

TITLE 15
PUBLIC UTILITIES

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- 15.04 Water Utility**
- 15.16 Sanitary Sewer System**

Chapter 15.04

WATER UTILITY

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15.04.010 Application for water service. Property owner or his agent, hereinafter called customer, must make written application for water service at the office of the municipality during normal office hours, and said application including service received thereunder is unassignable by the customer. (Ord. 90-04, S1, Dec. 20, 1990)

15.04.020 Connection to water mains. All taps and connections to the mains of the municipality shall be made by and/or under the direction and supervision of waterworks personnel. The Birdseye Water Utilities needs a thirty day notice before a normal water tap

can be installed and a sixty day notice before an abnormal water tap can be installed. (Ord. 95-02, Dec. 20, 1995) (Ord. 90-04, S2, Dec. 20, 1990)

15.04.030 Responsibility of water mains. The municipality shall install and maintain at its expense that portion of the service from the main to the meter; and the customer shall install and maintain at its expense that portion of the service from said meter to his premises, including a stop and waste cock at the end of the house side of his service. The minimum earth cover of the customer's service shall be two (2) feet. The municipality shall determine the size and kind of service to be installed.

- (1) Normal Tap: A normal tap shall be where the trunk is on the same side of the road as the lot or easement which shall receive the service and such distance from the trunk to the lot or easement shall not exceed five (5) feet. The utilities shall provide water meter, meter cock, meter lid, fittings, and shut-off valve, which shall remain the sole property of the municipality. (Ord. 90-04, S3a, Dec. 20, 1990)
- (2) Abnormal Tap: Shall be a tap with characteristics different from those described under a normal tap. In such case, the customer shall pay the tap fee before installation of service and shall be billed for costs incurred over the tap fee. (Ord. 90-04, S3b, Dec. 20, 1990)

15.04.040 Cancellation of water service. Application may be cancelled and/or water service discontinued by the municipality for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- (1) Misrepresentation in the application as to the property or fixtures to be supplied or use to be made of water. (Ord. 90-04, S4a, Dec. 20, 1990)
- (2) Failure to report to the municipality any addition to the property served or improvements thereon or any change or substantial additional use to be made of water. (Ord. 90-04, S4b, Dec. 20, 1990)
- (3) Resale or giving away of water, or the service of more than one residence from a single meter. (Ord. 90-04, S4c, Dec. 20, 1990)
- (4) Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same in suitable state of repair. (Ord. 90-04, S4d, Dec. 20, 1990)
- (5) Tampering with meter, meter seal, service, or valves, or permitting such tampering by others. (Ord. 90-04, S4e, Dec. 20, 1990)
- (6) Connection, cross-connection, or permitting same, of any separate water supply to premises which receive water from the municipality. (Ord. 90-04, S4f, Dec. 20, 1990)
- (7) Non-payment of bills. (Ord. 90-04, S4g, Dec. 20, 1990)

15.04.050 Unused water service/disconnection/reconnection. If a property owner requests water service from the municipality and pays appropriate fees, the municipality shall supply service to customer provided the customer is in the municipality's service area. If service is not used for an initial period of three (3) years, such property owner will be charged a minimum monthly bill until the three year period is over. To avoid being charged the minimum monthly bill, after the initial 3 year period, property owner may opt to have service disconnected; but, upon request for reconnection, the property owner shall pay a re-connect fee of seventy-five dollars (\$75). (Ord. 90-04, S5, Dec. 20, 1990)

15.04.060 Bills and notices. Bills and notices relating to the conduct of the business of the municipality will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the municipality; and the municipality shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from non-payment of a bill or from any performance required in said notice.

In the case of rental property, the property owner and the renter shall jointly file application for connection and service. Unless instructed otherwise by the property owner, the municipality will mail to the renter the monthly bill, but the property owner shall be responsible for said charges. If the renter fails to pay for said charges. (Ord. 90-04, S6, Dec. 20, 1990)

15.04.070 Location to pay bills/delinquent bills/meter reading.

- (1) Bills for water service are due and payable at the Holland National Bank--Birdseye Branch on their date of issue. The past due date shall be the 10th day of the month. Bills will be mailed on or prior to the first of each month. (Ord. 90-04, S7a, Dec. 20, 1990) (Res. 87-14, Oct. 8, 1987)
- (2) All bills not paid on or before the past due date shall be termed delinquent, and the municipality shall serve on the customer a written final notice of said delinquency. If a delinquent bill is not paid within ten days after date of such final notice, the water supply to the customer may be discontinued without further notice. (Ord. 90-04, S7b, Dec. 20, 1990)
- (3) Meters will be read monthly between the 10th and 20th day of each month. (Ord. 90-04, S7c, Dec. 20, 1990)

15.04.080 Reconnection fee for delinquent bills. Where the water supply to a customer has been discontinued for non-payment of delinquent bills, a charge of seventy-five dollars (75) will be made for re-connection of water service, but the reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the municipality have been paid. (Ord. 90-04, S8, Dec. 20, 1990)

15.04.090 Deposit. The municipality reserves the right to request a nominal sum be placed on deposit with the municipality for purpose of establishing or maintaining any customer's credit. Such deposit shall be refunded within a period of not more than one (1) year if the

customer has consistently maintained good credit with the municipality. (Ord. 90-04, S9, Dec. 20, 1990)

15.04.095 Deposit for rental property. A \$50.00 (fifty dollar) deposit will be paid before water will be turned on at said rental property. When the renter moves out of said property, if all bills are paid up to date, all money; except \$10.00 (ten dollars) for name change and \$3.00 (three dollars) water turn on, will be refunded. (Res. 80-2, Feb. 8, 1980)

15.04.100 Installation and maintenance of meters. All meters shall be installed, maintained and renewed by and at the expense of the municipality, and the municipality reserves the right to determine the size and type of meter used. (Ord. 90-04, S10, Dec. 20, 1990)

15.04.110 Testing of meter. Upon the written request of any customer, the meter serving said customer shall be tested by the municipality. Such test will be made without charge to the customer if the meter has not been tested within twelve (12) months preceding the requested test; otherwise, a charge of twenty-five dollars (\$25) will be made and then only if the test indicates meter accuracy within the limits of 2 percent. (Ord. 90-04, S11, Dec. 20, 1990)

15.04.120 Unoperable meter. Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed for billing purpose will be based upon an average of the prior six (6) months consumption, and or any special or abnormal conditions of water service, which may have prevailed during the period in which the meter failed to register. (Ord. 90-04, S12, Dec. 20, 1990)

15.04.130 Water for building or construction purposes. Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being one hundred dollars (\$100); and the number of gallons obtained by said construction work is to be determined by the municipality, depending upon the size of the construction work contemplated. All water for building or construction purposes, as set forth in the permit, must pass through one and the same meter. (Ord. 90-04, S13, Dec. 20, 1990)

15.04.140 Interruption of service. The municipality shall make all reasonable efforts to eliminate interruption of service, and when such interruptions occur will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the distribution system or the station equipment, all customers affected by such interruption will be notified in advance whenever it is possible to do so. (Ord. 90-04, S14, Dec. 20, 1990)

15.04.150 Town not held responsible for interruption of service. The municipality shall in no event be held responsible for claim made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruption of the supply of water caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption of service which in the opinion of the municipality may be deemed necessary. (Ord. 90-04, S15, Dec. 20, 1990)

15.04.160 Check valve required for customers having boilers and/or pressure vessels.

Customers having boilers and/or pressure vessels receiving a supply of water from the municipality must have a check valve on the water supply line and a vacuum valve on the streamline to prevent collapse in case the water supply from the municipality is discontinued or interrupted for any reason, with or without notice. (Ord. 90-04, S16, Dec. 20, 1990)

15.04.170 Inspection of fixtures. The premises receiving a supply of water and all service line, meter and fixtures, including any and all fixtures within the said premises shall at all reasonable hours be subject to inspection by duly authorized employees of the municipality. (Ord. 90-04, S17, Dec. 20, 1990)

15.04.180 Use of water for public purposes. Special terms and conditions may be made where water is used by the municipality or community for public purposes such as fire extinguishment, public parks, etc. (Ord. 90-04, S18, Dec. 20, 1990)

15.04.190 Accessible meter location. Piping on the premises of a customer must be so installed that connections are conveniently located with respect to the municipal lines and mains. The customer shall provide a place of metering which is unobstructed and accessible at all times. The customer shall furnish and maintain a cut-off valve on his side of the meter and the municipality will provide a like valve on its side of the meter. (Ord. 90-04, S19, Dec. 20, 1990)

15.04.200 Maintenance of customer's service line. The customer's service line shall be installed and maintained by the customer at his own expense in a safe and efficient manner and in accordance with the municipal rules and regulations and with the regulations of the Indiana State Board of Health. All water passing through the meter shall be the customer's expense. (Ord. 90-04, S20, Dec. 20, 1990)

15.04.210 Repairs due to accident or negligence of the customer. If any loss or damage to the property of the municipality or any accident or injury to persons or property is caused by or results from the negligent or wrongful act of the customer, member of his household, his agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the municipality and any liability otherwise resulting shall be that of the customer. (Ord. 90-04, S21, Dec. 20, 1990)

15.04.220 Granting of easement or right-of-way for water facilities. Each customer shall grant or convey, or shall cause to be granted or conveyed to the municipality a permanent easement and right-of-way across any property owned or controlled by the customer wherever said easement or right-of-way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer. (Ord. 90-04, S22, Dec. 20, 1990)

15.04.230 Extensions of water service. The municipality will construct extensions to its water lines to points within its service area but the municipality shall not be required to make such installations unless the customer pays to the municipality the entire cost of the installation.

All line extensions shall be evidenced by a contract signed by the municipality and the person advancing funds for said extension, but each contract shall be null and void unless approved by the Holland National Bank and other governing bodies.

If refund of the advance is to be made the following method shall apply: 20 percent of the total gross revenue of water sales per year for each service connected to the new extension described in the agreement, shall be paid for a period not to exceed five years, provided that the aggregate payments do not exceed the total amount deposited.

No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract.

All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the municipality and such extension shall be the property of the municipality and no other person shall have any right, title or interest therein. (Ord. 90-04, S23, Dec. 20, 1990)

15.04.240 Refusal of water service. The municipality may refuse service to persons, not presently a customer, when in the opinion of the municipality the capacity of the facilities will not permit such service. (Ord. 90-04, S24, Dec. 20, 1990)

15.04.250 Right to amend rules. These rules may be changed or amended, but so long as the municipality is indebted to the Holland National Bank, only with the prior approval of such administration. (Ord. 90-04, S25, Dec. 20, 1990)

15.04.260 Complaints. Complaints may be made to the operator of the system and may be appealed to the Board of Trustees of the Town within ten (10) days. (Ord. 90-04, S26, Dec. 20, 1990)

15.04.270 Fees. The following is a list of fees established in this ordinance:

Normal Tap

- 5/8 inch connect fee will be \$400.00
- 3/4 inch connect fee will be \$425.00
- 1 inch connect fee will be \$475.00
- 1 1/2 inch connect fee will be \$575.00
- 2 inch connect fee will be \$800.00
- 3 inch connect fee will be \$1200.00
- 4 inch connect fee will be \$1500.00

| | |
|--------------------------------------|----------|
| Membership Fee | \$50.00 |
| Reconnection-Section 15.04.050 | \$75.00 |
| Reconnection-Section 15.04.080 | \$75.00 |
| Meter testing-Section 15.04.110 | \$25.00 |
| Commercial deposits-Section 15.04.30 | \$100.00 |

(Ord. 92-01, Jan. 2, 1992) (Ord. 90-04, S27, Dec. 20, 1990)

15.04.400 Rates and charges for water service.

| | |
|---|---|
| First 2,000 gal. or lesser amount per month | \$6.50 per month* (Minimum monthly bill) |
| Next 3,000 gal. per month | \$3.25 per 1,000 gal.* |
| Next 15,000 gal. per month | \$2.60 per 1,000 gal.* |
| Next 30,000 gal. per month | \$1.30 per 1,000 gal.* |
| All over 50,000 gal. per month | \$0.65 per 1,000 gal.* |

Minimums Per Meter Size

| <u>Meter Size</u> | <u>**Connection Fees</u> | <u>Allowable Gallons for Minimum Rate</u> | <u>Minimum Mon. Rate</u> |
|-------------------|--------------------------|---|--------------------------|
| 5/8" | 275 | 2,000 | \$6.50* |
| 3/4" | 300 | 5,000 | \$16.25* |
| 1" | 325 | 10,000 | \$29.25* |
| 1 1/2" | 425 | 25,000 | \$61.75* |
| 2" | 625 | 40,000 | \$81.25* |
| 3" | 900 | 100,000 | \$126.75* |

| | | | |
|-----|------|---------|-----------|
| 4'' | 1250 | 200,000 | \$191.75* |
|-----|------|---------|-----------|

*Plus \$0.52 per 1,000 gallons actually used per the wholesale water tracking factor approved by the Commission in conference January 3, 1980.

Plus \$0.20 per 1,000 gallons actually used per the wholesale water tracking factor approved by the Commission in conference February 10, 1982.

Plus \$0.27 per 1,000 gallons actually used pursuant to the wholesale water tracking factor approved by the Commission in conference February 12, 1985.

Plus \$0.30 per 1,000 gallons actually used per the wholesale water tracking factor approved by the Board of Trustees of the Town of Birdseye in conference.

Plus \$0.34389 cents per each 1,000 gallons of water consumed by each consumer per the Patoka Lake Regional Water & Sewer District wholesale water tracker, approved by the Town Council, effective after the May 1991 billings. (Ord. 91-02, June 6, 1991)

Plus \$65.611 cents per each thousand gallons of water consumed by each customer, per the St. Anthony Water Utilities, Inc. wholesale water tracker, approved by the Town Council, effective November 1991. (Ord. 91-05, Dec. 5, 1991)

**Includes \$25 membership fee. (Ord. 88-2, June 21, 1988) (Res. 88-9, June 2, 1988)

Chapter 15.16

SANITARY SEWER SYSTEM

Sections:

- 15.16.010 Definitions
- 15.16.300 Rates and charges for sewage disposal service
- 15.16.350 Strength and content of sewage as basis for adjustment of charge
- 15.16.400 Rate study
- 15.16.440 Billing-Payment-Inspection of records by owner
- 15.16.500 Rates effective when
- 15.16.600 Connection charge
- 15.16.601 Hook-up fee
- 15.16.700 Sewer rates and charges based on water usage
- 15.16.750 Location to pay bills
- 15.16.800 Establishment and enforcement of regulations
- 15.16.900 Separability

15.16.010 Definitions. For the purpose of this Chapter, the terms "sanitary sewage" and "industrial waste", shall be defined as follows:

- (1) "Sanitary sewage" is hereby defined as the waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, and stable floor drains.
- (2) "Industrial wastes" are hereby defined as being liquid waste resulting from any commercial, manufacturing or industrial operation or process. (Ord. 83-03, S9, June 2, 1983)

15.16.300 Rates and charges for sewage disposal service. That for the use of and the service rendered by said sewage disposal works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town's sanitary sewerage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids either directly or indirectly into the sanitary sewerage system of the Town of Birdseye, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- (1) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, except as herein otherwise provided. Water meters will be read once each month, and sewage service bills shall be rendered once each month (or period equaling a month). (Ord. 83-03, S1a, June 2, 1983)

- (2) There shall be a sanitary sewage treatment plant charge for the purpose of recovering capital and operating costs of the sewage treatment plant in amount of \$3.40 per 1,000 gallons of sewage discharge as measured by the water meter, of which, approximately two dollars and seventy-two cents (\$2.72) is for operation and maintenance costs, including equipment replacements and sixty-eight cents (\$0.68) is for debt service requirements.

In addition to the charge for sewage treatment plant there shall be a flat rate charge in an amount sufficient to recover the costs of installation and operation of a collection system and the cost of billing and collection sewage service charges, of which, approximately 27 percent of the charge is for operation and maintenance and the remaining 73 percent is for debt service requirements. The following flat rate charges shall be based upon the water meter size:

| <u>Water Meter Size</u> | <u>Monthly Charge</u> |
|-------------------------|-----------------------|
| 5/8" | \$14.40 |
| 3/4" | 14.40 |
| 1" | 28.52 |
| 1 1/2" | 54.50 |
| 2" | 95.75 |
| 3" | 219.50 |
| 4" | 384.50 |
| 6" | 863.00 |

(Ord. 98-02, April 2, 1998) (Ord. 95-01, July 6, 1995) (Ord. 88-3, June 21, 1988) (Res. 88-9, June 2, 1988) (Ord. 83-03, S1b, June 2, 1983)

- (3) In the event a domestic sewage works user has a private supply of water or an unmetered municipal supply of water, such customer shall be charged at the flat rate of \$31.40 per month.

Such charge shall include \$17.00 for treatment plant charges based on average assumed usage of 5,000 gallons per month, and \$14.40 for the collection system. (Ord. 98-02, April 2, 1998) (Ord. 95-01, July 6, 1995) (Ord. 88-3, June 21, 1988) (Res. 88-9, June 2, 1988) (Ord. 83-03, S1c, June 2, 1983)

- (4) For the service rendered to the Town said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony, therewith. (Ord. 83-03, S1d, June 2, 1983)

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

each of the number of residential lots, parcels of real estate, or buildings served through the single water meter. (Ord. 83-03, S1e, June 2, 1983)

- (6) In the event two or more dwelling units, such as trailer, apartments, or housekeeping rooms, discharging sanitary sewage, water or other liquids into the Town's sanitary system, either directly or indirectly, are users of water and the quantity of water is measured by single water meter, then in such case billing shall be for a single service in the manner set out elsewhere herein, except that an additional charge shall be added thereto, in the amount of One Dollar Thirty-Three Cents (\$1.33) per month for each dwelling unit over one (1) served through the single water meter. In the case of trailer parks, the number of dwelling units shall be interpreted as the maximum capacity for trailers in said park, plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or other living space or spaces in which cooking facilities are provided. (Ord. 83-03, S1f, June 2, 1983)
- (7) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly is not a user of water supplied by the Birdseye Municipal Water Works, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the Town, then the owner or other interested party, at his expense, shall install and maintain meter, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town. (Ord. 83-03, S1g, June 2, 1983)
- (8) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, is a user of water supplied by the Town's Water Works and, in addition, uses water from another sources which is not measured by a water meter or is measured by a meter not acceptable to the Town then the owner or other interested part, at his expense, shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town. (Ord. 83-03, S1h, June 2, 1983)
- (9) In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, and uses water in excess of 7,500 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge. (Ord. 83-03, S1i, June 2, 1983)

- (10) In order that the domestic and residential users of sewage service shall not be penalized for sprinkling lawns during the months of July, August, and September, the billing for sewage services for residences and/or domestic users for said months of July, August, and September in each year, based upon meter readings made in each of said respective months, shall not exceed for any of said monthly periods the average monthly charge billed to such users during the preceding three (3) billing months of January, February, and March of the then current year, plus ten percent (10%) thereof; said average monthly charge to be determined and computed for each such user by dividing the total charges billed to such customers during said immediately preceding billing months of January, February, and March by three (3).

In the event of any unusual circumstances which would otherwise make the foregoing maximum summer charge unfair, inequitable or discriminatory in relation to any specific property owner, the Board of Trustees shall have authority to make such adjustment thereto as may be required to arrive at a fair and non-discriminatory maximum rate of charge for said summer months, for such property owner.

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 commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial 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 and in such case the water usage is registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate. (Ord. 83-03, S1j, June 2, 1983)

15.16.350 Strength and content of sewage as basis for adjustment of charge. In order that the rates and charges may be justly and equitably adjusted to the service rendered to industrial users, the Town of Birdseye shall base its charges not only on the volume, but also on the strength and character of industrial sewage and wastes which it is required to treat and dispose of. The Town of Birdseye shall require the owner or other industrial user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the sanitary sewage system, in such manner and by such method as the Town may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The owner or other industrial user shall furnish a central sampling point available to the Town at all times.

- (1) Normal domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid or suspended solids in excess of 250 milligrams per liter of fluid. Additional charges for treating industrial waste, that is stronger-than-normal domestic waste, shall be made on the following basis:

A. Rate Surcharge Based Upon Suspended Solids

There shall be an additional charge of \$0.30 Cents per pound of suspended solids in excess of 250 milligrams per liter of fluid.

B. Rate Surcharge Based Upon BOD

There shall be an additional charge of \$0.30 Cents per pound of biochemical oxygen demand in excess of 200 milligrams per liter of fluid.

To determine the strength of the sewage and wastes, samplings and analysis shall be made from time to time whenever it is deemed desirable by the Town of Birdseye. After charges have been established based upon the strength of sewage and wastes, the owner may request reconsideration of these charges by the Town by submitting analysis of composite samples of the sewage and wastes subject to such charges, certified by a registered engineer or a qualified graduate chemist. The Town may then adjust the charges to the ordinance rates required by such analysis or may recheck the findings by additional samplings and analysis.

The determination of Suspended Solids and Five-Day Biochemical Oxygen Demand contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (Ord. 83-03, S2, June 2, 1983)

15.16.400 Rate study. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users

or user classes, the Town of Birdseye shall cause, on an annual basis, a study to be made within a reasonable period of time following the normal accounting period. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment system. Said studies shall be conducted by officers and/or employees of the Town of Birdseye or by a firm of certified public accountants, and/or by a firm of consulting engineers which firm shall have experience in such studies. (Ord. 83-03, S3, June 2, 1983)

15.16.440 Billing-payment-inspection of records by owner. Except for billings to multiple users such as apartment houses, mobile home courts and housekeeping rooms, the rates and charges may be billed to the tenant or tenants occupying the properties served unless otherwise requested in writing by the owners, but such billings shall in no way relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served which are occupied by tenants shall have the right to examine the collection records by the Town for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examinations shall be made at the office at which said records are kept and during the hours that such office is open for business. (Ord. 83-03, S4, June 2, 1983)

15.16.500 Rates effective when. The rates and charges fixed by this Ordinance shall become effective for services rendered during and after the first full billing period following adoption of this Ordinance. (Ord. 83-03, S5, June 2, 1983)

15.16.600 Connection charge. In the event that sewer connection is made from any lot, parcel of real estate, or building directly to one of the interceptor extension sewers, or other sewers, construction of which was financed by the Sewage Works Revenue Bonds of 1975 issued by the Town, or any extensions thereof now existing, then in such case, a connection charge against a single lot, parcel of real estate, or building shall be Seven Hundred Fifty Dollars (\$750.00).

The connection charge set out herein shall be over and above any and all actual costs and charges for making the physical connection from the lot to the sewer. Said connection charge shall be payable at the time the connection is made and in the event that the same is not paid as required, such connection charge shall be collectible in the manner provided by law. Provided, however, that the Board of Trustees may establish and place into effect, as a matter of policy, a method of payment and collection of said connection charges on an installment basis, with or without interest; subject to penalties and remedies for nonpayment and collection when due, all as now provided in this Ordinance or by law. (Ord. 98-02, April 2, 1998) (Ord. 95-01, July 6, 1995) Ord. 83-03, S6, June 2, 1983)

15.16.601 Hook-up fee. It is by majority rule of the town council members that an exception be made to the sewer hook-up fees for developing properties.

- (1) If a 6" sewer line is already in place, one addition to this line other than the original customer will be permissible.
- (2) If there is a need to hook-up a third customer, the owner of the developing property shall notify Birdseye Utilities of the need for an 8" sewer line. The 8" sewer line shall be engineered and installed according to state specifications and inspected by sewer superintendent. All expenses for the installation of this line shall be at the expense of the property owner.

Hook-up fees for a development property shall be \$150 for each hook-up other than the original customer. This \$150 is payable to the Birdseye Utilities. (Ord. 90-01, March 1, 1990)

15.16.700 Sewer rates and charges based on water usage. The rates and charges established by this Ordinance shall be collected by the Town, and such rates and charges, except as hereinabove provided, shall be based upon the quantity of water used on or in the property of premises as the same is measured by the water meter there in use, and said metered water usage shall be determined from the meter readings as furnished by the water utility serving the Town of Birdseye. (Ord. 83-03, S7, June 2, 1983)

15.16.750 Location to pay bills. The Board of Town Trustees of Birdseye, Indiana at an Executive Meeting, October 8, 1987, did resolve that all Town of Birdseye Sewer bills will be paid at Holland National Bank-Birdseye Branch effective November 1, 1987. (Res. 87-14, Oct. 8, 1987)

15.16.800 Establishment and enforcement of regulations. The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town sewerage system, regulator chambers, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewerage system, and for the regulations, collection, rebating, and refunding of such rates.

The Board of Trustees is hereby authorized to prohibit dumping of wastes into the Town sewerage system, which, in its discretion, are deemed harmful to the operation of the sewage treatment works of said Town or to require methods affecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the Board of Trustees.

In the event an owner or other user of the sewerage works shall permit the dumping of waste into the Town's sewerage system which are harmful to the operation of the sewage treatment works, then the owner or other user shall be required to pay a penalty of not less than One Hundred Dollars (\$100.00) per day for each day in which such dumping occurs, and such penalty shall be not less than the actual cost to the Town of locating the source of dumping and remedying damages to the sanitary treatment plant or system caused by such dumping. (Ord. 83-03, S8, June 2, 1983)

15.16.900 Separability. The sections and subdivisions of this Chapter shall be deemed to be separate and several and if any part thereof shall be declared to be invalid, the same shall not affect any other portion. (Ord. 83-03, S10, June 2, 1983)