

TITLE 10
PUBLIC UTILITIES

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PUBLIC UTILITIES

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Chapter 10.00

REMOVING THE WATER UTILITY FROM THE JURISDICTION OF THE INDIANA UTILITY REGULATORY COMMISSION

Sections:

10.00.010	Removed
10.00.020	Effective when
10.00.030	Written notice

10.00.010 Removed. The Cannelton Municipal Water Utility is hereby removed from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness. (Ord. 93-12, S1, 1993)

10.00.020 Effective when. This chapter shall become effective sixty (60) days after the date of final approval unless the Council receives a petition pursuant to IC 8-1.5-3-9.1, in which event, the Council shall certify the withdrawal as a public question to the Perry County Election Board, all as provided in said statute. (Ord. 93-12, S2, 1993)

10.00.030 Written notice. The Clerk-Treasurer shall mail written notice of the withdrawal within thirty (30) days after the effective date of this ordinance. (Ord. 93-12, S3, 1993)

Chapter 10.01

PROTECTING THE PUBLIC WATER SYSTEM

Sections:

10.01.010	Definitions
10.01.020	Water supply
10.01.025	Entry to water pit
10.01.030	Inspections
10.01.040	Right to request entry
10.01.045	Penalties and Costs
10.01.050	Discontinuance of water
10.01.060	Emergency discontinuance
10.01.070	Reduced-pressure-principal backflow prevention device
10.01.080	Supplementary to State of Indiana Uniform Plumbing Code
10.01.400	Addition of fluoride to the public water system

10.01.010 Definitions.

- (a) Cross connection - that a cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of Cannelton water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems. (Ord. 93-03, S1, 1993)

10.01.020 Water supply. That no person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of Cannelton may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Cannelton Utilities and by the Indiana Department of Environmental Management in accordance with 327 IAC 8-10. (Ord. 93-03, S2, 1993)

10.01.025 Entry to water pit. Entry into any water meter pit and tampering with any water meter prohibited. No person, firm or corporation shall enter or permit entry into a water meter pit or tamper with a water meter, except as specifically authorized by the Cannelton Utilities. (Ord. 03-09, S1, Sept. 8, 2003)

10.01.030 Inspections. That it shall be the duty of the Cannelton Utilities to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Cannelton Utilities. (Ord. 93-03, S3, 1993)

10.01.040 Right to request entry. That upon presentation of credentials, the representative of the Cannelton Utilities shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of Cannelton for cross connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections and unauthorized water meter tampering and entry into a water meter pit. (Ord. 03-09, S2, Sept. 8, 2003) (Ord. 93-03, S4, 1993)

10.01.045 Penalties and Costs. A fine of Two Hundred Fifty Dollars (\$250.00) and reimbursement of costs of repair shall be assessed and paid by any person, firm or corporation in violation of this Chapter. The penalty and costs shall be billed and paid along with all other utility charges as due and upon non-payment shall result in termination of water service. In the event legal action is instituted to collect such penalties and costs, Cannelton Utilities shall also recover its costs and attorney fees. (Ord. 03-09, S3, Sept. 8, 2003)

10.01.050 Discontinuance of water. That the Cannelton Utilities is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this chapter exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this chapter. (Ord. 93-03, S5, 1993)

10.01.060 Emergency discontinuance. That, if it is deemed by the Cannelton Utilities that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the clerk of the City of Cannelton and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within 10 days of such emergency discontinuance. (Ord. 93-03, S6, 1993)

10.01.070 Reduced-pressure-principal backflow prevention device. That all consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced-pressure-principle backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing. (Ord. 93-03, S7, 1993)

10.01.080 Supplementary to State of Indiana Uniform Plumbing Code. That this ordinance does not supersede the State Uniform Plumbing Code or the City of Cannelton plumbing ordinance No. _____, but is supplementary to them. (Ord. 93-03, S8, 1993)

10.01.400 Addition of fluoride to the public water system.

- (a) Investigation. Investigations by competent dental, medical and public health authorities show that the presence of fluoride in drinking water is a deterrent to tooth decay. (Ord. 87-13, Whereas 1, 1987)
- (b) Analysis of existing water supply. Laboratory analysis shows that such chemical substance in optimum quantities is not found naturally in the public water supply of Cannelton, Indiana. (Ord. 87-13, Whereas 2, 1987)
- (c) Permit for adding fluoride. Standards 320-IAC 3-2-1 of the Environmental Management Board permits the addition of certain fluoride compounds to public water supplies within controlled limits. (Ord. 87-13, Whereas 3, 1987)
- (d) Preparation of plans and specifications. The Water Works Superintendent is hereby authorized and directed to have plans and specifications prepared for the purchase and installation of equipment to add (fluoride) to the water being distributed by the city water works, and to submit them to the Indiana State Board of Health for approval. (Ord. 87-13, 1987)
- (e) Approval of plans. Upon the approval of these plans and specifications by the Indiana State Board of Health, such equipment and supplies be purchased and installed in the manner provided by state law, and that thereupon said fluoride compound be added to the public water supply in sufficient quantities to bring the total amount of fluoride ions (F⁻) present in the finished water to the optimum (1.0 ppm) concentration recommended by the State Board of Health but not exceeding 1.5 parts per million by weight. (Ord. 87-13, 1987)

Chapter 10.02

WATER RATES AND CHARGES

Sections:

10.02.010	Metered rates per month
10.02.020	Monthly service charge
10.02.030	Fire protection service
10.02.035	Temporary users
10.02.040	Tap charge
10.02.050	Reconnection charge
10.02.060	Late payment charge
10.02.070	Effective date

The following schedule of rates and charges for the sale of water and incidental service by the Cannelton Municipal Water Utility, which rates and charges were duly approved by the Common Council of City of Cannelton on November 26, 2001, be adopted.

10.02.010 Metered rates per month. For use of and service rendered by the waterworks system of the City, based on the amount of water supplied by said waterworks system:

<u>Metered Consumption</u>		<u>Rates per</u>
<u>Per Month</u>		<u>1,000 gallons</u>
First	10,000 gallons	\$ 3.63
Next	25,000 gallons	2.85
Next	65,000 gallons	2.38
Over	100,000 gallons	1.93

(Ord. 04-03, S1, Mar. 8, 2004) (Ord. 01-03, S2a, Nov. 26, 2001) (Ord. 00-03, S2a, Aug. 7, 2000) (Ord. 96-07, S2a, July 8, 1996) (Ord. 91-01, S(a), 1991) (Ord. 90-11,1990) (Ord. 90-10, 1990)

10.02.020 Monthly service charge. Each user shall pay in addition to the metered usage above a monthly service charge based upon the following meter sizes:

<u>Meter size</u>	<u>Charge Per Month</u>
5/8 inch meter	\$ 9.26
3/4 inch meter	9.26
1 inch meter	12.96
1 1/2 inch meter	16.65
2 inch meter	26.83
3 inch meter	101.76
4 inch meter	129.51

6 inch meter	194.26
8 inch meter	268.23

(Ord. 04-03, S2, Mar. 8, 2004) (Ord. 01-03, S2b, Nov. 26, 2001) (Ord. 00-03, S2b, Aug. 7, 2000) (Ord. 96-07, S2b, July 8, 1996) (Ord. 91-01, S(b), 1991) (Ord. 90-11,1990) (Ord. 90-10, 1990)

10.02.030 Fire protection service.

<u>Fire Hydrant Rental</u>	<u>Charge Per Year</u>
Hydrant rental - Public	\$ 377.84
Hydrant rental - Private	377.84
 <u>Automatic Sprinkler Charges</u>	 <u>Charge Per Year</u>
8 inch sprinkler	\$ 101.79
Combination sprinkler	240.83

(Ord. 04-03, S3, Mar. 8, 2004) (Ord. 01-03, S2c, Nov. 26, 2001) (Ord. 00-03, S2c, Aug. 7, 2000) (Ord. 96-07, S2c, July 8, 1996) (Ord. 91-01, S(c), 1991) (Ord. 90-11,1990) (Ord. 90-10, 1990)

10.02.035 Temporary users. Water furnished to temporary users such as contractors, circuses, etc., shall be charged on the basis of the metered gallon rates hereinbefore set forth as estimated and established by the Water Utility Superintendent. (Ord. 01-03, S2d, Nov. 26, 2001) (Ord. 00-03, S2d, Aug. 7, 2000) (Ord. 96-07, S2d, July 8, 1996) (Ord. 90-11, S(d), 1990) (Ord. 90-10, S(d) 1990)

10.02.040 Tap charge. \$ 400.00

Each user, at the time he is connected with the waterworks system, shall pay a charge to cover the costs of: excavating and tapping the main, furnishing, and installing service pipe from the main to the lot line; furnishing and installing meter crock (if outside), yoke, and meter. The charge for a 5/8 inch or 3/4 inch meter tap shall be Seven Hundred Fifty Dollars (\$750.00). The charge for a tap larger than 3/4 inch meter tap shall be the cost of labor, materials, power machinery, transportation, and overhead incurred for installing the tap, but shall not be less than the charge for a 3/4 inch meter tap. (Ord. 01-03, S2e, Nov. 26, 2001) (Ord. 00-03, S2e, Aug. 7, 2000) (Ord. 99-1, S1, 1999) (Ord. 96-07, S2e, July 8, 1996) (Ord. 91-01, S(d), 1991) (Ord. 90-11,1990) (Ord. 90-10, 1990)

10.02.050 Reconnection charge. \$ 15.00

When the service is turned off for non-payment of bill, or whenever for any reason beyond the control of the waterworks a re-establishment of a service is required by any one customer, a charge of Fifteen Dollars (\$15.00) will be made by the waterworks to cover the cost of discontinuance and re-establishment of service. The charge, together with any arrears due the waterworks, shall be paid by the customer before service will be re-established. (Ord. 01-03, S2f, Nov. 26, 2001) (Ord. 00-03, S2f, Aug. 7, 2000) (Ord. 96-07, S2f, July 8, 1996) (Ord. 91-01, S(e), 1991) (Ord. 90-11,1990)

10.02.060 Late payment charge. All bills for water service not paid within seventeen (17) days after the bill is mailed shall be subject to a late payment charge of ten percent (10%) of the first Three Dollars (\$3.00) and three percent (3%) of the excess of Three Dollars (\$3.00). (Ord. 01-03, S2g, Nov. 26, 2001) (Ord. 00-03, S2g, Aug. 7, 2000) (Ord. 96-07, S2g, July 8, 1996) (Ord. 91-01, S(f), 1991) (Ord. 90-11,1990)

10.02.070 Effective date. The rates and charges as hereinabove set forth, shall become effective on the first full billing period occurring after final adoption of this Ordinance. All ordinances and parts of ordinances in conflict herewith, including Ordinance 90-10, 90-11, 90-01, 96-01, and 00-03, are hereby repealed, provided however, that the existing schedule of water rates and charges shall remain in full force and effect until the new schedule of rates and charges provided for herein are in effect. 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. 01-03, S3, Nov. 26, 2001) (Ord. 00-03, S3, Aug. 7, 2000) (Ord. 96-07, S3, July 8, 1996)

Chapter 10.03

REMOVING THE ELECTRIC UTILITY FROM THE JURISDICTION OF THE INDIANA UTILITY REGULATORY COMMISSION

Sections:

10.03.010	Removed
10.03.020	Effective when
10.03.030	Written notice

10.03.010 Removed. The Cannelton Municipal Electric Utility is hereby removed from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness. (Ord. 97-10, S1, December 8, 1997)

10.03.020 Effective when. This Ordinance shall become effective sixty (60) days after the date of final approval unless the Council receives a petition pursuant to I.C. 8-1.5-3-9.1, in which event, the Council shall certify the withdrawal as a public question to the Perry County Election Board, all as provided in said statute. (Ord. 97-10, S2, December 8, 1997)

10.03.030 Written notice. The Clerk-Treasurer shall mail written notice of the withdrawal within thirty (30) days after the effective date of this Ordinance. (Ord. 97-10, S3, December 8, 1997)

Chapter 10.04

ELECTRIC RATES AND CHARGES

Sections:

10.04.100	Residential Service - Rate RS
10.04.120	General Commercial and/or Small Power & Light - Rate CP
10.04.130	Large Industrial Service - Rate LI
10.04.140	Outdoor Lighting Service - Rate OL
10.04.150	Municipal Street Lighting Service - Rate MSL
10.04.220	Non-recurring charges

10.04.100 Residential Service - Rate RS.

AVAILABILITY: Available for annual residential service supplied through one meter, including lighting, incidental appliances, cooking, heating, and power for motors of individual capacities not exceeding 3/4 horsepower at 115 volts or 5 horsepower at 230 volts or a total connected power load of more than 5 horsepower. (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-1, 1998) (Ord. 94-04, Exhibit 1 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

CHARACTER OF SERVICE: Alternating current, sixty cycle, at voltage of approximately 115 volts two-wire or 115/230 volts three-wire, where available. (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-1, 1998) (Ord. 94-04, Exhibit 1 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

MONTHLY RATE:

Customer Charge			
Phase I - Customer Charge	@	\$10.97	per month
Phase II - Customer Charge	@	\$11.64	per month
Energy Charge			
Phase I - Energy Charge	@	\$0.0787	per kWh
Phase II - Energy Charge	@	\$0.0835	per kWh

MINIMUM MONTHLY CHARGE: A minimum monthly charge shall be the applicable customer charge. (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-1, 1998) (Ord. 94-04, Exhibit 1 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

10.04.120 General Commercial and/or Small Power & Light - Rate CP.

AVAILABILITY: Available to any customer for light and/or power purposes under conditions set forth below. Applicant must be located adjacent to an

electric distribution line of Utility that is adequate and suitable for supplying the service requested. (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-2, 1998) (Ord. 94-04, Exhibit 3 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

CHARACTER OF SERVICE: Electric energy supplied hereunder shall be alternating current, 60 cycle at any standard single phase and/or polyphase voltage supplied by Utility in the locality for which service is requested. (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-2, 1998) (Ord. 94-04, Exhibit 3 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

MONTHLY RATE:

Customer Charge

Phase I - Single Phase	@	\$10.97	per month
Phase II - Single Phase	@	\$11.64	per month
Phase I - Multi-Phase	@	\$32.25	per month
Phase II - Multi-Phase	@	\$34.22	per month

Energy Charge

Phase I - First 2000 kWh used	@	\$0.0835	per kWh
Phase II - First 2000 kWh used	@	\$0.0886	per kWh
Phase I - Next 8,000 kWh used	@	\$0.0735	per kWh
Phase II - Next 8,000 kWh used	@	\$0.0780	per kWh
Phase I - Over 10,000 kWh used	@	\$0.0555	per kWh
Phase II - Over 10,000 kWh used	@	\$0.0589	per kWh

(Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-1, 1998) (Ord. 94-04, Exhibit 1 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

MINIMUM MONTHLY CHARGE: A minimum monthly charge shall be the greater of the customer charge of \$0.697 per horsepower of connected load (Phase I)/\$0.74 per horsepower of connected load (Phase II). (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-1, 1998) (Ord. 94-04, Exhibit 1 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

NON-RECURRING CHARGES: See 10.04.220 (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-4, 1998) (Ord. 94-04, Exhibit 5 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

10.04.130 Large Industrial Service - Rate LI.

AVAILABILITY: Available to all large power consumers who have required transformer capacity in excess of 100 kVA and who are metered at the utility's primary distribution line. (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-3, 1998) (Ord. 94-04, Exhibit 4 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

CHARACTER OF SERVICE: Electric energy supplies hereunder shall be in the form of three phase alternating current and shall have a frequency of approximately sixty cycles per second. (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-3, 1998) (Ord. 94-04, Exhibit 4 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

MONTHLY RATE:

Phase I-Customer Charge	@	\$245.10	per month
Phase II-Customer Charge	@	\$260.10	per month
Phase I-Demand Charge	@	\$4.84	per kVA of Billing demand
Phase II-Demand Charge	@	\$5.13	per kVA of Billing demand

Energy Charges:

Phase I-First 200 kWh per kVA of billing demand @ \$ 0.0522 per kWh
Phase II-First 200 kWh per kVA of billing demand @ \$ 0.0554 per kWh

Phase I-Next 200 kWh per kVA of billing demand @ \$ 0.0497 per kWh
Phase II-Next 200 kWh per kVA of billing demand @ \$ 0.0527 per kWh

Phase I-Additional kWh used in any month @ \$0.0477 per kWh
Phase II-Additional kWh used in any month @ \$0.0507 per kWh

(Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-3, 1998) (Ord. 94-04, Exhibit 4 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

MINIMUM MONTHLY CHARGE: The minimum monthly charge shall be the greater of the following:

1. The customer charge plus the demand charge; or
2. Minimum agreed to in the contract for electric service

(Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-3, 1998) (Ord. 94-04, Exhibit 4 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

MEASUREMENT OF MAXIMUM LOAD AND ENERGY: Maximum load shall be measured by suitable instruments provided by Utility and in any month the

maximum load shall be the average number of kilowatts in the fifteen-minute interval during which the energy metered is greater than in any other fifteen-minute interval in such month. Energy shall be metered by suitable integrating instruments. Service hereunder will normally be metered at Utility's primary distribution line voltage, which is designated as a standard voltage in the range of approximately 2,400 volts or 13,200 volts. Utility at its sole option, may elect to meter the service either on the load side or the input side of the transformation required to supply customer. (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-4, 1998) (Ord. 94-04, Exhibit 4 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

CONTRACT FOR SERVICE: Before the Utility shall be required to make any investment to enable it to supply electric capacity and energy under this schedule, a contract shall be made and entered into between the Utility and customer service for a minimum of five years from the date such service is first rendered. (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-4, 1998) (Ord. 94-04, Exhibit 4 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

DETERMINATION OF BILLING DEMAND: The monthly billing demand shall be computed as the metered maximum demand for the month divided by the monthly lagging power factor, in accordance with the following formula:

$$\text{Billing Demand} = \frac{\text{Metered Maximum Demand}}{\text{Lagging Power Factor (in percent)}}$$

(Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-4, 1998)

PRIMARY SERVICE DISCOUNT: When service is furnished at a primary distribution voltage where the consumer owns and maintains the transformer and all secondary voltage equipment, then a discount of \$0.44 per kVA of Billing Demand shall be applied to the members' bill (Phase I) / \$0.47 per kVA of Billing Demand shall be applied to the members' bill (Phase II). (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-4, 1998) (Ord. 94-04, Exhibit 5 of 9, 1994) (Ord. 94-01, 1994)

NON-RECURRING CHARGES: See 10.04.220 (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-4, 1998) (Ord. 94-04, Exhibit 5 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

10.04.140 Outdoor Lighting Service - Rate OL.

AVAILABILITY: Available to any customer within the area served by the Cannelton Electric Utility for outdoor lighting. (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-5, 1998) (Ord. 94-04, Exhibit 6 of 9, 1994) (Ord. 94-01, 1994)

CHARACTER OF SERVICE: A 120-watt mercury vapor type luminaire controlled by a photoelectric cell will be installed, operated, and maintained by the Utility. (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-5, 1998) (Ord. 94-04, Exhibit 6 of 9, 1994) (Ord. 94-01, 1994)

CHARGE FOR SERVICE:

Mercury Vapor Light		
Phase I - 175 watt	@	\$4.52 per month
Phase II - 175 watt	@	\$4.79 per month

(Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-5, 1998) (Ord. 94-04, Exhibit 6 of 9, 1994) (Ord. 94-01, 1994)

10.04.150 Municipal Street Lighting Service - Rate MSL.

AVAILABILITY: Available for service to street lighting facilities for the City of Cannelton only. (Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-6, 1998) (Ord. 94-04, Exhibit 7 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

RATE:

Mercury Vapor Light		
Phase I - 175 watt	@	\$ 4.52 per month
Phase II - 175 watt	@	\$ 4.79 per month
Phase I - 400 watt	@	\$ 10.00 per month
Phase II - 400 watt	@	\$ 10.61 per month
Decorative Metal Halide		
Phase I - 175 watt	@	\$ 4.52 per month
Phase II - 175 watt	@	\$ 4.79 per month
High Pressure Sodium		
Phase I - 100 watt	@	\$ 2.64 per month
Phase II - 100 watt	@	\$ 2.81 per month
Phase I - 200 watt	@	\$ 5.48 per month
Phase II - 200 watt	@	\$ 5.82 per month

(Ord. 08-07, Aug. 5, 2008) (Ord. 98-02, Exhibit A-6, 1998) (Ord. 94-04, Exhibit 7 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-02, 1990)

10.04.220 Non-recurring charges.

DESCRIPTION OF CHARGES

Penalty for Late Payment	10% on first \$3.00 3% on Remaining Unpaid
Balance	
Charge for disconnection of electric service	\$15.00
Charge for reconnecting service that was disconnected for non-payment of account	\$15.00
Charge for reconnecting service outside normal working hours	\$90.00

(Ord. 08-07, Aug. 5, 2008) (Ord. 1998-02, Exhibit A-7, 1998) (Ord. 94-04, Appendix B, Exhibit 9 of 9, 1994) (Ord. 94-01, 1994) (Ord. 90-03, 1990)

Chapter 10.05

CONNECTION AND USE OF ELECTRIC SYSTEM

Sections:

- 10.05.400 Adoption of electric curtailment rules**
- 10.05.410 Emergency rules for the curtailment of electric service**
- 10.05.420 Filed with the Public Service Commission of Indiana**

10.05.400 Adoption of electric curtailment rules. That the electric curtailment rules for the municipal electric utility of the City of Cannelton, Indiana as set forth in Appendix 1 of ordinance 78-2 is hereby adopted and approved. (Ord. 78-2, S1, 1978)

10.05.410 Emergency rules for the curtailment of electric service. Exhibit "1" to Ordinance 78-2 is the "Emergency Energy Control Program" of the supplier of electrical energy to the municipal electrical utility of the City of Cannelton, Indiana, i.e. the Commission plan. The Commission's Plan includes five investor owned utilities in the State of Indiana. These utilities are the wholesale suppliers of electric power to the Indiana municipal systems. The municipal systems must coordinate their energy usage with their supplier. The program consists of four steps which provide for the curtailment of electrical usage. Upon notification to this city's municipal electrical utility that said supplier is implementing each of said steps 1 through 5, this city's utility will immediately thereafter also implement said steps. (Ord. 78-2, Appendix 1, page 1, 1978)

10.05.420 Filed with the Public Service Commission of Indiana. That the said electric curtailment rules herein adopted and approved are hereby authorized to be filed with Public Service Commission of Indiana for information purposes only and so identified. (Ord. 78-2, S2, 1978)

Chapter 10.06

Electric and Water Utility Customer Deposits

Sections:

10.06.010	Determination of credit worthiness
10.06.020	Applicant to provide proof of credit worthiness
10.06.030	Deposit requirement for non-credit worthy applicants
10.06.040	Deposit requirements for large electric customers
10.06.050	Deposit requirements for existing customers
10.06.060	Return or credit for unused deposit
10.06.070	Unclaimed utility deposit

10.06.010 Determination of credit worthiness. Each applicant for service shall be deemed credit worthy, if:

- (a) Applicant has been a customer of Cannelton or other utilities for the past two (2) years and has had no more than one (1) delinquent bill during the last twelve (12) months of service; or
- (b) If applicant has not been a customer of a utility during the previous two (2) years, applicant meets any two (2) of the following criteria:
 1. Applicant has been employed by applicant's current employer for at least two (2) years, unless applicant's employment is less than two (2) years due to applicant's recent graduation from school or discharge from the military;
 2. Applicant has a major credit card or has been extended credit by a bank or lending institution and is in good standing with the credit card issuer, bank, or lending institution; or
 3. Applicant either (a) owns or is purchasing applicant's home, or (b) has been renting and has occupied the same home or apartment for more than two (2) years. (Ord. 2005-16, S1, Sept. 2005)

10.06.020 Applicant to provide proof of credit worthiness. Each applicant has the burden of providing sufficient written proof of credit worthiness in written form. (Ord. 2005-16, S2, Sept. 2005)

10.06.030 Deposit requirements for non-credit worthy applicants. Each applicant failing to establish credit worthiness, shall be required to make a deposit in an amount equal to two and one-half (2 1/2) times the estimated average monthly billing rounded to the nearest multiple of Five Dollars (\$5.00),

as determined by Cannelton Utilities. Said deposit shall not bear interest. (Ord. 2005-16, S3, Sept. 2005)

10.06.040 Deposit requirements for large electric applicants. Regardless of credit worthiness or prior payment history, all large electric utility applicants eligible for electric rate classification LI (Section 10.40.130) shall be required to make a cash deposit or obtain an irrevocable letter of credit in an amount equal of two and one-half (2 1/2) times the estimated average monthly billing rounded to the nearest multiple of Five dollars (\$5.00) as determined by Cannelton Utilities. Said deposit shall not bear interest. Letters of credit shall be renewed annually with all costs of obtaining the letter of credit paid by the applicant. (Ord. 2005-16, S4, Sept. 2005)

10.06.050 Deposit requirements for existing customers. Any Cannelton Utility customer mailed disconnect notices for two consecutive months, or mailed three (3) disconnect notices within the preceding twelve (12) months, or has had service disconnected for nonpayment may be required to make a deposit in an amount equal to two and one-half (2 1/2) times the estimated average monthly billing rounded to the nearest multiple of Five Dollars (\$5.00), as determined by Cannelton Utilities. Said deposit shall not bear interest. (Ord. 2005-16, S5, Sept. 2005)

10.06.060 Return of credit for unused deposit. Upon termination of service or in the event there are not late payments for twenty-four (24) months, any deposit not required as security for payment or not applied on the utility account for the monthly or final bill, shall be refunded to the customer, or applied to the monthly or final bill without interest. (Ord. 2005-16, S6, Sept. 2005)

10.06.070 Unclaimed utility deposit. Any deposit which is not claimed within the expiration of the applicable statute of limitations, shall become the property of Cannelton Utilities. In the event that a deposit remains unclaimed for more than two (2) years or if a refund check remains uncashed by December 31 of the second year after the year issued, the amount of the deposit may be transferred to the Utility's operating fund.

Cannelton Utilities shall make refunds to existing customers within ninety (90) days, without interest, of any utility deposit no longer required as a result of the adoption of this Ordinance. Refunds may be made in cash or by credit against current or future utility bills. (Ord. 2005-16, S7, Sept. 2005)

Chapter 10.08

SEWER SERVICE RATES AND CHARGES

Sections:

10.08.010	Definitions
10.08.020	User classes
10.08.030	Rates and charges
10.08.040	Quantity of water discharged into the Sanitary Sewage System
10.08.045	Backflow Prevention Devices Required
10.08.050	Volume, strength and character of sewage
10.08.060	Billing and collection procedure
10.08.080	Enforcement
10.08.090	Invalidity
10.08.100	Appeal procedure

10.08.010 Definitions.

- (a) "Board" shall mean the Board of Public Works & Safety of the City of Cannelton, Indiana, or any duly authorized officials acting in its behalf.
- (b) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance.
- (c) "City" shall mean the City of Cannelton, Indiana, acting by and through the Common Council.
- (d) "Debt Service Costs" shall mean the average annual principal and interest payments on all proposed revenue bonds or other long-term capital debt.
- (e) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- (f) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- (g) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.

- (h) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 275 mg/l

S.S. not more than 275 mg/l

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

- (i) "Operation and Maintenance Costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement).
- (j) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges other than user charges, debt service charges and excessive strength surcharges.
- (k) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (l) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (m) "S. S." (or suspended solids) shall have the same meaning as defined in the Sewer Use Ordinance.
- (n) "Shall" is mandatory; "May" is permissive.
- (o) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.
- (p) "Sewer Use Ordinance" shall mean a separate and companion enactment to this ordinance, which regulates the connection to and use of public and private sewers.

- (q) "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204 (b) of Public Law 92-500.
- (r) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, commercial car wash, industrial, Can-Clay, Schwab, institutional, and governmental in the User Charge System). (Ord. 03-10, Sept. 8, 2003) (Ord. 03-01, Feb. 10, 2003)

Residential User - shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

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

Commercial Car Wash User - shall mean a commercial user which based on a determination by the City generates discharges primarily from the operation of a commercial car wash.

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

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

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

Can-Clay User - shall mean the current industrial user, Can-Clay Corporation or any successor interest operating in a similar manner.

Schwab Safe Co. User - shall mean the current industrial user, Schwab Corp. or any successor in interest operating, in a similar manner. (Ord. 03-10, S1, Sept. 8, 2003) (Ord. 03-01, S1, Feb. 10, 2003) (Ord. 87-18, S1, 1987) (Ord. 87-11, S1, 1987)

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

- (1) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.
- (2) The various classes of users of the treatment works for the purposes of this chapter, shall be as follows:

- Class I - Residential
- Commercial
- Governmental
- Institutional
- Industrial
- Class II - Commercial Car Wash
- Class III - Can-Clay
- Class IV - Schwab Safe Co.

(Ord. 03-10, S2, Sept. 8, 2003) (Ord. 03-01, S2, Feb. 10, 2003) (Ord. 87-18, S2, 1987)
(Ord. 87-11, S2, 1987)

10.08.030 Rates and charges. For the use of and the services rendered by sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the City sewage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sewage system of the City of Cannelton. Such rates and charges include User Charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- (1) The Council hereby finds and determines that, based upon the Study, the existing rates and charges are insufficient to pay all of the construction and contingency costs, engineering and legal fees and other necessary expenses incident to the development, construction and operation of the sewage works utility, including maintenance costs, operation charges, upkeep, repairs,

depreciation, including increases in such costs, and interest charges on bonds or other obligations.

Current (includes Treatment Tracking Factor of \$4.67)	Effective 1/21/2020 Pro Forma Phase I Increase	Effective 7/21/2021 Pro Forma Phase II Increase
Percentage Proposed Increase	14.44%	18.05%

All Users - Treatment Rate per 1,000 gallons of usage per month:

Class I	\$ 11.04	\$ 12.64	\$ 14.93
Class II	\$ 9.44	\$ 10.81	\$ 12.77
Class III	\$ 11.04	\$ 12.64	\$ 14.93
Class IV	\$ 10.01	\$ 11.47	\$ 13.55

All Users - a monthly base rate as follows:

5/8 – 3/4 inch water meter	\$ 9.38	\$ 10.73	\$ 12.67
1 inch water meter	\$ 21.12	\$ 24.17	\$ 28.53
1 1/4 inch water meter	\$ 32.75	\$ 37.48	\$ 44.25
1 1/2 inch water meter	\$ 46.77	\$ 53.52	\$ 63.18
2 inch water meter	\$ 79.52	\$ 91.00	\$ 107.43
3 inch water meter	\$ 180.84	\$ 206.95	\$ 244.30
4 inch water meter	\$ 313.34	\$ 358.59	\$ 423.32
6 inch water meter	\$ 710.81	\$ 813.45	\$ 960.28

- (2) For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined as an average of single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined is as follows:

Residential:

Single Family Residence/unit	\$ 48.83	\$ 55.88	\$ 65.97
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Unmetered non "Residential Single Family Dwelling Units" shall be charged a rate to be determined by the City on an individual basis by applying the metered rates and the tracking factor to estimated usage and meter size.

- (3) For the service rendered to the City of Cannelton, said City shall be subject to the same rates established in harmony therewith.

- (4) In order to recover the cost of monitoring industrial wastes, the City shall charge the user the actual cost of monitoring, but not less than the stated amount per sampling event.

Minimum Charge for Sampling Event	\$ 40.00	\$ 45.78	\$ 54.04
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- (5) In addition to the rates and charges above, each customer of the sewage works shall also pay a monthly surcharge through a sewer tracking factor where the surcharge is calculated as the number of gallons actually metered times the sewer tracking factor. The sewer tracking factor set forth below is applicable to all rate classes. When the Utility's Treatment Plant is fully operational and the Utility is no longer sending its sewage flow to Tell City for treatment the monthly surcharges will cease to be charged.

Sewer Monthly Surcharges:			
Sewer Tracking Factor	\$ 4.67	\$ 0.00	\$ 0.00
Unmetered Water Users	\$ 7.60	\$ 0.00	\$ 0.00

There will be no tracker upon completion of the Project and implementation of Phase II rates. (Ord. 2019-12, S10.08.030, Dec. 27, 2019) (Ord. 2018-09, S10.08.030e, May 14, 2018) (Ord. 2017-02, S10.08.030e, Feb. 13, 2017) (Ord. 04-13, S1, Apr. 8, 2013) (Ord. 2010-05, July 12, 2010) (Ord. 03-10, S3, Sept. 8, 2003) (Ord. 03-01, S3, Feb. 10, 2003) (Ord. 2002-03, Mar. 25, 2002) (Ord. 87-18, S3, 1987) (Ord. 87-11, S3, 1987)

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

- (1) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the City and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the City then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rate or charge provided in this

ordinance, the owner or other interested party shall at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determining of sewage discharge.

- (2) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or their liquids into the City's sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the City, and in addition, is a user of water from another resource which is not measured by a water meter or is measured by a meter not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.
- (3) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the city's sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.
- (4) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the City's sewage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the City that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.
- (5) Where a metered water supply is used for fire protection as well as for other uses which will not enter the sanitary sewer system, the City may, in its discretion, make adjustments in the user charge as may be equitable. (Ord. 87-18, S4, 1987) (Ord. 87-11, S4, 1987)

10.08.045 Backflow Prevention Devices Required. For any new building construction occurring after the date of the passage of this ordinance, and for all repairs and replacements of sanitary sewer lines in existing buildings, all sanitary sewer drain lines located within a building below the natural grade line of said building shall have installed therein a backflow prevention device, the nature of the device and the location of the device to be approved by the Cannelton Sewage Department upon application for such determination made by the person constructing such sanitary sewer drain line. (Ord. 2018-08, S1, Apr. 9, 2018)

10.08.050 Volume, strength and character of sewage. In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the City shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage system, in such manner and by such method as the City may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a sampling point, as defined in the Sewer Use Ordinance, available to the City at all times.

- (1) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 275 milligrams per liter of fluid or suspended solids in excess of 275 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be the same rate charged by the City of Tell City.
- (2) The determination of Suspended Solids and five-day Biochemical Oxygen Demand contained in the waste shall be in accordance with the current addition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (Ord. 87-18, S5, 1987) (Ord. 87-11, S5, 1987)

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

- (1) The rates and charges for all users shall be prepared and billed monthly. At the end of each year, each user shall be given a notice of the rates charged for operation, maintenance and replacement for that user for the next year.
- (2) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the

owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the City for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

- (3) As in provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill. (Ord. 87-18, S6, 1987) (Ord. 87-11, S6, 1987)

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

The City is hereby authorized to prohibit dumping of wastes into the city's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the City, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works. (Ord. 87-18, S8, 1987) (Ord. 87-11, S8, 1987)

10.08.090 Invalidity. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this chapter which can be given effect without such invalid part of parts. (Ord. 87-18, S9, 1987) (Ord. 87-11, S9, 1987)

10.08.100 Appeal procedure. That the rules and regulations promulgated by the City, after approved by the Board of Public Works & Safety shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system to the Board of Public Works & Safety and that any decision concerning the sewage system or user charges of the Board of Public Works & Safety may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act. (Ord. 87-18, S10, 1987) (Ord. 87-11, S10, 1987)

Chapter 10.10

PUBLIC AND PRIVATE SEWERS

Sections:

- 10.10.001 Agreement between Tell City and Cannelton for treatment and disposition of sewage
- 10.10.010 Definitions
- 10.10.020 General administrative provisions
- 10.10.030 Connection to Sewerage System
- 10.10.040 Private wells
- 10.10.050 Wastewater admissibility
- 10.10.060 Admissibility - prohibitions on discharge/admissibility requirements
- 10.10.100 Penalties for violations

10.10.001 Agreement between Tell City and Cannelton for treatment and disposition of sewage.

- (1) Public benefit. It is in the public benefit, health, safety, and general welfare of the citizens of Cannelton 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 Ordinance 87-16. (Ord. 87-16, S1, 1987)
- (2) Approval of amended agreement. The Amended Agreement, referred to as an exhibit be and hereby is approved and adopted in all respects. (Ord. 87-16, S2, 1987)
- (3) Authorization. The Mayor of Cannelton, the presiding officer of the Common Council of Cannelton and the Clerk-Treasurer of Cannelton be and hereby are authorized to execute on behalf of Cannelton the Amended Agreement which shall conform in all respects to the document attached hereto and incorporated as an exhibit. The authorization and approval of the Amended Agreement by Cannelton shall be conclusively established by the execution and, attestation thereof, and the affixing of Cannelton's seal thereto or the imprinting of Cannelton's seal thereon. (Ord. 87-16, S3, 1987)
- (4) Agreement available where. The substantially final form of the Amended Agreement shall be inserted in the minute books of the Common Council and kept on file by the Clerk-Treasurer. In accordance with the provisions of I.C. 36-1-5-4 two (2) copies of the

Amended Agreement shall be kept on file in the office of the Clerk-Treasurer for public inspection. (Ord. 87-16, S4, 1987)

- (5) In effect when. This ordinance shall be in full force and effect from and after its passage by the Common Council and execution by the presiding officer. (Ord. 87-16, S4, 1987)
- (6) Amendment to agreement prohibited unless by mutual consent. This ordinance shall not be amended, modified, or repealed during the term of the Amended Agreement, except upon the mutual consent of Tell City and Cannelton. (Ord. 87-16, S5, 1987)

10.10.010 Definitions.

- (1) 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 40 CFR 136. 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.
- (2) "City" - The City of Cannelton, Indiana.
- (3) "Board" - The Board of Public Works and Safety of the City of Cannelton, Indiana. It is the governing body of the sewerage system of the City, which system is a public service.
- (4) "Superintendent" - The Superintendent of the Sewer Department, subject to the control of the Board in all matters.
- (5) "Inspector" - A person authorized by the Board of Superintendent to perform inspection duties assigned to him by the Board or Superintendent.
- (6) "Person" - Any natural person, or public or private corporation, or any other entity whatever.
- (7) "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.
- (8) "User Classes"

- A. "Residential User" - A user who introduces only normal domestic sewage from a single family or multi family dwelling into the sewerage system.
 - B. "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.
 - C. "Institutional User" - A publicly or privately owned school, hospital, nursing home, prison, or other similar institution whose wastes are segregated domestic wastes.
 - D. "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.
 - E. "Industrial User" - A user engaged in the manufacturing, production, or processing of goods, materials or other tangible products.
- (9) "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.
- (10) "Major Contributor" - A user discharging or introducing into the sewerage system:
- A. a flow of more than 50,000 gallons per average workday;
 - B. a toxic pollutant in toxic amounts as defined in SS 307 U.S. Public Law 92-500 as now adopted or as hereafter amended;
 - C. 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;
 - D. 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

- E. any substance unusual or unique in quality or quantity requiring special attention or processing in order to effect proper wastewater treatment.
- (11) "Receiving Sewer System" - The Cannelton Municipal Sewer System.
 - (12) "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.
 - (13) "Building" and "Building Drain" - "Building" is any structure having a roof supported by columns or walls, for the shelter, support, enclosure, or protection of person, 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.
 - (14) "Lateral Sewer" - The extension from the building drain to the sewerage system or other place of disposal.
 - (15) "Public Sewer" - A sewer owned by the City.
 - (16) "Sewer" - A pipe or conduit laid for carrying sewage or other liquids, and solids suspended or entrained therein.
 - (17) "Combined Sewer" - A sewer which carries storm surface, or ground water runoff in addition to sewage.
 - (18) "Effluent" - The water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.
 - (19) "Sanitary Sewer" - A sewer intended to carry only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, government buildings, industrial buildings, and institutions.
 - (20) "Storm Sewer" - A sewer intended to carry only storm waters, surface runoff, street wash waters, and drainage.
 - (21) "Wastewater Treatment Plant" - Any arrangement of devices and structures used by the City for treatment and disposing of sewage, sludge, and other sewage constituents and products.

- (22) "Beneficial Uses" - 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.
- (23) "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 or whatever nature, including such waste placed within containers or whatever nature prior to, and for purposes of , disposal.
- (24) "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.
- (25) "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.
- (26) "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.
- (27) "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.
- (28) "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 street wastewater of drainage.
- (29) "Pollution" - An alteration of the quality of water by waste, contaminants or pollutants to a degree which renders such water unfit for beneficial users.

- (30) "Compatible Pollutants" - Wastewater having or containing
- A. measurable biochemical oxygen demand,
 - B. suspended solids,
 - C. pH
 - D. fecal coliform bacteria, or
 - E. additional pollutants identified or defined in the City's National Pollutant Discharge Elimination System (NPDES) permit or by the state or Board.
- (31) "Incompatible Pollutants" - Any pollutants which are not compatible pollutants.
- (32) "NPDES Permit" - National Pollutant Discharge Elimination System permit now or hereafter held by the City and setting forth conditions for the discharge of any pollutants or combination of pollutants.
- (33) "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.
- (34) "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.
- (35) "Garbage" - Any solid wastes from the preparation, cooking, or dispensing of food or from the handling, storage or sale of produce.
- (36) "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.
- (37) "pH" - the conventional scientific measure of the degree of acidity or alkalinity.
- (38) "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.

- (39) "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.
- (40) "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.
- (41) "May" - May means that the act referred to is both permissible and approved.
- (42) "Shall" - Shall means the act referred to is mandatory.

(Ord. 87-14, Article I, 1987) (Ord. 87-12, Article I, 1987)

10.10.020 General administrative provisions.

- (1) By-laws and Regulations of the Board of Public Works and Safety. The Board of Public Works and Safety 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 City'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, inflow surface water, and ground water into the sewerage system.
- (2) Right of Entry of Superintendent and Inspector to any premises. The Superintendent, inspector or other duly authorized employee of the City, 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.

- (3) 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 City to minimize damage to the sewerage system, treatment processes and the receiving stream.
- (4) 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.
- (5) Liability for Accidental Discharges. Such notification will not relieve users of 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 City which expense, loss or damage shall be paid for by the user.
- (6) 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 the Ordinance or by express permission of the Board.
- (7) 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.
- (8) Special Agreements. Special agreements and arrangements between the City and any person within Perry County may be established by the Board within the terms and intent of this ordinance when, in the opinion on 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.
- (9) 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 City sewerage system.

- (10) Falsifying Information. A person shall not knowingly make or submit to the City 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 City 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. 87-14, Article II, 1987) (Ord. 87-12, Article II, 1987)

10.10.030 Connection to Sewerage System.

- (1) Privies, Septic Tanks, Cesspools, etc. Except as otherwise provided by the Board, the City, 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.
- (2) 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 City 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 City, 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) day 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.
- (3) 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 back filling the trench shall conform to the requirements of the City.

- (4) Determining Major Contributor. Each commercial and industrial user shall supply the City with information about expected wastewater constituents and characteristics to be used in determining whether or not the user will be a major contributor.
- (5) 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 (e) shall be construed to apply to lateral sewer connections between different facilities of an Industrial user located on contiguous properties.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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.

- (10) 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 City without first securing a specific resolution of the Board describing the real estate and property to be served and authorizing such connection.
- (11) Prohibition of Discharge to Natural Outlets. It shall be unlawful to discharge to any natural outlet within the City of Cannelton or in any areas under the jurisdiction of said City, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- (12) Right to Prohibit New Connections. The City 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.
- (13) 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 Section 10.10.060 of this chapter. In addition, the City shall have and the Board may exercise all other legally available remedies.
 - A. "Submission of Time Schedule" - When the City finds that a discharge of wastewater has been taking place in violation of the admissibility requirements prescribed in Section 10.10.060 of this chapter or the provisions of a major contributor permit, the City 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.

- B. "Issuance of Cease and Desist Orders" - When the City finds that a discharge of wastewater has taken place or is likely to take place in violation of the admissibility requirements of Section 10.10.060 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:
1. comply forthwith,
 2. comply with a time schedule set forth by the Board, or
 3. take appropriate remedial or preventive action.
- C. "Injunction" - When the City finds that a discharge of wastewater is in violation of the admissibility requirements of Section 10.10.060 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 City, 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.
- D. "Termination of Service" - The City 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 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 chapter, or causes the City to violate the terms of its NPDES Permit or any state or federal law or regulations.
- E. "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 chapter, 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. 99-2, S1, Feb. 22, 1999) (Ord. 87-14, Article III, 1987) (Ord. 87-12, Article III, 1987)

- (14) Permit, Inspection and Connection Fees. Upon application for issuance of a connection to the sewerage system, a permit, inspection, and connection fee shall be paid by the applicant to the City in the sum of Seven Hundred Dollars (\$700.00). (Ord. 99-2, S1, Feb. 22, 1999)
- (15) Prohibition of Introduction of Inflow Sources to any Sanitary Sewer. No user of the sewer system shall introduce any inflow sources to any sanitary sewer. (Ord. 14-13, S1(o), Oct. 13, 2014)
- (16) Construction of New Combined Sewers Prohibited. The City hereby prohibits construction of any new combined sewers within the City Sewer System. The City further requires that any new construction as a tributary to an existing combined sewer be designed to minimize or delay inflow contribution to the existing combined sewer. Furthermore, the City hereby requires that for any new building constructed, the inflow/clearwater connection to a combined sewer shall be made separate and distinct from the sanitary wastewater connection to facilitate disconnection of the former if a separate storm sewer subsequently becomes available. (Ord. 14-13, S1(p), Oct. 13, 2014)
- (17) Prohibition of Structures Over Sewer Lines. No building or other structure shall be constructed so that any portion thereof is either located above any sanitary sewer line or appurtenance owned or operated by the City or is in such close proximity thereto that it will, in the sole opinion of the City, interfere with the operation and maintenance of the sewer line. (Ord. 14-13, S1(q), Oct. 13, 2014)
- (18) Maintenance of Lateral Sewers Located on Private Property. It shall be the responsibility of any person or entity either owning or having a property interest in any building or structure connected to the Cannelton sanitary sewer system to maintain all lateral sewer lines between such building or structure and the connection to the Cannelton sewer system, to maintain such lateral sewer lines and any appurtenances thereto in a manner which, in the sole opinion of the City, do not create harm or hindrance to the Cannelton sanitary sewage system, and to provide adequate and leak-proof connections of such building or other structure to the City's sanitary sewerage system. (Ord. 14-13, S1(r), Oct. 13, 2014)

- (19) Prohibition of Connection of Sump Pump and Air Conditioners. There is prohibited the connection of any sump pump or air conditioner drain to the Cannelton sanitary sewerage system. (Ord. 14-13, S1(s), Oct. 13, 2014)

10.10.040 Private wells.

- (1) Registration of Wells. Every owner or occupant of real estate within the corporate limits of the City 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.
- (2) 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 estimates regarding water volume.
- (3) 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 of private wells, to oversee or to direct the installation of metering or timing devices, and to read such meters and devices.
- (4) Well Digging. A person shall not hereafter dig or drive a well within the City 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 chapter.

(Ord. 87-14, Article IV, 1987) (Ord. 87-12, Article IV, 1987)

10.10.050 Wastewater admissibility.

- (1) Major Contributor Permits. Any industrial user and any other user of demand of the Board shall provide the City 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 City.

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 Section 2 of the City's Sewer Rate Ordinance (Section 10.08.020).

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 City within said three (3) day time period.

- (2) Major Contributor Permit Application Fees. Major contributors shall make application for the proposed discharge on a form provided by the City. The permit application shall be supplemented by any plans, specifications, studies, or other information considered pertinent by the Board.

"Fees"

Permit fees for major contributors shall be as follows:

Permit Fees

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 \$ 100.00

- (3) 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 50,000 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 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 City 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 of the City's Sewer Rate Ordinance.

- (4) 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.

- (5) Monitoring of Major Contributors. A major contributor shall install at its own expense:
- A. 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
 - B. such sampling devices as may be reasonably necessary, all unless otherwise instructed by the City. A user may be required by the City 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 City's satisfaction at the expense of the user. The City 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 City may provide monitoring equipment during the surveillance period for control manholes or other access means.

Monitoring equipment shall, unless otherwise specified by the City, 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 Section 10.10.040 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. 87-14, Article V, 1987) (Ord. 87-12, Article V, 1987)

10.10.060 Admissibility - Prohibitions on discharge/admissibility requirements.

- (1) Admissibility - Wastes causing damage or destruction. No person shall discharge to the sewerage system wastes which cause, threaten to cause, or are capable of causing either along or by interaction with other substances any of the following occurrences:
- A. a fire or explosion;

- B. obstruction to the flow in sewers or other interference with the operation of the plant;
- C. danger to life or safety of personnel;
- D. 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.;
- E. a nuisance or hindrance of the effective maintenance or operation of the sewer system, such as that having an unusually strong or unpleasant odor;
- F. air pollution by the release of toxic or unusually malodorous gases or malodorous gas-producing substances;
- G. corrosive or structural damage to the system, but in no case discharges with a pH lower than 5.0; or,
- H. 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 City NPDES Permit.

- (2) 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.
- (3) Admissibility - Limitations on Radioactive Wastes. No person shall discharge or cause to be discharged any radioactive waste into the sewerage system.
- (4) Admissibility - Limitations on the Use of Garbage Grinders. Only properly shredded garbage, as defined in Section 10.10.010 (jj) may be discharged into the sewerage system.
- (5) Admissibility - Limitations on Wastewater Strength. All constituents and characteristics which singularly or in combination may damage structures, impair the operation of the wastewater

treatment plant, 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.

- (6) 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 Section 2 of the City's Sewer Rate Ordinance (Section 10.08.020).
- A. a BOD₅ concentration in excess of 275 milligrams per liter;
or,
 - B. a suspended solids concentration in excess of 275 milligrams per liter.
- (7) 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:
- A. a temperature higher than 150° F (65.5° C);
 - B. a pH lower than 6.0 or higher than 9.0;
 - C. 0.20 mg/l cadmium;
 - D. 0.25 mg/l hexavalent chromium (Cr, VI) for one (1) day, or 0.09 mg/l hexavalent chromium for any thirty (30) consecutive day average;
 - E. 0.64 mg/l cyanide, total (CN, T) for one (1) day, or .024 mg/l cyanide total for any thirty (30) consecutive day average;
 - F. 1.00 mg/l lead;
 - G. 0.20 mg/l mercury;
 - H. 0.80 mg/l nickel;
 - I. 0.10 mg/l silver;
 - J. 0.50 mg/l zinc;
 - K. 200 mg/l oil and grease (animal or vegetable origin);
 - L. 100 mg/l oil and grease (mineral or petroleum origin);

- M. 1.0 mg/l phenolic compounds which cannot be removed by the City's wastewater treatment process;
 - N. any of the above, (1) through (12), in other concentration than stated above if applicable state or federal regulations or regulations of the Board, set different maximum concentrations;
 - O. 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;
 - P. 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.
- (8) Technological Findings. The limitations imposed in Section (g) (1) through (15), are found by the Common Council 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. 87-17, 1987) (Ord. 87-14, Article VI, 1987) (Ord. 87-12, Article VI, 1987)
- (9) Grease, Oil and Sand Interceptors. Such interceptors shall be provided at:
- A. all restaurants, and at
 - B. all industrial or commercial enterprises when, in the opinion of the City, they are necessary to contain grease, flammable wastes or sand and other harmful inert materials. All interceptors shall be approved by the City 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.
- (10) 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 City.

- (11) Right to reject waste. The City shall have the right to reject waste and prohibit the introduction of rejected waste into the sewerage system or the City 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. 87-14, Article VI, 1987) (Ord. 87-12, Article VI, 1987)

10.10.100 Penalties for violations.

- (1) Notice. Any user found to be violating any provision of Ordinance No. 87-14 (Chapter 10.10), the sewer use ordinance of the City, may be served by the Board of Public Works and Safety of the City (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. 87-15, S 1, 1987) (Ord. 87-12, Article VII, 1987)
- (2) Fines. Any user who shall violate any provisions of Ordinance No. 87-14 (Chapter 10.10) shall be guilty of an 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. 87-15, S 2, 1987) (Ord. 87-12, Article VII, 1987)
- (3) Liability. Any user violating any of the provisions of Ordinance No. 87-14 (Chapter 10.10) shall become liable to the Board for any expense, loss, or damage including attorneys' fees occasioned the Board by reason of such violation. (Ord. 87-15, S 3, 1987) (Ord. 87-12, Article VII, 1987)
- (4) Other remedies. Nothing in this chapter shall restrict any right which may be provided by statute or common law to the United States Environmental Protection Agency to bring other actions, at law or at equity. (Ord. 87-15, S 4, 1987) (Ord. 87-12, Article VII, 1987)

Chapter 10.60

STORM WATER PLAN

Sections:

10.60.010 Adoption of Storm Water Plan

10.60.010 Adoption of Storm Water Plan. The City Council of the City of Cannelton, Indiana approves and adopts the Storm Water Plan, prepared in 2007 by Bernardin Lochmueller & Associates, contingent upon comments and approval received from the Indiana Office of Community and Rural Affairs. The City of Cannelton will fully consider all comments and feedback received from the Indiana Office of Community and Rural Affairs and will amend the Storm Water Plan if necessary, to incorporate comments and feedback from the Indiana Office of Community and Rural Affairs. The City of Cannelton has copies of the Storm Water Plan in the City Hall for reference. (Res. 2007-03, June 18, 2007)

Chapter 10.63

STORM WATER RATES

Sections:

10.63.010	Storm Water Rates
10.63.020	Reasonable and Just
10.63.030	Billing, Penalty for unpaid charges
10.63.040	Effective

10.63.010 Storm Water Rates. For the use of and the service rendered by said Department of Storm Water Management, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that discharges storm water, either directly or indirectly, into the storm water system of the City, which rates and charges shall be based on Equivalent Residential Units (ERU) payable as hereinafter provided and shall be in an amount determinable as follows, based on the following descriptions:

<u>Type of Property</u>	<u>ERU</u>	<u>Monthly Charge</u>
Residential	1.0	\$ 2.00
Apartment:		
First 4 dwelling units	1.0	\$ 2.00
Each additional dwelling unit	1.0	\$ 2.00
Commercial	1.0	\$ 4.00
Industrial	1.0	\$20.00
Municipal	2.0	\$ 4.00

(Ord. 2016-05, S1, May 9, 2016)

10.63.020 Reasonable and Just. The City Council finds that the above rates and charges are nondiscriminatory, reasonable and just; provide sufficient revenue to pay all necessary expenses incident to the operation of the utility, including maintenance costs, operating charges, upkeep, repairs, and depreciation; provide adequate money for working capital; and meet all other requirements for rates and charges as are set forth in I.C. Section 8-1.5-3-8. (Ord. 2016-05, S2, May 9, 2016)

10.63.030 Billing, Penalty for unpaid charges. The rates and charges shall be prepared and billed by the City monthly, and shall be made a portion of the current water and sewage bill prepared by the City. This charge shall be paid, in arrears, by the 1st of the month following the service. Current charges unpaid by

the 15th of the billing month will be assessed a penalty of ten percent (10%). Said rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billing 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 collections records of the City for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made in the office in which said records are kept and during the hours that such office is open for business. If such charges are not paid within thirty (30) days after due, the amount of the charge, together with the penalty of ten percent (10%), any necessary attorney fees, and/or any necessary collection fees, may be recovered by the City. The monies collected under this ordinance shall be deposited in the Storm Water Revenue Fund. (Ord. 2016-05, S3, May 9, 2016)

10.63.040 Effective. This ordinance shall be in full force and effect from and after its passage; provided, however, that the schedule of rates and charges herein set forth shall be effective with the commencement of the June, 2016, billing.