastewater Utilities" or as prescribed by the Indiana State Board of Accounts under the general headings, Plant Operation and Maintenance, Sewer Operation and Maintenance, Customer Accounts, Administrative and General, Insurance and Taxes. (Ord. 2-85, Art. 1, S27, Jan. 16, 1985)

18.11.100.280 Sewer Use Ordinance. The currently effective Ordinance of the Town of Troy Sewer Use Ordinance, Ordinance No. 1-85, together with any amendments, which regulates the connecting to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the sewerage system of the Town, and which provides for the registration of and the metering of private wells, and provides penalties for violations thereof and other matters pertaining thereto. (Ord. 2-85, Art. 1, S28, Jan. 16, 1985)

18.11.100.290 May. May means that the act referred to is both permissible and approved. (Ord. 2-85, Art. 1, S29, Jan. 16, 1985)

18.11.100.300 Shall. Shall means the act referred to is mandatory. (Ord. 2-85, Art. 1, S30, Jan. 16, 1985)

18.11.200 SEWER CHARGES, SURCHARGES AND SERVICE FEES

18.11.200.010 Persons subject to fees and sewer charges. For the use and service rendered by the sewerage works, sewer charges shall be collected from the person who owns each and every parcel of real estate that is connected directly or indirectly to the Town's sewerage system of otherwise discharges wastewater either directly or indirectly into the sewerage system of the Town, which sewer charges shall be payable as provided in 18.11.200. (Ord. 2-85, Art. 2, S1, Jan. 16, 1985)

18.11.200.020 Effective date; Extension to additional property. The sewer charges fixed by this Article shall become effective at the time the user first discharges to the sewerage system. These sewer charges shall be extended to and cover any additional premises thereafter served, without the necessity of any hearing or notice. (Ord. 2-85, Art. 2, S2, Jan. 16, 1985)

18.11.200.030 Rate basis. The sewer flow charge shall be based on the quantity of water as measured by the water meter used on or in the premises subject to such sewer charges, except as otherwise provided in 18.11.200. (Ord. 2-85, Art. 2, S3, Jan. 16, 1985)

18.11.200.040 Schedule of meter reading. Water meters shall be read once each month, or at the option of the Town, at other intervals. (Ord. 2-85, Art. 2, S4, Jan. 16, 1985)

18.11.200.050 Procedure when water is obtained partially or wholly from sources other than Town waterworks. In the event a user obtains water partially or wholly from sources other than the Town Waterworks, the total water used must be measured or determined as provided in 18.10.400.020 of 18.10.500 of the Sewer Use Ordinance or by other reasonable means as the Board may direct. In the case of a single family household having a private well but no Town water supply, the sewer flow charge shall be for 6,000 gallons per month, unless a meter is installed on the well at the request of either the user or the Town, in which case the cost of installation will be paid for by the user. The installation of any such meter shall be approved by the Town. (Ord. 2-85, Art. 2, S5, Jan. 16, 1985)

18.11.200.060 Procedure when single meter serves more than one dwelling unit. In the event two or more dwelling units such as trailers, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into Town's sanitary sewage system,

either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case billing shall be for a single service in the manner set out elsewhere herein. (Ord. 2-85, Art. 2, S6, Jan. 16, 1985)

18.11.200.070 Portion of water not entering sewage system. In the case of a user utilizing more than 8,000 gallons of water per month, who can substantiate to the Town that a portion of said water does not and cannot enter the sewerage system, the Board shall either determine the portion of the measured water to be used in determining the appropriate sewer charges, or approve the manner and technique of flow measurement provided by the user for determining wastewater discharged to the sewerage system. Facilities utilized to accomplish this shall be installed and maintained in a serviceable condition by the user at his expense. The Town shall have the right to access to such flow measurement equipment at all times in order to verify the accuracy of the equipment and obtain samples. (Ord. 2-85, Art. 2, S7, Jan. 16, 1985)

18.11.200.080 Sprinkling rates. In order that domestic and residential users of sewage service shall not be penalized for the sprinkling of lawns during the period from June 15th to September 15th, the billing for sewage services for residences and/or domestic users due on August 1st, September 1st, and October 1st shall be based upon the water usage for the period from November 15th to February 15th, which are billings due January 1st, February 1st and March 1st. In the event the water usage for said previous billings of January 1st, February 1st and March 1st is greater than the water usage of said billings of August 1st, September 1st and October 1st, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage service, as applicable to the sprinkling rate, shall apply to each lot, parcel of real estate or building which is occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for industrial or commercial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter, installed at the owner's expense, and in such case, the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate. (Ord. 2-85, Art. 2, S8, Jan. 16, 1985)

18.11.200.090 Billing procedure generally. Sewer billings and invoices shall be rendered and collected monthly.

The Board shall make and enforce such by-laws and regulations as may be deemed necessary for the regulation, collection, rebating, and refunding of the sewer charges prescribed by this section of this Ordinance (Chapter).

The board may, on proper cause being shown by the applicant that in a singular occurrence, metered water did not reach the sewerage system, adjust the user's sewer charge with respect to such occurrence.

Major contributors with a flow in excess of 50,000 gallons per average workday shall have billing determined on the basis of wastewater discharged as monitored per 18.10.500.030 of the Sewer Use Ordinance, with the following exception.

At its option, the Town may accept monitoring data and information from such a major contributor to substantiate billing determination on a more frequent basis than as established in 18.10.500.030 of the Sewer Use Ordinance. Such allowance, however, does not exempt the major contributor from the surveillance survey fee set by the Town in 18.10.500 of the Sewer Use Ordinance.

In the event there is a difference in analytical results that is not explainable by normal variation in the testing procedure, the user may, within thirty (30) days of billing, appeal to the Board. (Ord. 2-85, Art. 2, S9, Jan. 16, 1985)

18.11.200.100 Tenants may be billed; Right of owners to examine record. The sewer charges may be billed to the tenants occupying the premises served, unless otherwise instructed in writing by the person who owns the premises. Such billings shall in no way relieve the owner of liability in the event payment is not made as herein required. The owners of the premises served, which are occupied by tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether such sewer charges have been paid by such tenants; provided that such examination shall be made at the office at which the records are kept and during the hours that such office is open for business. (Ord. 2-85, Art. 2, S10, Jan. 16, 1985)

18.11.200.110 Liability of Town for charges. The Town shall be subject to the term of the Ordinance, and said Town shall pay for the services rendered to it by the sewage works. (Ord. 2-85, Art. 2, S11, Jan. 16, 1985)

18.11.200.120 Surcharge based on flow and concentration of wastewater. All wastewater discharged by major contributors shall meet the admissibility standard in 18.10.600 of the Sewer Use Ordinance, by pretreatment if necessary, as determined by the Board. Wastewater beyond the limits of admissibility set forth in 18.10.600.060 Sewer Use Ordinance may be accepted and surcharged in accordance with the schedule in 18.11.200.130. (Ord. 2-85, Art. 2, S12, Jan. 16, 1985)

Surcharges shall be based on actual quantities discharged for treatment as determined from measured concentration and flow surcharge rates for wastewater characteristics not provided for herein may be set at the reasonable discretion of the Board, taking into account all of the Sewer Department's significant cost factors, relating to treatment, handling and disposal.

18.11.200.130 Rates of surcharge. The rate of surcharge, in addition to volumetric charges, for the following constituents shall be as follows:

- (1) For biochemical oxygen demand (BOD)
in excess of 230 milligrams per liter \$0.11 per pound
- (2) For chemical oxygen demand (COD) where
BOD cannot be determined in excess of
460 milligrams per liter \$0.11 per pound

- (3) For suspended solids in excess of 250 milligrams per liter \$0.09 per pound
(Ord. 2-85, Art. 2, S13, Jan. 16, 1985)

18.11.200.140 Sewer rates and charges.

- (1) The schedule of rates and charges for service rendered by the Municipal Sewage Utility is as follows:

	<u>UserService Charge</u>	<u>Debt Sewage Charge</u>	<u>Total Charge</u>
<u>Flow Charge Per 1000 Gallons</u>			
First 2,500 gallons per month	\$3.98	\$1.05	\$5.03
Next 3,000 gallons per month	2.15	2.06	4.21
Next 4,000 gallons per month	2.15	1.38	3.53
Next 5,000 gallons per month	2.15	0.85	3.00
Next 14,500 gallons per month	2.15	0.40	2.55
Minimum charge per month	9.96	2.62	12.58

- (2) Rates and charges assessed upon septic tanks, etc. The Board is empowered to determine rates, charges, and fees for septic tank, industrial wastes, and other disposable wastewater and wastes delivered to the wastewater treatment plant, as provided in Section 18.10.700 of the Sewer Use Ordinance and to collect such charges and fees.
- (3) Rates and charges assessed for special agreements. The Board is empowered to determine and to collect such charges as it may reasonably provide for under special agreements entered into by the Board, on behalf of the Town, under 18.10.800 of the Sewer Use Ordinance. (Ord. 2-89, Dec. 12, 1989) (Ord. 2-85, Art. 2, S14, Jan. 16, 1985) (Ord. 3-77, S1, July 27, 1977)
- (4) Tap-in-fee. That the following charges be made to the property owner requesting a tap be made to the sanitary sewer system of the Town of Troy:
- A. A charge of \$261.00 be assessed for a standard 4 inch tap from the main sanitary sewer line to the property line.
 - B. For a tap to the main sanitary sewer line for a lateral larger than the standard 4 inch, a charge be made to cover the actual cost of installation including labor, materials, and equipment. (Ord. 4-85, May 15, 1985)

18.11.200.150 Delinquent accounts. Charges for sewage service levied pursuant to this Ordinance (Chapter) shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date [ten (10) days after the bill is rendered] shall be

considered delinquent and a delinquent charge of Ten Percent (10%) of the amount due shall be added to the amount due. Delinquent sewage charges together with costs and other expenses of collection including attorney fees may be collected by any lawful remedy, including, where applicable, the placing of and foreclosure of liens on real estate as provided by state law. (Ord. 2-85, Art. 2, S15, Jan. 16, 1985) (Ord. 6-82, Oct. 13, 1982)

18.11.300 BIENNIAL REVIEW

18.11.300.010 Revision of charges or user classes. The Town of Troy shall review not less often than every two (2) years, the wastewater contribution of users and user classes; the total costs of operation and maintenance of the treatment works and its approved user charge system. The Town shall revise the charges for users or user classes to:

- (1) Maintain the proportionate distribution of operation and maintenance costs necessary among users and user classes;
- (2) Generate sufficient revenues to pay the total operation and maintenance costs necessary to the proper operation and maintenance, including replacement, of the treatment works; and
- (3) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. (Ord. 2-85, Art. 3, S1, Jan. 16, 1985)

18.11.300.020 Notification. The Town of Troy shall notify each user annually in conjunction with a bill of that portion of the user charge attributable to wastewater treatment services. (Ord. 2-85, Art. 3, S2, Jan. 16, 1985)

18.11.400 ENVIRONMENTAL PROTECTION AGENCY REGION V

18.11.400.010 Evidence of approval. Approval of this Ordinance by the Regional Administrator of Region V of the Environmental Protection Agency is evidenced by the authorization received by the Town of Troy on the 23rd day of November, 1983, which authorization is reproduced herein. (Ord. 2-85, Art. 4, S1, Jan. 16, 1985)

18.11.500 EFFECTIVENESS AND SEVERABILITY

18.11.500.010 Effective date. The provisions of this Ordinance (Chapter) shall be in full force and effect forthwith upon its passage and signing by a majority of the Board of Trustees and publication according to law. (Ord. 2-85, Art. 5, S1, Jan. 16, 1985)

18.11.500.020 Severability. The invalidity of any section, clause, sentence or provision of this Ordinance (Chapter) shall not affect the validity of any other part of this Ordinance (Chapter) which can be given effect without such invalid part or parts. (Ord. 2-85, Art. 5, S2, Jan. 16, 1985)

18.11.500.030 Repeal of other Ordinances. Ordinance Number 7-63 of the Town of Troy, Indiana and all other Ordinances and parts of Ordinances in conflict herewith are hereby repealed. (Ord. 2-85, Art. 5, S3, Jan. 16, 1985)

Chapter 18.13

TREATMENT AND DISPOSITION OF SEWAGE AGREEMENT BETWEEN TROY AND TELL CITY

Sections:

18.13.005	Preamble
18.13.010	Approval of Amended Agreement
18.13.020	Amended Agreement referred to in Exhibit "1"
18.13.030	Execution of Agreement
18.13.040	Cannot be amended during Term of Agreement

18.13.005 Preamble. The City of Tell City, Indiana, a municipal corporation existing pursuant to the laws of the State of Indiana (hereinafter referred to as the "City") is the recipient of a P.L. 92-500 Federal Construction Grant, Federal grant No. C180458 02 (hereinafter referred to as the "Grant"); and,

The Town of Troy, Indiana, a municipal corporation existing pursuant to the law of the State of Indiana (hereinafter referred to as the "Town") is a participating agency under the Grant; and,

The City and Town are desirous of entering into an agreement entitled Amended Agreement Between the City of Tell City and the Town of Troy, Indiana for Treatment and Disposition of Sewage (hereinafter referred to as "Amended Agreement"), a copy of which is attached hereto and incorporated as though fully set forth herein as Exhibit "1"; and,

The provisions of I.C. 36-9-23-16, the provisions of I.C. 36-1-7-1 and the provisions of I.C. 36-1-7-3 authorize and empower the City and Town to enter into said Amended Agreement; and,

It is in the public benefit, health, safety and general welfare of the citizens of the City and the Town to enter into said Amended Agreement. (Ord. 2-84, Preamble, Sept. 25, 1984)

18.13.010 Approval of Amended Agreement. That is in the public benefit, health, safety and general welfare of the citizens of the Town to authorize and approve the acceptance of the terms and conditions of the Amended Agreement and to further authorize and approve all actions connected therewith as articulated in the preamble of this Ordinance. (Ord. 2-84, S1, Sept. 25, 1984)

18.13.020 Amended Agreement referred to in Exhibit "1". That said Amended Agreement, a copy of which is attached hereto and referred to as Exhibit "1", be and hereby is approved and adopted in all respects. (Ord. 2-84, S2, Sept. 25, 1984)

EXHIBIT "1"

Honorable Walter K. Hagedorn, Mayor
City of Tell City
City Hall
Tell City, Indiana 47586

Subject: Treatment Works Grant
Step 2 & 3, C180458-02

Dear Mayor Hagedorn:

We have completed review of the proposed User Charge System (UCS) and related ordinances and signed service agreement for the Tell City/Troy service area.

Based on the information submitted, it has been determined that the City has developed a UCS which will enable it to collect revenue from each recipient of wastewater treatment services proportionate to the operation, maintenance and replacement costs incurred for providing services. The total estimated revenue appears sufficient for the City to provide adequate treatment services on a continuing basis.

The proposed Sewer Use Ordinance (SUO), which is a component of the revenue system and required by 40 CFR 36.2130 is satisfactory.

Accordingly, effective November 23, 1983, the UCS and SUO are hereby approved contingent upon enactment of the ordinances as proposed. This contingent approval satisfies the requirements of 40 CFR 36.2202 and facilitates advertising for bids on the Step 3 portion of the grant.

Please recognize that related regulations require adoption of the ordinances before the treatment works is placed in operation or as the grant schedule may specify. Please forward copies of the enacted ordinances as soon as they are passed, we understand that this will be accomplished by March 1984.

Please note that this contingent approval pertains only to the UCS and SUO, and is not an express or implied approval of the system employed to defray local capital costs. If you have any questions, please call Ms. Mary Lu Lageman of my staff at (812) 353-2138.

Respectfully,

Edwin C. Horn, Jr., Chief
Financial Systems Unit
Municipal Planning Section

cc: ISPCB
COE
Edward W. Gantz

18.13.030 Execution of Agreement. That the President of the Board of Trustees and the Clerk-Treasurer of the Board of Trustees be and hereby are authorized to execute on behalf

of the Town the Amended Agreement which shall conform in all respects to the document attached hereto and incorporated as Exhibit "1". (Ord. 2-84, S3, Sept. 25, 1984)

18.13.040 Cannot be amended during Term of Agreement. That this Ordinance shall not be amended, modified, or repealed during the term of the Amended Agreement. (Ord. 2-84, S4, Sept. 25, 1984)

Chapter 18.20

ELECTRIC UTILITY RATES AND CHARGES

Sections:

- 18.20.010 Electric rates and charges
- 18.20.020 Removal from Indiana Utility Regulatory Commission

18.20.010 Electric rates and charges. That the schedule of rates and charges set forth in the schedules and appendices attached hereto as exhibits are hereby approved; that the Troy Municipal Electric Utility is authorized to file such schedules and appendices with the Indiana Utility Regulatory Commission; and, that the rates and charges as set forth in such schedules and appendices shall become effective in accordance with the Order of the Indiana Utility Regulatory Commission in the rate proceeding. (IURC Order No. 40730, July 16, 1997) (Ord. 5-1, May 20, 1997) (Ord. 4-77, July 27, 1977)

SCHEDULE "A"

SCHEDULE FOR RESIDENTIAL AND COMMERCIAL ELECTRIC SERVICE

AVAILABILITY. Available for single phase residential and commercial use including lighting, small appliances, refrigeration and cooking appliances, water heating and small motors not exceeding (3) horsepower individual capacity.

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

RATE.

Service Charge	@ \$4.00 per month
First 200 kWh used per month	@ 6.15 per kWh
Over 200 kWh used in the same month	@ 5.29 per kWh

MINIMUM CHARGE. The minimum charge per meter shall be \$4.00 per month.

RATE ADJUSTMENT. The above rates are subject to a Purchased Power Cost Adjustment Tracking Factor, in accordance with the Order of the Public Service Commission of Indiana approved December 17, 1976, in Cause No. 34614. The Purchased Power Cost Adjustment Tracking Factor stated in Appendix A is applicable hereto and is issued and effective at the dates shown on Appendix A.

FUEL COST ADJUSTMENT. Refer to Appendix A.

NON-RECURRING CHARGES. See Appendix B.

SCHEDULE "B"

SCHEDULE FOR GENERAL POWER SERVICE

AVAILABILITY. Available for any power purpose. Applicant must be located adjacent to an electric distribution line of company that is adequate and suitable for supplying the service requested.

CHARACTER OF SERVICE. Alternating current, sixty cycles at a voltage of approximately 480 volts, 208 volts, or 120/240 volts.

RATE.

Service Charge	@ \$8.00 per month
First 1,000 kWh used per month	@ 6.93 per kWh
Next 1,000 kWh used in the same month	@ 6.53 per kWh
Over 2,000 kWh used in the same month	@ 5.94 per kWh

MINIMUM CHARGE. The minimum charge shall be based on the connected power load and shall be the sum of:

- (1) The horsepower rating of all connected motors; and
- (2) The rated input capacity of all equipment other than motors, each kilovoltampere of such input rating being considered as one horsepower of connected power load. "Power load" is defined as electricity used for any purpose other than lighting.

The monthly minimum charge shall be \$1.00 per horsepower or fraction thereof for the first 10 horsepower of connected power load and \$0.75 per horsepower or fraction thereof for all connected power load in excess of 10 horsepower. This rate is not applicable to power loads having highly fluctuating or intermittent characteristics such as welders, x-rays, etc.

RATE ADJUSTMENT. The above rates are subject to a Purchased Power Cost Adjustment Tracing Factor, in accordance with the Order of the Public Service Commission of Indiana approved December 17, 1976, in Cause No. 34614. The Purchased Power Cost Adjustment Tracing Factor stated in Appendix A is applicable hereto and is issued and effective as the dates shown on Appendix A.

FUEL COST ADJUSTMENT. Refer to Appendix A.

NON-RECURRING CHARGES. See Appendix B.

SCHEDULE "C"

SCHEDULE FOR LARGE INDUSTRIAL SERVICE

AVAILABILITY. Available to any customer served by the Utility for power and incidental lighting service and having a billing demand of fifty (50) KVA or greater. Applicant must be located adjacent to an electric transmission or distribution line of the utility that is adequate and suitable for supplying the service requested. The customer shall furnish and maintain all necessary transforming, controlling, and protection equipment unless other contractual arrangements are made with the utility.

CHARACTER OF SERVICE. Alternating current, sixty cycles, three phase, at a voltage of approximately 13,800 volts, 2,400 volts, or 4,160 volts. Energy shall be measured at a secondary distribution voltage or, if judged by the utility to be more advantageous, service may be metered at a primary voltage.

RATE.

Service Charge	@ \$50.00
Demand Charge	
The monthly demand charge shall be:	
First 250 kVA used per month	@ 8.80 per kVA
Over 250 kVA used in same month	@ 7.90 per kVA
Energy Charge	
First 200 kWh/kVA	@ 2.45 per kWh
Next 200 kWh/kVA	@ 2.37 per kWh
Over 400 kWh/kVA	@ 2.25 per kWh

MINIMUM MONTHLY CHARGE. The minimum monthly charge for power supplied under this schedule shall be the "Monthly Service Charge."

RATE ADJUSTMENT. The above rates are subject to a Purchased Power Cost Adjustment Tracing Factor, in accordance with the Order of the Public Service Commission of Indiana approved December 17, 1976, in Cause No. 34614. The Purchased Power Cost Adjustment Tracking Factor stated in Appendix A is applicable hereto and is issued and effective as the dates shown on Appendix A.

FUEL COST ADJUSTMENT. Refer to Appendix A.

NON-RECURRING CHARGES. See Appendix B.

APPENDIX "A"

RATE ADJUSTMENT. (Applicable to Schedules A & B) The Rate Adjustment shall be on the basis of a Purchased Power Cost Adjustment Tracking Factor, occasioned solely by changes in the cost of Purchased power, in accordance with the Order of the Public Service Commission of Indiana, approved December 17, 1976 in Cause No. 34614 as follows:

The Rate Adjustment applicable to the above listed rate schedules shall be \$0.000000 per kWh used per month.

RATE ADJUSTMENT. (Applicable to Schedule C) The Rate Adjustment shall be on the basis of a Purchased Power Cost Adjustment Tracing Factor, occasioned solely by changes in the cost of purchased power, in accordance with the Order of the Public Service Commission of Indiana, approved December 17, 1976 in Cause No. 34614 as follows:

The Rate Adjustment applicable to the above listed rate schedule shall be \$0.000000 per kWh used per month.

FUEL COST ADJUSTMENT (Applicable to Schedules A, B, and C) The fuel cost adjustment in dollars per kilowatt hour shall be the same as that most recently billed to the Troy Municipal Electric Utility by its purchased power supplier, less \$0.000000 per kilowatt hour. Such difference to be divided by one (1) minus the total energy losses of the Utility for the preceding calendar year expressed as a decimal fraction of the total energy purchased for the same year.

SCHEDULE “OL”

SCHEDULE FOR OUTDOOR LIGHTING

AVAILABILITY. Available only for continuous year-round service for outdoor lighting to any residential, farm, commercial, or industrial customer located adjacent to an electric distribution line of utility that is adequate and suitable for supplying the service requested.

CHARACTER OF SERVICE. Dusk-to-Dawn outdoor lighting or street light service using lamps available under this schedule.

RATE.

<u>Type of Lamps</u>	<u>Monthly Rate Per Lamp</u>
175 watt mercury vapor (Without pole)	\$3.00
175 watt mercury vapor (With pole)	\$3.50
Street Light	\$2.45

18.20.020 Removal from Indiana Utility Regulatory Commission. The Utility Service Board of the Town of Troy be removed from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness. (Ord. 4-88, Sept. 27, 1988)

Chapter 18.24

EMERGENCY ELECTRIC ENERGY CURTAILMENT PROGRAM

Sections:

- 18.24.010 **Curtailment Program**
- 18.24.020 **Filed with Public Service Commission of Indiana**

18.24.010 Curtailment Program. That the electric curtailment rules for the municipal electric utility of the Town of Troy as set forth in Appendix I, attached hereto and made a part hereof, is hereby adopted and approved.

APPENDIX I

Attached hereto as Exhibit "1" is the Emergency Energy Control Program" of the supplier of electrical energy to the municipal electrical utility of the Town of Troy, Indiana, i.e. the Commission Plan. Commission's Plan includes the five investor owned utilities in the State of Indiana. These utilities are the wholesale suppliers of electrical power to the Indiana municipal systems. The municipal systems must coordinate their energy usage with their supplier. The program consists of five steps which provide for the curtailment of electrical usage. Upon notification to this town's municipal electric utility that said supplier is implementing each of said steps 1 through 5, this town's utility will immediately thereafter also implement said steps, in addition to those set out below which have been or will be implemented.

- (1) Cancel the town's sponsored recreational program in the gymnasium all nights of the week.
- (2) Eliminate public lighting on the ball court, Camp Koch Hill, and the sewage treatment plant.
- (3) Post signs in all places of business requesting the curtailment of home usage – to the minimum. (Ord. 1-78, S1 and Appendix 1, Feb. 15, 1978)

18.24.020 Filed with Public Service Commission of Indiana. That the said electric curtailment rules herein adopted and approved are hereby authorized to be filed with the Public Service Commission of Indiana for information purposes only and so identified. (Ord. 1-78, S2, Feb. 15, 1978)

Chapter 18.35

GRANTING PACKARD OIL COMPANY THE RIGHT TO LAY PIPE LINES FOR THE TRANSPORTING OF NATURAL GAS

Sections:

- 18.35.010** Authorization to lay, maintain and/or remove pipe lines
- 18.35.020** Supply of natural gas/Rates fixed by the Public Utility Commission of Indiana
- 18.35.030** Repair to streets

18.35.010 Authorization to lay, maintain and/or remove pipe lines. Be it ordained by the Trustees of the Town of Troy, County of Perry, State of Indiana, that the Packard Oil Company, its successors and assigns are hereby and by this ordinance empowered and duly authorized to lay, maintain and remove a pipe line or lines under the public streets, alleys and public grounds of the Town of Troy, Indiana to transport natural gas to the citizens of the Town of Troy, Indiana and to transport natural gas, under, and through streets, alleys and public grounds of said Town of Troy, to the citizens and inhabitants generally of Perry County, Indiana to be used for domestic or industrial purposes, and said Packard Oil Company, its successors or assigns shall lay, separate, maintain, repair, or remove said natural gas pipe lines or lines in accordance with a sketch of said pipe line system as has been submitted herewith and the laying of said pipe line for natural gas, to maintenance of said pipe line, the repair or removal of said pipe line shall, at all times, be under the jurisdiction of the Trustees of the Town of Troy, Indiana or the Committee of the Trustees of streets, alleys and other public grounds. (Ord. unnumbered, S1, Mar. 27, 1929)

18.35.020 Supply of natural gas/Rates fixed by the Public Utility Commission of Indiana. Said Packard Oil Company, its successors or assigns shall furnish natural gas to the citizens of the Town of Troy, Indiana upon the same terms and conditions as they shall supply natural gas to other inhabitants of Perry County, the rate to be charged by said Packard Oil Company, its successors or assigns, per thousand cubic feet for said natural gas shall be fixed and maintained by the Public Utility Commission of the State of Indiana, as provided for under the Laws of the State of Indiana. (Ord. unnumbered, S2, Mar. 27, 1929)

18.35.030 Repair to streets. Said Packard Oil Company, its successors or assigns are to lay, operate and maintain its system of pipe lines in such a manner as not to interfere with the use of the streets, alleys and other public places of the Town of Troy, Indiana. Provided that said Packard Oil Company are to repair any damage to streets or other public property housed by laying said pipes or removing same. (Ord. unnumbered, S3, Mar. 27, 1929)

Chapter 18.43

GRANTING THE LUCE AND OHIO TOWNSHIP TELEPHONE COMPANY THE RIGHT TO MAINTAIN TELEPHONE LINES

Sections:

18.43.010 Right and privilege to erect poles and maintain telephone lines

18.43.010 Right and privilege to erect poles and maintain telephone lines. Be it ordained by the Board of Trustees of the Town of Troy, Indiana that the Luce and Ohio Telephone Company of Rockport, Indiana, is hereby granted the right and privilege of erecting, poles and other necessary, appliances suitable and proper for conducting a telephone line through the streets, alleys, and public grounds of the Town of Troy. As said company may choose for that purpose, provided that in so doing, that the use of said streets, alleys, and public grounds, shall be as little interfered with as possible. Provided that the poles shall be set as directed by the Board of Trustees of said Town of Troy. (Ord. 76, S1, Apr. 1, 1904)

Chapter 18.55

CALBE TELEVISION CONTRACT

Sections:

18.55.010	Short title
18.55.020	Definitions
18.55.030	Grant of authority
18.55.040	Compliance with applicable laws and ordinances
18.55.050	Territorial area involved
18.55.060	Franchise terms
18.55.070	Franchise non-exclusive
18.55.080	Written notice
18.55.090	Repair of streets and property
18.55.100	Trimming of trees
18.55.110	Notice of rate increases
18.55.120	Damages and defenses
18.55.130	Liability insurance
18.55.140	City's right to revoke
18.55.150	Revocation procedures
18.55.160	Removal upon revocation
18.55.170	Force majeure
18.55.180	Maps
18.55.190	Service area
18.55.200	Relocation of system facilities
18.55.210	Service to public facilities
18.55.220	Franchise payment to city
18.55.230	Unauthorized connections or modifications
18.55.240	Effective competition
18.55.250	Severability
18.55.260	Passage and effective date

18.55.010 Short title. This ordinance shall be known and cited as "the City of Troy Cable Television Franchise Ordinance." Within this document it shall also be referred to as "this Franchise" or "the Franchise Agreement." (Ord. 1-98, S1, Feb. 11, 1998)

18.55.020 Definitions. For the purpose of this Franchise Agreement, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

- (1) "City" means the City of Troy, a City in the State of Indiana, the City Council is the authority of the City.

- (2) "Force Majeure" means a strike, acts of God, acts of public enemies, orders of any kind of a government of the United States of America or the State of Indiana or any of their departments, agencies, political subdivisions; riots, epidemics, landslides; lightning, earthquakes, fires, hurricanes, tornadoes; volcanic activities, storms, floods, washouts, droughts; civil disturbances, explosions, partial or entire failure of utilities or any other cause or event not reasonably within the control of the disabled party.
- (3) "Grantee" means TWFanch-one co., its agents, lawful successors, transferee or assignees.
- (4) "Gross Receipts" means all service fees, installation charges and all other fees or charges collected by the Grantee from its subscribers of the system. Gross receipts shall include but are not limited to the following services:
- A. Basic Service
 - B. Standard Service
 - C. Pay Television Service
 - D. Pay Per View Service
 - E. Subscriber Equipment Charges
- Gross receipts shall not include (1) uncollected revenue (bad debt), (2) excise taxes, (3) sales taxes or any other taxes or fees, including franchise fees, which are imposed on the Grantee or any subscriber by any governmental unit and collected by the Grantee for such governmental units.
- (5) "Person" means any corporation, partnership, proprietorship or organization authorized to do business in the State of Indiana or any natural person.
- (6) "Public Property" means any real property other than a street owned by any governmental unit.
- (7) "Street" means the surface of and the space above and below any street, road, highway, freeway, lane, path, way, alley, court, sidewalk, boulevard, parkway, drive, or any public easement or right-of-way now and hereafter held by the City which shall entitle Grantee to the use thereof for the purpose of installing or transmitting over poles, wires, cables, conductors, ducts, confluent, vaults, manholes, amplifiers, appliances, attachments and other property as may be ordinarily necessary and pertinent to a System,
- (8) "System" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable television service which includes video

programming and which is provided to multiple subscribers within the City. (Ord. 1-98, S2, Feb. 11, 1998)

18.55.030 Grant of authority. For the purposes of constructing, operating, and maintaining a System in the City, Grantee may erect, install, construct, repair, replace, relocate, reconstruct and retain in, on, over, under, upon, across and along the Streets within the City such lines, cables, conductors, ducts, confluent, vaults, manholes, amplifiers, appliances, pedestals, attachments and other operating equipment as are necessary and pertinent to the operation of the System. (Ord. 1-98, S3, Feb. 11, 1998)

18.55.040 Compliance with applicable laws and ordinances. This Franchise is granted pursuant to the terms and conditions contained herein. Grantee's rights are subject to the police powers of the City to adopt and enforce ordinances necessary to the health, safety and welfare of the public. Grantee shall comply with all applicable general laws and ordinances enacted by the City pursuant to the power. (Ord. 1-98, S4, Feb. 11, 1998)

18.55.050 Territorial area involved. This Franchise is granted for the territorial boundary of the City. (Ord. 1-98, S5, Feb. 11, 1998)

18.55.060 Franchise terms.

- (1) This Franchise shall commence upon the effective date of this Ordinance and shall expire 10 years thereafter unless renewed, revoked or terminated sooner as herein provided, or extended according to (2) below.
- (2) In lieu of renewal, this Franchise may be extended by the City for an additional term of 10 years upon written request by Grantee within six (6) months of the expiration of the Franchise. Grantee shall confirm in its request that it still possesses the fiscal and technical capability to operate a System in the City pursuant to the terms and conditions herein. Approval of Grantee's extension request shall not be unreasonably withheld by the City.
- (3) This franchise shall be renewed in accordance with applicable state and federal law. (Ord. 1-98, S6, Feb. 11, 1998)

18.55.070 Franchise non-exclusive. The Franchise granted herein is non-exclusive. The City specifically reserves the right to grant, at any time, one or more additional franchises for a System throughout the City in accordance with state and federal law and under substantially the same terms and conditions as contained herein. (Ord. 1-98, S7, Feb. 11, 1998)

18.55.080 Written notice. All notices or demands required to be given under this Franchise Agreement shall be deemed to be given when delivered personally to the persons designated below or upon the date actually received as evidenced by registered or certified mail receipt addressed as follows:

If to the City:

City of Troy
P.O. Box 57
Troy, IN 47588

Attn: City President

If to the Grantee

TWFanch-one co,
1873 Bellaire St.
Denver, CO 80222

Attn: Director of Government Affairs

And:

Four Rivers Cable Comm
30 Oakdale Ave.
Madisonville, KY 42431

Attn: System General Manager

Such addresses may be changed by either party upon notice to the other party given as provided in this Section. (Ord. 1-98, S8, Feb. 11, 1998)

18.55.090 Repair of streets and property. Any and all streets or public property or private property which are disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance or reconstruction of the System shall be promptly repaired by Grantee, at its expense, and to a condition as good as that prevailing prior to Grantee's work. (Ord. 1-98, S9, Feb. 11, 1998)

18.55.100 Trimming of trees. Grantee shall have the authority to trim trees on public property within utility easements at its own expense as it may deem necessary to protect its wires and facilities. (Ord. 1-98, S10, Feb. 11, 1998)

18.55.110 Notice of rate increases. Prior to implementing any rate increase, Grantee shall give the following notice:

- (1) At least thirty (30) days' advance written notice to the City; and
- (2) At least thirty (30) days' advance notice to subscribers. (Ord. 1-98, S11, Feb. 11, 1998)

18.55.120 Damages and defenses.

- (1) Grantee shall at all times indemnify and hold the City harmless from all claims, suits, liability, loss, expense or damages of every kind and description, including reasonable attorney's fees, which may accrue to or be suffered or claimed by any person or persons arising out of the negligence and alleged

contractual dispute of the Grantee in the ownership, construction, repair, replacement, operation and maintenance of the System and by reason of license, copyright, property right or patent of any article or system used in the construction or operation of said System, provided the City gives the Grantee prompt notice of any such claims, actions and suits, without limitation, in writing as provided herein,

- (2) In order for the City to assert its rights to be indemnified and held harmless, the City must:
 - A. Promptly notify Grantee of any claim or legal proceeding which gives rise to such right;
 - B. Afford Grantee the opportunity to participate in and fully control any compromise, settlement, resolution or disposition of such claim or proceeding; and
 - C. Fully cooperate in the defense of such claim and make available to Grantee all such information under its control relating thereto. (Ord. 1-98, S12, Feb. 11, 1998)

18.55.130 Liability insurance.

- (1) Grantee shall maintain, throughout the term of this Franchise Agreement, liability insurance insuring the City and the Grantee with regard to all damages mentioned in Section 18.55.120 above in the following minimum amounts,
 - A. One Million Dollars (1,000,000.00) for bodily injury or death from any one accident; and
 - B. One Million Dollars (1,000,000.00) for all other types of liability.
- (2) Upon request of the City, Grantee shall furnish to the City satisfactory evidence that an insurance policy has been obtained and is in full force and effect. (Ord. 1-98, S13, Feb. 11, 1998)

18.55.140 City's right to revoke. In addition to all other rights which the City has pursuant to law or equity, the City reserves the right to revoke, terminate or cancel this Franchise and all rights and privileges pertaining thereto in the event that:

- (1) Grantee violates any material provision of this Franchise Agreement; or
- (2) Grantee practices any fraud upon the City or any subscriber; or
- (3) Grantee becomes insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt. (Ord. 1-98, S14, Feb. 11, 1998)

18.55.150 Revocation procedures.

- (1) The City shall notify the Grantee of its intention to revoke, terminate or cancel this Franchise. The written notice shall describe in reasonable detail the specific violation so as to afford Grantee an opportunity to remedy the violation.
- (2) Grantee shall have ninety (90) days subsequent to receipt of the notice in which to correct the violation before the City may formally revoke, terminate or cancel this Franchise. Grantee may, within thirty (30) days of receipt of the notice, notify the city that there is a dispute as to whether a violation has, in fact, occurred. Such notice by Grantee to the City shall stay the ninety (90) day period described above.
- (3) The City shall hear Grantee's dispute and shall determine whether a default or violation by Grantee has occurred. In the event the City should determine that a default or violation has occurred the City shall supplement the decision with written findings of fact.
- (4) If after hearing the dispute Grantee has been found to be in default, Grantee shall have ninety (90) days from such a determination to remedy the violation or failure. At any time after that ninety (90) day period the City may, by formal action at a public hearing affording reasonable notice and opportunity for Grantee to be heard, revoke, terminate or cancel this Franchise. (Ord. 1-98, S15, Feb. 11, 1998)

18.55.160 Removal upon revocation. Upon the revocation of this Franchise as herein provided, Grantee shall remove all of its above-ground attachments and wires from poles used as authorized herein. (Ord. 1-98, S16, Feb. 11, 1998)

18.55.170 Force Majeure. If by reason of a force majeure any party is unable in whole or in part to carry out its obligations hereunder, that party shall not be deemed to be in violation or default during the continuance of such inability. (Ord. 1-98, S17, Feb. 11, 1998)

18.55.180 Maps. Upon request of the City, Grantee shall maintain on file with the City a true and accurate map or set of maps showing all System equipment installed and in place in streets and other public places. (Ord. 1-98, S18, Feb. 11, 1998)

18.55.190 Service area.

- (1) Residents in those areas with an average density of at least forty (40) homes per aerial mile or eighty (80) homes per underground mile, as measured from the nearest point of usable trunk, shall be provided service upon payment of the standard installation charge and applicable monthly fees; except that installations requiring underground drops or aerial drops in excess of one hundred and fifty (150) feet shall be considered a non-standard installation to be charged at Grantee's actual cost of installation.

- (2) Service to homes not meeting those density requirements above shall be provided on a time plus material basis. (Ord. 1-98, S19, Feb. 11, 1998)

18.55.200 Relocation of system facilities.

- (1) For Public Works. Whenever because of public necessity or the welfare of the public generally, the City shall elect to change or alter the grade of any street, alley, or public way, or to sell or vacate any street, alley, easement or public way, or to construct or reconstruct facilities and other public improvements, Grantee shall, after forty-five (45) days prior written request from the City, remove, relay, and relocate its poles, wires, cables, conduits and other fixtures at its own expense.
- (2) Temporary Relocation. Grantee shall, upon the request of the City or any person holding a building moving or demolition permit issued by the County, temporarily raise, lower, relay, relocate or remove its wires, cables and other facilities to accommodate the moving or demolition of the building, as Grantee shall determine. The expense of such temporary relocation of Grantee's facilities shall be paid by the person requesting the same, except in the case where the City is moving or demolishing a building without issuing a permit, and Grantee shall have the authority to establish the reasonable cost of such changes and require such payment in advance, Grantee shall be given no less than fifteen (15) days advance written notice to arrange for such temporary changes. (Ord. 1-98, S20, Feb. 11, 1998)

18.55.210 Service to public facilities.

- (1) Upon the request of the City, any law enforcement agency of the City or any public elementary or secondary school facility, Grantee shall provide one (1) cable extension to the exterior of any building housing the requesting party, free of charge for installation and monthly Basic Service, provided the building is readily serviceable and located within one hundred fifty (150) feet of Grantee's distribution system.
- (2) The cost of installing service to the interior of said buildings shall be free for one (1) outlet. The cost of any extra interior wiring of additional outlets shall be determined by Grantee according to the amount of labor and materials required to install the number of service outlet requested. The requesting party shall reimburse Grantee for the reasonable cost of labor and materials to wire such interior extension. (Ord. 1-98, S21, Feb. 11, 1998)

18.55.220 Franchise payment to City.

- (1) In consideration of the rights herein granted, and as compensation to the City of Troy for use of its streets alleys, easements and other public places, and in lieu of any occupational or license tax, or any other utility tax, the Grantee shall pay to the City an amount equal to three percent (3%) of Grantee's gross annual receipts. Payments shall be made annually, and shall

be due and payable no later than thirty (30) days after the last day of the calendar year.

- (2) Should federal law permit the payment of franchise fees according to a higher percentage of gross annual receipts, the City may decide to increase the percentage of franchise fee payment, not to exceed the maximum allowed by federal law, at the end of each calendar year. Grantee shall begin paying the new franchise fee percentage upon ninety (90) days advance written notice from the City.
- (3) For the purpose of verifying the accuracy of the amount of said fees, the duly authorized agent of the City shall have the right to examine Grantee's receipt records at Grantee's place of business, upon reasonable notice. The records of Grantee shall be closed to the City three (3) years after the anniversary date thereof and after an examination of such records has been made by the City. (Ord. 1-98, S22, Feb. 11, 1998)

18.55.230 Unauthorized connections or modifications.

- (1) It shall be unlawful for any Person, without the expressed consent of the Grantee to make any connection, extension, or division whether physically, acoustically, inductively, electronically or otherwise with or to any segment of the System for any purpose whatsoever.
- (2) It shall be unlawful for any Person to willfully interfere, tamper, remove, obstruct or damage any part, segment or content of the System for any purpose whatsoever.
- (3) It shall be unlawful for any Person to construct, operate or maintain a System without having first applied for and received a franchise from the City. (Ord. 1-98, S23, Feb. 11, 1998)

18.55.240 Effective competition. If:

- (1) Any other person or entity becomes authorized to provide and/or does provide broadband cable television services within the city and utilizes any public rights-of way within the city or other property or facilities of the city, or
- (2) The Grantee's Cable Communications System becomes subject to "effective competition" as defined by the regulations of the Federal Communications Commission, then in either such event the terms of this franchise shall be modified such that they are not more onerous on the Grantee than the terms under which such other enterprise(s) operate. The Grantor, to the extent it may lawfully do so, will require all such other providers of broadband cable television services to obtain a franchise or similar authorization from the Grantor. (Ord. 1-98, S24, Feb. 11, 1998)

18.55.250 Severability. If any term, condition or Section of this Franchise Agreement or the application thereof to any person or circumstance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition or Section to persons or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Franchise and all the terms, conditions and Sections hereof shall, in all other respects, continue to be effective and to be complied with. Nothing contained in this Franchise Agreement shall require Grantee to violate or waive its First Amendment Rights or any statute, regulation, rule or decision of any federal, state or local governmental entity, agency or Court having jurisdiction. (Ord. 1-98, S25, Feb. 11, 1998)

18.55.260 Passage and effective date. This Franchise Agreement, having been published as required, shall take effect and be in force, as of February 11, 1998, following its final passage and approval. (Ord. 1-98, S26, Feb. 11, 1998)