

**TITLE 9**  
**PUBLIC UTILITIES**

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## Chapter 9.01

### UTILITY OVERSEER

#### Sections:

**9.01.010 Clerk-Treasurer is the overseer of the Town's utilities**

**9.01.010 Clerk-Treasurer is the overseer of the Town's utilities.** The Town Council made motion that the Clerk-Treasurer is to be the overseer of the Town's utilities and so passed in motion and adopted. This resolution is active as of Jan. 6, 1996. (Resolution 1996-1, Jan. 6, 1996)

## Chapter 9.03

### USE OF WATER SYSTEM AND WATER RATES AND CHARGES

#### Sections:

- 9.03.010 Provision for establishment of rates and charges**
- 9.03.020 Rates for metered usage**
- 9.03.030 Minimum charge**
- 9.03.035 Water leak adjustment**
- 9.03.040 Fire protection**
- 9.03.045 Unauthorized use of fire hydrants**
- 9.03.050 Automatic sprinklers**
- 9.03.060 Rates for water sold to other water companies**
- 9.03.070 Connection charge**
- 9.03.080 Collection or deferred payment charge**
- 9.03.090 Temporary users**
- 9.03.100 Service Reconnection Fee**
- 9.03.110 Water Vending Station**
- 9.03.150 Use of Portable Water Meters**
- 9.03.200 Hydrant rental by Town**

**9.03.010 Provision for establishment of rates and charges.** Pursuant to IC 8-1.5-3-8 ETAL there shall be and hereby confirmed and established for the use of and services rendered by the Town of English waterworks system to retail customers and institutional customers rates and charges based on the water supplied by said waterworks system. (Ord. 2008-04, S9.03.010, June 16, 2008) (Ord. 2004-14, S9.03.010, Dec. 13, 2004) (Ord. 81-14, July 15, 1981)

**9.03.020 Rates for metered usage.** The following are rates are hereby established for water usage:

Metered Usage Rate per 1,000 gallons

First	2,500 gallons	\$	8.05
Next	2,500 gallons		7.28
Next	10,000 gallons		6.76
Next	10,000 gallons		6.25
Next	25,000 gallons & over		5.74

\* Above rates subject to wholesale water costs tracking adjustment

(Ord. 2008-04, S9.03.020, June 16, 2008) (Ord. 2004-14, S9.03.020, Dec. 13, 2004)  
(Ord. 81-14, S1, July 15, 1981) (Ord. 81-8, S1, June 1, 1981)

**9.03.030 Minimum charge.** The following are the minimum charges for water usage:

A. Monthly Minimum Charge

5/8 and 3/4	inch meter	\$	20.13
1	inch meter		34.35
1 1/2	inch meter		59.32
2	inch meter		92.75
3	inch meter		136.83
4	inch meter		207.02
6	inch meter		311.73

\* Above rates subject to wholesale water costs tracking adjustment

(Ord. 2008-04, S9.03.030, June 16, 2008) (Ord. 2004-14, S9.03.030, Dec. 13, 2004)  
(Ord. 81-14, S1, July 15, 1981)

**9.03.035 Water leak adjustment.** There shall be a once-per-year water leak adjustment available to each customer account according to the following guidelines:

- A. There has been an executive metered usage of water obviously caused by a rupture in water line:
1. the previous three months usage will be averaged;
  2. the average usage will be subtracted from the excessive usage (meter readings);
  3. a credit adjustment will be allowed for 50% of the difference of the subtraction. (Res. 1996-03, March 16, 1996)

**9.03.040 Fire protection.** The following are the charges for fire hydrants:

<u>Fire Protection</u>	<u>Per Annum</u>
Public hydrants	\$ 24.98
Private hydrants	\$ 384.98

(Ord. 1999-11, S1, Dec. 16, 1999) (Ord. 81-14, S1, July 15, 1981)

**9.03.045 Unauthorized use of Fire Hydrants.** It shall be unlawful for any person to use, or take water from, any fire hydrant within the Town of English without the expressed authorization of the Town Board of English or anyone authorized by them to grant such authority. Violators of this ordinance will be subject to a maximum fine to \$250.00. (Ord. 1988-6, August 2, 1988)

**9.03.050 Automatic sprinklers.** The following are charges for automatic sprinkler systems:

Automatic Sprinklers

1	inch connection	\$ 10.70
1-1/4	inch connection	16.70
1-1/2	inch connection	24.05
2	inch connection	42.80
3	inch connection	96.25
4	inch connection	171.10
6	inch connection	385.00

(Ord. 81-14, S1, July 15, 1981)

**9.03.060 Rates for water sold to other water companies (Wholesale Users):**

Monthly Charge: \$200.00 plus \$4.84 per 1,000 gallons.

(Ord. 2008-04, S9.03.060, June 16, 2008) (Ord. 2004-14, S9.03.060, Dec. 13, 2004)  
(Ord. 81-14, S1, July 15, 1981)

**9.03.070 Connection charge.** Each user at the time he is connected with the waterworks system, shall pay a tapping fee to cover the cost of tapping the main, furnishing and laying service pipe, corporate and stop cocks, service and meter box, and installing the meter, the sum of \$500.00. All connections requiring a meter greater than 3/4 inch shall be charged the actual cost of connection, including labor, materials and equipment, but not less than \$500.00. (Ord. 2008-04, S9.03.070, June 16, 2008) (Ord. 2004-14, S9.03.070, Dec. 13, 2004) (Ord. 81-14, S1, July 15, 1981)

**9.03.080 Collection or deferred payment charge.** All bills for water service not paid within fifteen (15) days from the due date thereof, as stated in such bills, shall be subject

to a collection or deferred payment charge of ten percent on the first \$3.00 and three percent on the excess over \$3.00. (Ord. 81-14, S1, July 15, 1981)

**9.03.090 Temporary users.** Water furnished to temporary users, such as contractors, etc., shall be charged on the basis of the metered rates hereinbefore set forth as applied to the usage as determined by the water works superintendent. (Ord. 81-14, S1, July 15, 1981)

**9.03.100 Service Reconnection Fee.** In the event it is required that the water be turned off at the meter, either by request or failure to pay water bill when due, the user will be charged a fee of \$25.00 for such service and a fee of \$25.00 to turn the water back on if an additional trip of the system's employee is required. Such fee shall not be charged in the event the water must be turned off to repair a break in the line between the meter and the user's building. (Ord. 2008-04, S9.03.100, June 16, 2008) (Ord. 2004-14, S9.03.100, Dec. 13, 2004) (Ord. 81-14, S1, July 15, 1981)

**9.03.110 Water Vending Station.** There is hereby established a rate for sales at the water dispensing location at North Main Street in the amount of \$8.00 per 1,000 gallon. (Ord. 2008-04, S9.03.110, June 16, 2008) (Res. 2007-05, July 16, 2007) (Ord. 2004-14, S9.03.110, Dec. 13, 2004)

**9.03.150 Use of Portable Water Meters.**

A. Rules and Regulations

1. Portable Water Meters may be provided upon payment of \$50.00 for which \$25.00 is a one time per year user fee, plus a deposit of \$25.00;
2. Portable Water Meters are the property of the Town of English Water works Utility;
3. Permitted uses of a Portable Water Meter will include such outside uses as: watering of lawns and gardens, washing the family automobile, new construction, filling swimming pools, etc.;
4. The permitted usage will be deducted from the monthly sewage charge;
5. Any use inside the home will not be permitted;
6. Portable Water Meter adjustments will be given during the time period of April 1 until October 31 of each calendar year;

7. The customer shall be responsible for reporting the meter reading; customer must notify the Water works of the current monthly usage between the 18<sup>th</sup> and 24<sup>th</sup> of each month;
8. If the Water works deems the amount excessive an inspection of the meter may be requested;
9. Customer may keep, store or return the Portable Water Meter after November 1. If the customer keeps the meter the once a year charge is due by April 1 until the \$25.00 fee is paid no credit will be given;
10. If customer decides to maintain meter, meter must be kept inside and not left outside to freeze during the winter months;
11. Damages, theft, wear and tear of equipment shall be the responsibility of the customer;
12. Customer may return the meter after November 1<sup>st</sup> for a refund of deposit; Customer can still use one for the next season;
13. No adjustments will be made between November 1 and April 1 of each year;
14. Between November 1 and April 1, an inspection will be made by the Water works employees to inspect the meter readings, and equipment;
15. If a customer violates any of these rules or knowingly misrepresents the meter readings or abuses the equipment, the Town of English can and will revoke the customers privilege of a Portable Water Meter;
16. The tampering or altering of equipment shall terminate a customer's privilege and the forfeiture of all deposit fees;
17. The availability and use of a Portable Water Meter is a privilege and not a right, failure to abide by the rules of this ordinance will forfeit an individual's right to use a Portable Water Meter;
18. A copy of this ordinance shall be given to each customer upon payment of deposit for such meter.

The Town Council of the Town of English, hereby deems the above rules and regulations governing the use of Portable Water Meters are fair and reasonable. (Ord. 1998-2, Feb. 12, 1998)

**9.03.200 Hydrant rental by Town.** The Town of English will pay the Water works Utility a sum of \$10,000 per year for hydrant rental to be recorded as a payment in lieu of taxes, as provided by IC 8-1.5-3-8. (Ord. 1997-10, December 30, 1997)

## Chapter 9.04

### MUNICIPAL WATER WORKS BONDS

#### Sections:

<b>9.04.010</b>	<b>Issuance of Revenue Bonds</b>
<b>9.04.020</b>	<b>Improvements to Water works System</b>
<b>9.04.030</b>	<b>Amount of bonding</b>
<b>9.04.040</b>	<b>Fully Registered Bonds</b>
<b>9.04.050</b>	<b>Form and tenor of coupon bond</b>
<b>9.04.060</b>	<b>Form and tenor of fully registered bond</b>
<b>9.04.070</b>	<b>Maturing of bonds</b>
<b>9.04.080</b>	<b>Bonds signed and sealed by Town</b>
<b>9.04.090</b>	<b>Surrender of bonds</b>
<b>9.04.100</b>	<b>Preparation and delivery of bond</b>
<b>9.04.110</b>	<b>Deposit of Proceeds</b>
<b>9.04.120</b>	<b>Revenues from rates and charges to be kept separate</b>
<b>9.04.130</b>	<b>Water works Operation and Maintenance Fund</b>
<b>9.04.140</b>	<b>Water works Sinking Fund</b>
<b>9.04.150</b>	<b>Water works Improvement Fund</b>
<b>9.04.160</b>	<b>Bank accounts</b>
<b>9.04.170</b>	<b>Financial recordkeeping</b>
<b>9.04.180</b>	<b>Equitable rates and charges</b>
<b>9.04.190</b>	<b>Additional bonds</b>
<b>9.04.200</b>	<b>Interests of the bond holders</b>
<b>9.04.210</b>	<b>Farmers Home Administration covenants</b>
<b>9.04.220</b>	<b>Amending the provisions of Ordinance 81-9</b>
<b>9.04.230</b>	<b>Conflicting ordinance repealed</b>
<b>9.04.240</b>	<b>Effective date</b>

**9.04.010 Issuance of Revenue Bonds.** That the Town of English, being the owner of and engaged in operating a municipal water works furnishing the public water supply to said Town and its inhabitants, now provide for certain needed improvements to such water works and the financing thereof, by the issuance of revenue bonds pursuant to and in the manner prescribed by Chapter 76 of the Acts of 1913, and the acts amendatory thereof and supplemental thereto (sometimes hereinafter referred to as the "Act"), which revenue bonds shall be payable solely out of the net earnings (herein defined as gross revenues after deduction only for the reasonable expenses of operation and maintenance) of said water works, including all extensions thereof and additions and improvements thereto subsequently constructed or acquired, subject, however, to the prior payment from said net earnings of the principal and interest of outstanding water works revenue bonds, dated February 4, 1959, October 21, 1964 and August 28, 1973. (Ord. 81-9, S1, June 1, 1981)



**9.04.020 Improvements to Water works System.** That said improvements include a raw water intake and transmission main, a new treatment plant, storage facilities, construction of a distribution main extension, and installation of proper appurtenances, which improvements shall be constructed and installed in accordance with the plans and specifications theretofore prepared by Sieco, Inc., consulting engineers of Columbus and Madison, Indiana, employed by said Town, which plans and specifications are hereby approved. The board of trustees hereby declares that the period of usefulness of said water works to be constructed pursuant to this ordinance will be at least forty (40) years from the date of completion. (Ord. 81-9, S2, June 1, 1981)

**9.04.030 Amount of bonding.** The Town shall issue its water works revenue bonds in the amount of three hundred seventy-five thousand (\$375,000) dollars for the purpose of producing funds to apply on the cost of said works, as defined in Section 1 of the Act.

Except as is provided in Section 9.04.040 hereof, said bonds shall be issued in the denomination of one thousand (1,000) dollars each, numbered consecutively from C-1 up, dated as of the date of initial delivery of said bonds, and shall bear interest at a rate or rates not exceeding five percent (5%) per annum, payable annually on January 1 in each year, beginning on January 1, 1982. Such interest shall be evidenced by coupons attached to said bonds. Both bonds and interest coupons shall be payable in such coin or currency as at the time of payment shall be legally acceptable for payment of debts due the United States of America at the English State Bank, in the Town of English, Indiana, or, at the option of the holder, at such bank in the City of Indianapolis, Indiana, as may be designed by the original purchaser, other than an agency of the United States, who purchases the issue, subject to approval by the Town, and such bonds shall mature serially in numerical order on January 1 in the years and amounts as follows:

<u>Years</u>	<u>Amounts</u>	<u>Years</u>	<u>Amounts</u>
1982	\$ 0	2002	\$ 9,000
1983	0	2003	10,000
1984	1,000	2004	10,000
1985	1,000	2005	11,000
1986	1,000	2006	11,000
1987	1,000	2007	12,000
1988	1,000	2008	13,000
1989	1,000	2009	13,000
1990	1,000	2010	14,000
1991	1,000	2011	15,000
1992	1,000	2012	15,000
1993	1,000	2013	16,000
1994	1,000	2014	17,000
1995	7,000	2015	18,000
1996	7,000	2016	18,000
1997	7,000	2017	20,000
1998	8,000	2018	20,000

1999	8,000	2019	22,000
2000	9,000	2020	22,000
2001	9,000	2021	23,000

(Ord. 81-9, S3, June 1, 1981)

**9.04.040 Fully Registered Bonds.** Notwithstanding the provisions of Section 9.04.030 hereof, at the option of an original purchaser of the bonds, fully registered bonds without coupons, dated as of date or dates of delivery shall be issued in lieu of coupon bonds in the denomination of one thousand (1,000) dollars each, or in denominations equal to the total principal maturing on each January 1, or in a denomination equal to the aggregate principal amount of the issue. Any fully registered bonds shall be numbered consecutively from R-1 up. Principal of said fully registered bonds shall, subject to prior prepayment as hereinafter provided, fall due on such dates and in such amounts as correspond to the amounts and dates of maturities set forth in Section 9.04.040. Interest on unpaid installments of principal of fully registered bonds shall be payable annually on the first day of January in each year until the principal amount thereof has been paid. Both principal and interest shall be payable to the holder appearing as registered owner thereof on said bond and on the registration record of the Town, by check or draft, mailed or delivered to such registered owner at the address as it appears on the registration books of the Town unless otherwise directed in writing by the registered owner; provided, that at the time of final payments, said fully registered bond or bonds must be delivered to the Town. The party in whose name said bonds shall be registered shall be deemed the absolute owner for all purposes and payments to such owner shall completely discharge the Town's obligations.

Fully registered bonds may be transferred upon proper execution of an assignment by the registered owner and presentation of the bond and the executed assignment to the clerk-treasurer of the Town for notation of the transfer upon the bond and upon the registration record of the Town.

Any prepayments of installments of principal shall also be noted on the prepayment record attached to such bonds when presented for such prepayments as hereinafter provided. (Ord. 81-9, S4, June 1, 1981)

**9.04.050 Form and tenor of coupon bond.** The form and tenor of said coupon bonds, the interest coupons to be attached thereto, and the form of registry endorsement thereon shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof.

(Form of Bond with Coupons Attached)

UNITED STATES OF AMERICA

State of Indiana

County of Crawford

No. C. \_\_\_\_\_

\$1,000

TOWN OF ENGLISH  
WATER WORKS REVENUE BOND

The Town of English, in Crawford County, State of Indiana, for value received, hereby promises to pay to the bearer or if this bond be registered then to the registered holder, solely out of the special revenue fund hereinafter referred to, the principal amount of \_\_\_\_\_ on January 1, 19\_\_ (unless this bond be subject to and called for redemption prior to maturity as hereinafter provided), and to pay interest thereon from the date hereof until the principal is paid at the rate of \_\_\_\_\_ percent (\_\_\_\_%) per annum, payable on January 1 in each year, beginning on January 1, 1982, upon presentation and surrender of the annexed coupons as they severally become due.

Both principal and interest of this bond are payable in such coin or currency as at the time of payment shall be legally acceptable for payment of debts due the United States of America, at the \_\_\_\_\_, in the \_\_\_\_\_ of \_\_\_\_\_, Indiana, or, at the option of the holder, at the principal office of \_\_\_\_\_, in the City of Indianapolis, Indiana.

This bond is one of an authorized issue of the Town, in the aggregate principal amount of three hundred seventy-five thousand (\$375,000) dollars, issued for the purpose of providing funds to apply on the cost of water works, as authorized by an ordinance adopted by the board of trustees of the Town of \_\_\_\_\_, 19 \_\_, entitled \_\_\_\_\_ and in strict compliance with the provisions of Chapter 2, Article 1, Title 8 of the Indiana Code, and all acts supplemental thereto.

Pursuant to the provisions of said act and said ordinance, the principal and interest of this bond and all other bonds of said issue, and any bonds ranking on a parity therewith, are payable solely from the Water Works Sinking Fund to be provided from the net revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) of the water works of the Town, including the works constructed or acquired by the use of the proceeds of this bond and the issue of which it is a part, and all additions and improvements thereto and replacements thereof subsequently constructed or acquired. This bond shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the constitution of the State of Indiana, and the Town shall not be obligated to pay this bond or the interest thereon except from said special fund provided from said net revenues.

The Town irrevocably pledges the entire net revenues of said water works to the prompt payment of the principal and interest of the bonds issued on account of the construction of said water works, of which this bond is one, and any bonds ranking on a parity therewith, to the extent necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of said works, and for the payment of the sums required to be paid into said Sinking Fund under the provisions of said act. In the event the Town, or the proper officers thereof, shall fail or refuse to do so fix, maintain and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this bond, the holder of this bond shall have all of the rights and remedies provided for in the act, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of this bond and the interest thereon.

The Town further covenants that it will set aside and pay into its Water Works Sinking Fund a sufficient amount of the net revenues of said works to meet (a) the interest on this bond and all other bonds which, by their terms, are payable from the revenues of said water works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying the bonds and interest, (c) the principal of this bond and all other bonds payable from the revenues of said water works, as such principal shall fall due, and (d) an additional amount as a margin of safety to create the reserve required by the ordinance authorizing the issuance of this bond. Such required payments shall constitute a first charge upon all the net revenues of said works, subject to prior servicing of now outstanding bonds.

This bond and all other bonds of said issue shall have all the qualities and incidents of negotiable instruments under the laws of the State of Indiana, subject to the provisions for registration. This bond may be registered as to principal at the office of the clerk-treasurer in the Town of English, Indiana, in the name of the owner hereof, and such registration noted hereon. Thereafter no transfer hereof shall be valid unless made at said office by the registered owner in person or by his duly authorized attorney and similarly noted hereon, but this bond may be discharged from registration by being in like manner transferred to bearer and may again from time to time be registered or transferred to bearer as before. Such registration shall not restrict or affect the negotiability of the interest coupons hereto attached by delivery only, but such interest coupons shall always be payable to bearer.

The bonds of this issue maturing on January 1, 1984, and thereafter, are redeemable at the option of the Town from any funds regardless of source, in whole, or from time to time in part, in reverse numerical order, on January 1, 1982, or any interest payment date thereafter, at the principal amount thereof and accrued interest to the date fixed for redemption and shall be published at least one time in a newspaper published in and of general circulation in the Town, not less than thirty (30) days prior to the date fixed for redemption.

After notice of redemption shall also be published in The Indianapolis Commercial, or in the event of suspension of publication of such newspaper then in another newspaper or financial journal published in the City of Indianapolis, Indiana, by two (2) insertions, the first to be at least thirty (30) days prior to the date fixed for redemption and the second to be not more than thirty (30) days nor less than fifteen (15) days prior to the date fixed for redemption. A like notice shall be sent by mail to the holders of such bonds as are then registered. Interest on bonds so called for redemption shall cease on the redemption date fixed in said notice, if funds are available at the place of redemption to pay the redemption price on the date so named and when presented for payment. If any unmatured bond and coupon or coupons so called for redemption shall not be presented on the date fixed for redemption at the place of redemption, the Town may place in trust at the bank constituting the place of redemption sufficient funds to effect such redemption, and thereafter the holder of such bond and coupon or coupons shall be entitled to payment only from such trust funds and the redemption thereof shall be deemed to have been effected and the bonds no longer outstanding.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

IN WITNESS WHEREOF, the Town of English, Indiana, State of Indiana, has caused this bond to be executed in its corporate name by the president of its board of trustees, its corporate seal to be hereunto affixed and attested by its clerk-treasurer, and the interest coupons hereto attached to be executed by placing thereon the facsimile signature of the clerk-treasurer, as of \_\_\_\_\_, 19\_\_.

TOWN OF ENGLISH

BY \_\_\_\_\_  
President  
Board of Trustees

(Seal)

Attest:

\_\_\_\_\_  
Clerk-Treasurer

Coupon No.

On \_\_\_\_\_ (unless the bond herein mentioned shall have been called for previous redemption), the Town of English, Indiana, will pay to bearer at the \_\_\_\_\_, in the \_\_\_\_\_ of \_\_\_\_\_, Indiana, or at the option of the holder, at \_\_\_\_\_, in the City of Indianapolis, Indiana, out of its Water Works Sinking Fund, the amount shown hereon in such coin or currency as at the time of payment shall be legally acceptable for payment of debts due the United States of America, being the interest then due on its Water Works Revenue Bond, dated \_\_\_\_\_.

TOWN OF ENGLISH

BY \_\_\_\_\_  
 (Facsimile)  
 Clerk-Treasurer

(Form of Registration)

REGISTRATION ENDORSEMENT

This bond can be registered only at the office of the clerk-treasurer, in the \_\_\_\_\_ of \_\_\_\_\_, Indiana. No writing hereon except by the clerk-treasurer.

<u>Date of</u> <u>Registry</u>	<u>In Whose Name</u> <u>Registered</u>	<u>Clerk-</u> <u>Treasurer</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Ord. 81-9, S5, June 1, 1981)

**9.04.060 Form and tenor of fully registered bond.** The form and tenor of said fully registered bonds and the transfer registry thereon shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof:

(Form of Fully Registered Bond)

UNITED STATES OF AMERICA

State of Indiana

County of Crawford

No. C. \_\_\_\_\_

TOWN OF ENGLISH  
WATER WORKS REVENUE BOND

The Town of English, Indiana, in Crawford County, State of Indiana, for value received, hereby promises to pay to the registered holder solely out of the special revenue fund hereinafter referred to, the principal amount of \_\_\_\_\_ on January 1 in the years and in installments as follows:

Years

Principal Amount

(subject to any prepayments of principal as hereinafter provided) and to pay interest on the unpaid balance thereof from the dates of payments to the Town for this bond as recorded hereon, until the principal is paid, at the rate of five percent (5%) per annum, payable annually on January 1 of each year, beginning January 1, 1984.

Both principal and interest of this bond are payable in lawful money of the United States of America, by check or draft mailed or delivered to the registered owner at the address of said owner as it appears on the registration records of the Town. Upon final payment, this bond shall be delivered to the Town.

This bond is the only one of an authorized issue of the Town, in the aggregate principal amount of three hundred, seventy five thousand (\$375,000) dollars, issued for the purpose of providing funds to be applied on the cost of renovation, expansion and improvement of a water works, as authorized by an ordinance adopted by the board of trustees of the Town on the 1<sup>st</sup> day of June 19981, entitled "An Ordinance concerning the construction and operation by the Town of English, Indiana, water works, the issuance of revenue bonds to apply on the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the holders of said bonds, and other matters connected therewith," and in strict compliance with the provisions of Chapter 2, Article 1, Title 8 of the Indiana Code.

Pursuant to the provisions of said act and said ordinance, the principal and interest of this bond is payable solely from the Water Works Sinking Fund created by the ordinance authorizing the issuance of this bond to be provided from the net revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) of the water works of the Town, including the works constructed or acquired by the use of the proceeds of this bond, and all improvements and

extensions thereto and replacements thereof subsequently constructed or acquired. This bond shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the Constitution of the State of Indiana, and the Town shall not be obligated to pay this bond or the interest thereon except from said special fund provided from said net revenues.

The Town irrevocably pledges the entire net revenues of said water works subject only to a preexisting bond indebtedness to the prompt payment of the principal and interest of this bond issued on account of the renovation, expansion and improvement of its water works, and any bonds ranking on a parity therewith, to the extent necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of said works, and for the payment of the sums required to be paid into the sinking fund under the provisions of said act. In the event the Town, or the proper officers thereof, shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this bond, the holder of this bond shall have all of the rights and remedies provided for in said Chapter 2, Article 1, Title 8 of the Indiana Code, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of this bond and the interest thereon.

The Town further covenants that it will set aside and pay into its Water Works Sinking Fund a sufficient amount of the net revenues of said works to meet (a) the interest on this bond and all other bonds which, by their terms, are payable from the revenues of said water works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying all bonds and interest, (c) the principal of this bond and all other bonds payable from the revenues of said water works, as such principal shall fall due, and (d) an additional amount as a margin of safety to create the reserve required by the ordinance authorizing the issuance of this bond. Such required payments shall constitute a first charge upon all the net revenues of said works.

This bond may be transferred upon presentation of the bond and an executed assignment to the clerk-treasurer of the Town for notation of the same upon this bond and the registration record of the Town kept for that purpose.

As provided in the ordinance authorizing the issuance of this bond and subject to the terms and conditions therein, this fully registered bond is exchangeable for coupon bonds at the option and expense of the registered holder.

Installments of principal of this registered bond maturing January 1, 1984, and thereafter, may, at the option of the Town, be repaid in whole or in part, on January 1, 1982, or any interest payment date thereafter, in any multiples of one thousand dollars (\$1,000), upon thirty (30) days' notice to the registered owner, at par and accrued interest to the date of prepayment. Interest on the installments of principal so prepaid shall cease on the date of



prepayment. This bond must be presented at the office of the clerk-treasurer for any such prepayments.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

IN WITNESS WHEREOF, the Town of English, State of Indiana, has caused this bond to be executed in its corporate name by the president of its board of trustees and its corporate seal to be hereunto affixed and attested by its clerk-treasurer as of \_\_\_\_\_, 19\_\_\_\_.

TOWN OF ENGLISH

BY \_\_\_\_\_  
President  
Board of Trustees

(Seal)

Attest:

\_\_\_\_\_  
Clerk-Treasurer

(Form of Registration)

REGISTRATION ENDORSEMENT

This bond can be transferred and registered only at the office of the clerk-treasurer, in the \_\_\_\_\_ of \_\_\_\_\_, Indiana, No writing hereon except by the clerk-treasurer.

<u>Date of Registration</u>	<u>In Whose Name Registered</u>	<u>Clerk- Treasurer</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

RECORD OF PAYMENT FOR BOND

<u>Date of Payment</u>	<u>Amount</u>	Acknowledgement Of Receipt of <u>Treasurer</u>
------------------------	---------------	--

PREPAYMENT RECORD

Principal Installments on which Payments  
Have Been Made Prior to Maturity

Principal Authorized				Name
Date Amount	Principal Payment	Balance	Date Paid	Official and Title

(Note: This should be a separate sheet.) (Ord. 81-9, S6, June, 1981)

**9.04.070 Maturing of bonds.** The coupon bonds, and installments of principal of fully registered bonds, of this issue maturing on January 1, 1984, and thereafter, shall be redeemable at the option of the Town from any funds regardless of source, in whole, or from time to time in part, on January 1, 1982, or any interest payment date thereafter, at the principal amount thereof and accrued interest to the date fixed for redemption, without any premium. Redemptions of coupon bonds, or prepayments of installments of principal of fully registered bonds, shall be made in inverse chronological order of maturities outstanding at the time of redemption or prepayment, and in inverse numerical order for coupon bonds if less than an entire maturity is called. Notice of redemption of coupon bonds shall be published at least one (1) time in a newspaper of general circulation in the Town not less than thirty (30) days prior to the date fixed for redemption. Said notice of redemption of coupon bonds shall also be published in The Indianapolis Commercial, or in the event of suspension of publication of such newspaper then in another newspaper or financial journal published in the City of Indianapolis, Indiana, by two (2) insertions, the first to be at least thirty (30) days prior to the date fixed for redemption and the second to be not more than thirty (30) nor less than fifteen (15) days prior to the date fixed for redemption. Notice shall be given by registered mail, postmarked at least thirty (30) days prior to the date of redemption or prepayment, to the registered holder at his address as shown on the registration record of the Town in the event of redemption of a registered coupon bond or prepayment of principal on a fully registered bond. The notice shall specify the date and place of redemption or prepayment, the serial numbers of the bonds called for redemption, or subject to prepayment, and identification of installments of principal to be prepaid. The place of redemption of coupon bonds may be any bank where principal of bonds of this issue is payable. The place of prepayment of installments of principal on fully registered bonds shall be the office of the treasurer of the Town who shall record the prepayments on the bonds.

Interest on the bonds so called for redemption, or on installments of principal to be prepaid, shall cease on the date fixed in such notice if sufficient funds are available at the place of redemption or prepayment to pay the price on the date so named, including interest to said date. If any unmatured coupon bond and coupon or coupons so called for redemption, or any fully registered bond called for prepayment, shall not be presented on the date and at the place designated, the Town may place in trust at the bank constituting the place of redemption, or in the case of fully register bonds called for prepayment the Town shall hold in trust, in the Town's depository bank, sufficient funds to effect such redemption, or prepayment in full, and thereafter the holder of such bond and coupon and coupons shall be entitled to payment only from such trust funds and the redemption or prepayment thereof shall be deemed to have been effected and the bonds no longer outstanding. (Ord. 81-9, S7, June 1, 1981)

**9.04.080 Bonds signed and Sealed by Town.** Said bonds shall be signed in the name of English, Indiana, by the president of the board of trustees and attested by the clerk-treasurer, who shall affix the seal of said Town to each of said bonds. Any interest coupons attached to said bonds shall be executed by placing thereon the facsimile signature of the clerk-treasurer, and said official, by the signing of said bonds, shall adopt as and for his own proper signature his facsimile signature appearing on said coupons. Subject to the provisions for registration, said bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana.

The coupon bonds shall be negotiable by delivery unless registered as to principal. Upon presentation of any of the coupon bonds at the office of the clerk-treasurer, said clerk-treasurer shall register said bonds as to principal. Registration shall occur at no charge or expense to the holder. Such registry shall be noted on each bond so presented, after which no transfer thereof shall be valid unless made by the registered owner in person or by his attorney duly authorized and similarly noted on such bond, but coupon bonds so registered may be discharged from registry by being in like manner retransferred to bearer, after which they shall be transferable by delivery but may again be registered as before. The registration of a coupon bond shall not affect the negotiability of the interest coupons attached thereto, but such coupons shall continue to pass by delivery merely and shall remain payable to bearer.

All bonds of this issue, and any bonds ranking on a parity therewith as to both principal and interest, shall be payable from and secured by an irrevocable pledge of and shall constitute a first charge upon all the net revenues except payment previously pledged on prior bond issues (herein defined as gross revenues after deduction only for the payment of the reasonable expense of operation, repair and maintenance) of the water works of the Town, including the works herein authorized to be acquired and constructed and all additions and improvements thereto and replacements thereof subsequently constructed or acquired. The Town shall not be obligated to pay said bonds or the interest thereon except from the net revenues of said works, and said bonds shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the Constitution of the State of Indiana. (Ord. 81-9, S8, June 1, 1981)

**9.04.090 Surrender of bond.** Upon surrender of a fully registered bond at the office of the clerk-treasurer of the Town, or at such other place as may be agreed upon by and between the Town and the registered owner, together with a request for exchange duly executed by the registered owner, or his attorney, in such form as shall be satisfactory to the Town, such bond may, at the option and expense of the registered owner hereof, be exchanged for coupon bonds in an aggregate amount equal to the then unpaid principal amount and with maturities corresponding to the unpaid principal installments of the fully registered bond, in the denomination of one thousand dollars (\$1,000) each, bearing the same rate of interest payable annually on January 1, with coupons attached representing all unpaid interest due or to become due thereon. On the surrender of such fully registered bond without coupons and the filing of a request for exchange, the Town shall execute the deliver such coupon bonds in accordance with the request for exchange and in the form of bond substantially as set forth in Section 5 thereof. Said coupon bonds shall be issued within sixty (60) days from the date of the filing of the request for such exchange. Any fully registered bond surrendered for exchange shall upon delivery of the coupon bonds, be forthwith cancelled by the Town. (Ord. 81-9, S9, June 1, 1981)

**9.04.100 Preparation and delivery of bonds.** The treasurer is hereby authorized and directed to have said bonds and coupons prepared, and the president of the board of trustees and the clerk-treasurer are hereby authorized and directed to execute said bonds and any interest coupons to be attached thereto in the form and manner herein provided. The treasurer is hereby authorized and directed to deliver said bonds to the purchasers thereof after sale made in accordance with the provisions of this ordinance. At the time of said delivery, the treasurer shall collect the full amount which the purchaser, or purchasers, have agreed to pay therefore, which shall not be less than the face value of said bonds; provided that if the best bid received is from an agency of the United States of America, the treasurer is authorized to receive payment for the bond or bonds in installments over a period corresponding to the construction period. The bonds herein authorized, when fully paid for and delivered, shall be the binding special revenue obligations of the Town, payable out of the revenues of the water works to be set aside into the Water Works Sinking Fund as herein provided, and the proceeds received from the sale of said bonds shall be and are hereby set aside for application on the cost of acquisition, construction and installation of said water works hereinbefore referred to, and the expenses necessarily incurred in connection therewith. The proper officers of the Town are hereby directed to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance. (Ord. 81-9, S10, June 1, 1981)

**9.04.110 Deposit of Proceeds.** Any premium received at the time of delivery of the bonds shall be deposited in the Water Works Sinking Fund hereinafter created and credited to the bond and interest account thereof. The remaining proceeds from the sale of said bonds shall be deposited in the English State Bank, in the Town of English, Indiana in a special account or accounts, separate and apart from other bank accounts of the Town, to be designated as "Town of English, Water Works Construction Accounts". All monies deposited to the credit of said Water Works Construction Account shall be deposited, held, secured or invested in direct obligations of the United States of America,

in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly Chapter 1, Article 13, Title 5 of the Indiana Code, as it may be supplemented. Any income from such investment shall become a part of the Water Works Construction Account. The funds in said special account or accounts shall be expended only for the purpose of paying the cost of the works, as defined in the Act, or as otherwise required by said Act. Any balance or balances remaining unexpended in such special account or accounts of the Water Works Construction Account, after completion of the works, which are not required to meet unpaid obligations incurred in connection with such construction, shall, within sixty (60) days after completion of the project, be deposited in the Water Works Sinking Fund, credited to the Debt Service Reserve Account thereof, and shall be used solely for the purposes of said fund. (Ord. 81-9, S11, June 1, 1981)

**9.04.120 Revenues from rates and charges to be kept separate.** As soon as the water works becomes revenue producing, all revenues derived from the operation of the water works and from the collection of water rates and charges shall be segregated and kept separate and apart from all other funds and bank accounts of the Town. Out of said revenues the proper and reasonable expenses of operation, repair and maintenance of the works shall be paid, the principal and interest of all bonds and fiscal agency charges of bank paying agents shall be paid, and the costs of replacements, extensions, additions and improvements shall be paid as hereinafter provided. No monies derived from the revenues of the water works shall be transferred to the general fund of the Town or be used for any purpose not connected with the water works so long as any bonds payable from the revenues of the water works are outstanding. (Ord. 81-9, S12, June 1, 1981)

**9.04.130 Water Works Operation and Maintenance Fund.** There is hereby created a fund to be known as the "Operation and Maintenance Fund," to which fund there shall be credited as of the last day of each calendar month a sufficient amount of the revenues of the water works so that the balance in said fund shall be sufficient to pay the expenses of operation, repair and maintenance for the then next succeeding two (2) calendar months. The monies credited to this fund shall be use for the payment of the reasonable and proper operation, repair, and maintenance expenses of the water works on a day-to-day basis, but none of the monies in such fund shall be used for depreciation, replacements, improvements, extensions or additions. Any balance in said fund in excess of the expected expense of operation, repair and maintenance for the next succeeding month may be transferred to the Water Works Sinking Fund if necessary to prevent a default in the payment of principal or interest on the outstanding bonds. (Ord. 81-9, S13, June 1, 1981)

**9.04.140 Water Works Sinking Fund.**

- A. There is hereby created a sinking fund for the payment of the principal of and interest on revenue bonds which by their terms are payable from the revenues of the water works, and the payment of any fiscal agency charges in connection with the payment of bonds and interest coupons, which fund shall be designated the "Water Works Sinking Fund." There shall be set

aside and deposited in said sinking fund, as available, and as hereinafter provided a sufficient amount of the net revenues of said water works (defined as gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) to meet the requirements of the bond and interest account and of the debt service reserve account hereby created in said Water Works Sinking Fund. Such payment shall continue until the balance in the bond and interest account, plus the balance in the debt service reserve account hereinafter created, equal the principal of and interest on all of the then outstanding bonds to the final maturity thereof.

1. Bond and Interest Account. As soon as the water works becomes revenue producing, there shall be credited on the first day of each calendar month to the bond and interest account an amount equal to the sum of one-tenth (1/10) of the interest on all then outstanding bonds payable on the then next succeeding interest payment date, and one-tenth (1/10) of the amount of principal payable on the then outstanding bonds which will be payable on the then next succeeding principal payment date, until the amount to interest and principal payable on the then next succeeding respective principal and interest payment dates shall have been so credited. There shall similarly be credited to the account any amount necessary to pay the bank fiscal agency charges for paying principal and interest on the bonds as the same become payable. The Town shall, from the sums deposited in the Water Works Sinking Fund and credited to the bond and interest account, remit promptly to the registered owner or to the bank fiscal agency sufficient monies to pay the principal and interest on the due dates thereof together with the amount of bank fiscal agency charges.
  
2. Debt Service Reserve Account. On the first day of each calendar month, after making the credits to the bond and interest account, there shall be credited from available net revenues to the debt service reserve account the sum of three hundred dollars (\$300.00), or such higher amount as may be fixed from time to time by the board of trustees of the Town. Said credits to the debt service reserve account shall continue until the balance therein shall equal not less than the maximum annual principal and interest requirements of the then outstanding bonds payable from the Water Works Sinking Fund. The debt service reserve account shall constitute the margin for safety and as protection against default in the payment of principal of and interest on the bonds, and the monies in the debt service reserve shall be used to pay current principal and interest on the bonds to the extent that monies in the bond and interest account are insufficient for that purpose. Any deficiencies in credits to the debt service reserve account shall be

promptly made up from the next available net revenues remaining after credits into the bond and interest account. In the event monies in the debt service reserve account are transferred to the bond and interest account to pay principal and interest on bonds, then such depletion of the balance in the debt service reserve account shall be made up from the next available net revenues after the credits into the bond and interest account hereinbefore provided for. Any monies in the debt service reserve account in excess of the maximum annual principal and interest requirements of the then outstanding bonds may be used for the redemption of coupon bonds or prepayment of installments of principal on fully registered bonds which are then callable or prepayable, or for the purchase of outstanding bonds or installments of principal of fully registered bonds at a price not exceeding par and accrued interest, or may be transferred to the Water Works Improvement Fund. (Ord. 81-9, S14, June 1, 1981)

**9.04.150 Water Works Improvement Fund.** After meeting the requirements of the operation and maintenance fund, and the Water Works Sinking Fund, any excess revenues may be transferred or credited to a fund designated the “Water Works Improvement Fund,” and said fund shall be used for improvements, replacements, additions and extensions of the water works. Monies in the water works improvement fund shall be transferred to the Water Works Sinking Fund if necessary to prevent a default in the payment of principal and interest on the then outstanding bonds or, if necessary, to eliminate any deficiencies in credits to or minimum balance in the debt service reserve account for the Water Works Sinking Fund. (Ord. 81-9, S15, June 1, 1981)

**9.04.160 Bank accounts.** The Water Works Sinking Fund shall be deposited in and maintained as a separate bank account or accounts apart from all other bank accounts of the Town. The operation and maintenance fund and the water works improvement fund may be maintained in a single bank account, or accounts, but such bank account, or accounts, shall likewise be maintained separate and apart from all other bank accounts of the Town and apart from the Water Works Sinking Fund bank account or accounts. All monies deposited in said bank accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana; provided that monies therein may be invested in obligations in accordance with the applicable laws, including particularly Chapter 1, Article 13, title 5 of the Indiana Code, as amended or supplemented, and in the event of such investment the income therefrom shall become a part of the funds invested and shall be used only as provided in this ordinance. (Ord. 81-9, S16, June 1, 1981)

**9.04.170 Financial Recordkeeping.** The Town shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected from said works and all disbursements made on account of the works, also all transactions relating to said works.

There shall be prepared and furnished to the original purchasers of the bonds, and upon written request, to any subsequent holder of the bonds, not more than ninety (90) days after the close of each fiscal year, complete operating income and expense statements of the works, covering the preceding fiscal year and the balances in the several funds and accounts created by this ordinance. The fiscal year of the water works shall be from January 1 to December 31, both inclusive. Copies of all such statements and reports, together with all audits of the water works made available to the Town by the Indiana State Board of Accounts or any successor body authorized by law to audit municipal accounts, shall be kept on file in the office of the clerk-treasurer. Any holder or holders of the bonds then outstanding shall have the right at all reasonable times to inspect the works and all records, accounts, statements, audits, reports and date of the Town relating to the water works. Such inspections may be made by representatives duly authorized by written instrument. (Ord. 81-9, S17, June 1, 1981)

**9.04.180 Equitable rates and charges.** The Town covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by said works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said water works by or through any part of the sewerage system of the Town, or that in any way uses or is served by such works, that such rates or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair, replacement and maintenance of the works, and for the payment of the sums required to be paid into the Water Works Sinking Fund by this ordinance and by the Act. Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance, and said requirements of the Water Works Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the Town and all departments thereof as the charges accrue. (Ord. 81-9, S18, June 1, 1981)

**9.04.190 Additional bonds.** The Town reserves the right to authorize and issue additional bonds, payable out of the revenues of its water works, ranking on a parity with the bonds authorized by this ordinance to complete the planned project, according to the plans and specifications upon certification of the engineer of the amount necessary without any further conditions; or for the purpose of financing the cost of future additions, extensions and improvements to the water works, subject to the following conditions:

- A. The interest on and principal of all bonds payable from the revenues of the water works shall have been paid to date in accordance with the terms thereof and the amounts required to be paid into the Water Works Sinking Fund and the accounts thereof shall have been paid.
- B. The net revenues of the water works in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the bonds authorized by this ordinance shall not be less than one hundred twenty percent (120%) of the maximum annual interest and principal



requirements of the then outstanding bonds and the proposed additional parity bonds to the final maturity of the then outstanding bonds. For purposes of this subsection, the records of the water works shall be analyzed and all showings shall be prepared by a certified public accountant retained by the Town for that purpose.

- C. The interest on the additional parity bonds shall be payable annually on January 1, and the principal shall be payable annually on January 1 in the years in which principal and interest are payable.

Parity bonds may also be issued to refund less than all of the then outstanding bonds issued pursuant to this ordinance or ranking on a parity therewith, but any such refunding bonds shall be subject to the conditions in this section unless the bonds being refunded mature within three (3) months of the date of such refunding and no other funds are available to pay such maturing bonds. In computing the maximum annual interest and principal requirements pursuant to subsection (b), the interest on and principal of the refunding bonds shall be substituted for the interest on and principal of the bonds being refunded. (Ord. 81-9, S19, June 1, 1981)

**9.04.200 Interests of the bond holders.** For the purpose of further safeguarding the interests of the holders of the bonds herein authorized, it is specifically provided as follows:

- A. All contracts let by the Town in connection with the construction of said water works shall be let after due advertisement as required by the laws of the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to one hundred percent (100%) of the amount of such contracts, to insure the completion of said contracts, in accordance with their terms, and such contractors shall also be required to carry such employers' liability and public liability insurance as are required under the laws of the State of Indiana in the case of public contracts, and shall be governed in all respects by the laws of the State of Indiana relating to public contracts.
- B. The works shall be constructed under the supervision and subject to the approval of Mid-Western Engineers, Inc., or such other competent engineer as shall be designated by the Town. All estimates for work done or material furnished shall first be checked by the engineer and approved by the Town prior to payment therefor.
- C. The Town shall at all times maintain its water works in good condition and operate the same in an efficient manner and at a reasonable cost.
- D. So long as any of the bonds herein authorized are outstanding, the Town shall maintain insurance on the insurable parts of said works of a kind and

in an amount such as would normally be carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. Insurance proceeds shall be used in replacing or repairing the property destroyed or damaged; or if not used for that purpose shall be deposited in the Water Works Sinking Fund and credited to the debt service reserve account.

- E. So long as any of the bonds are outstanding, the Town shall not mortgage, pledge or otherwise encumber such works, or any part thereof, nor shall it sell, lease or otherwise dispose of any portion thereof except equipment or property which may become worn out, obsolete or no longer suitable for use in the water works.
- F. Except as hereinbefore provided in Section 9.04.190, so long as any of the bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said water works shall be authorized, executed or issued by the Town except such as shall be made subordinate and junior in all respects to the bonds herein authorized, unless all of the bonds herein authorized have been duly called for redemption and sufficient funds to effect the redemption on the date fixed for redemption in accordance with the terms and conditions of said bonds and this ordinance.
- G. The Town shall take all action or proceedings necessary and proper to require connection of all property where liquid and solid waste, water, night soil, or industrial waste is produced with available sanitary sewers. The Town shall, insofar as possible, cause all such sanitary sewers to be connected with said water works.
- H. The provisions of this ordinance shall constitute a contract by and between the Town and the holders of the water works revenue bonds herein authorized, and after the issuance of said bonds that ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the holders of said bonds, nor shall the board of trustees adopt any law, ordinance or resolution which in any way adversely affects the rights of such holders so long as any of said bonds or the interest thereon remain unpaid.
- I. The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the bonds herein authorized for the uses and purposes therein set forth, and the holders of the bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this ordinance and of said governing Act. The provisions of this ordinance shall also be construed to create a trust in the portion of the net revenues herein directed to be set apart and paid into the Water Works

Sinking Fund for the uses and purposes of said fund as in this ordinance set forth. The holders of said bonds shall have all of the rights, remedies and privileges set forth in the provisions of the governing Act hereinbefore referred to, including the right to have a receiver appointed to administer said water works, in the event of default in the payment of the principal of or interest on any of the bonds herein authorized or in the event of default in respect to any of the provisions of this ordinance or the governing Act. (Ord. 81-9, S20, June 1, 1981)

**9.04.210 Farmers Home Administration covenants.** So long as the United States of America, acting through the Farmers Home Administration, is the holder of any of the bonds, the Town covenants that in addition to the other covenants, terms and conditions applicable to the bonds authorized by this ordinance, that:

- A. The treasurer shall maintain a fidelity bond in an amount not less than fifteen thousand dollars (\$15,000) which shall name the Farmers Home Administration as co-obligee;
- B. All disbursements and payments from the construction account established by Section 9.04.120 hereof shall be countersigned by such official and shall be designated in writing by the Farmers Home Administration;
- C. The Town, to the extent permitted by state law, shall make such periodic reports on the water works and its funds and accounts as shall be specified by the Farmers Home Administration;
- D. To the extent permitted by law, the Town shall comply with the terms and conditions of the Farmers Home Administration Letter of Conditions, dated December 18, 1979. (Ord. 81-9, S21, June 1, 1981)

**9.40.220 Amending the provisions of Ordinance 81-9.** Subject to the terms and provisions contained in this section, and not otherwise, the holders of not less than seventy-five percent (75%) in aggregate principal amount of the bonds issued pursuant to this ordinance and then outstanding shall have the right, from time to time, anything contained in this ordinance to the contrary notwithstanding, to consent to and approve the adoption by the Town of such ordinance or ordinance supplemental hereto as shall be deemed necessary or desirable by the Town for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

- A. An extension of the maturity of the principal of or interest on any bond issued pursuant to this ordinance, or
- B. A reduction in the principal amount of any bond or the redemption premium or the rate of interest thereon; or

- C. The creation of a lien upon or a pledge of the revenues of the water works ranking prior to the pledge thereof created by this ordinance; or
- D. A preference or priority of any bond or bonds issued pursuant to this ordinance over any other bond or bonds issued pursuant to the provisions of this ordinance; or
- E. A reduction in the aggregate principal amount of the bonds required for consent to such supplemental ordinance.

The holders of not less than seventy-five percent (75%) in aggregate principal amount of the bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the clerk-treasurer of the Town. No holder of any bond issued pursuant to this ordinance shall have any right to object to any of the terms and provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the Town and all holders of bonds issued pursuant to the provisions of this ordinance then outstanding, shall thereafter be determined exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the Town and of the holders of the bonds authorized by this ordinance, and the terms and provisions of the bonds and this ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the Town and the consent of the holders of all the bonds issued pursuant to this ordinance then outstanding. (Ord. 81-9, S22, June 1, 1981)

**9.04.230 Conflicting ordinances repealed.** All ordinance and parts of ordinances in conflict herewith are hereby repealed. (Ord. 81-9, S23, June 1, 1981)

**9.04.240 Effective date.** This ordinance shall be in full force and effect from and after its passage on June 1, 1981. (Ord. 81-9, S24, June 1, 1981)

## Chapter 9.08

### CONNECTION AND USE OF SANITARY SEWER SYSTEM

#### Sections:

9.08.010	Definitions
9.08.020	Unlawful to Deposit Objectionable Wastes in an Unsanitary Manner
9.08.030	Private Disposal System
9.08.040	Connection specifications
9.08.050	Discharges prohibited
9.08.060	Pretreatment of Industrial Wastes
9.08.070	Pretreatment Plans and Specifications
9.08.080	Disposal of Unpolluted Water
9.08.090	Industrial Cooling Water
9.08.100	Wastewater Data
9.08.110	Determination of Strength of Wastewaters
9.08.120	Grease, Oil and Sand Interceptors
9.08.130	Notification to Town of unusual flows or wastes
9.08.140	Applicability of State and Federal Requirements
9.08.150	Damage Violation
9.08.160	Only Authorized Employees can enter public and private properties
9.08.170	Notice of Violation, Penalties

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

- A. "Biochemical oxygen demand" (or BOD) shall mean the quantity of oxygen expressed in mg/l utilized in the biochemical oxidation of organic matter under standard laboratory procedures with nitrification inhibition in five (5) days at twenty (20) degrees C.
- B. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.

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

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

- C. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal. (Also called house connection).

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

Building sewer - Storm - A building sewer which conveys storm-waste or other clearwater drainage, but no sanitary or industrial sewage.

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

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

1. chemical oxygen demand,
2. total organic carbon
3. phosphorus and phosphorus compounds
4. nitrogen and nitrogen compounds, and
5. fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

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

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

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

- I. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- J. "Incompatible pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.
- K. "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from employee wastes or wastes from sanitary conveniences.
- L. "Infiltration" shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from inflow.)
- M. "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- N. "Inflow" shall mean the water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration).
- O. "Inspector" shall mean the person or persons duly authorized by the Town, through its Town Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.
- P. "Major contributing industry" shall mean an industry that:
  - 1. has a flow of 50,000 gallons or more per average work day; or
  - 2. has a flow greater than five percent (5%) of the flow carried by the municipal system receiving the waste; or
  - 3. has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of PL 92-500; or
  - 4. has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

- Q. "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.
- R. "Natural Outlet" shall mean any outlet, including storm sewers into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- S. "Normal domestic sewage" shall have the same meaning as defined in the Sewage Rate Ordinance.
- T. "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.
- U. "Person" shall mean any individual, firm, company, association, society, corporation, group or other entity.
- V. "Pretreatment" shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.
- W. "Private sewer" shall mean a sewer which is not owned by a public authority.
- X. "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- Y. "Public sewer" shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:
- Collector sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.
- Interceptor sewer shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
- Force main shall mean a pipe in which wastewater is carried under pressure.
- Pumping station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.
- Z. "Sanitary sewer" shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.



- AA. "Sewage" shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, (including polluted cooling water). The two most common types of sewage are:

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

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

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

- BB. "Sewage works" shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.
- CC. "Sewer" shall mean a pipe or conduit for carrying sewage.
- DD. "Shall" is mandatory; "May" is permissive.
- EE. "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 10 minutes more than 3 times the average 24 hours concentration of flows during normal operation and shall adversely affect the collection system.
- FF. "Standard methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, The American Water Works Association and the Water Pollution Control Federation.
- GG. "Storm sewer" shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.
- HH. "Superintendent" shall mean the Superintendent of the municipal sewage works of the Town of English, Indiana, or his authorized deputy, agent or representative.
- II. "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering under standard laboratory procedure.

- JJ. "Total solids" shall mean the sum of suspended and dissolved solids.
- KK. "Toxic amount" shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of PL 92-500.
- LL. "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- MM. "Volatile organic matter" shall mean the material in the sewage solids transformed to gases or vapors when heated at 55 degrees C for 15 to 20 minutes.
- NN. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
- OO. "NH<sub>3</sub>N" shall mean the same as Ammonia Nitrogen measured as Nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in paragraph (FF).
- PP. "P" or Phosphorus shall mean the chemical element Phosphorus. (Ord. 1994-01, S1, July 12, 1994)

**9.08.020 Unlawful to Deposit Objectionable Wastes in an Unsanitary Manner.**

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner on public or private property within the Town or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or other objectionable waste.
- B. No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwaters, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. The Town shall require the removal of unpolluted waters from any wastewater collection or treatment facility.
- C. Stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the Town. No new connection shall be made to any sanitary or storm sewer unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids.

- D. No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit.
- E. No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit.
- F. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- G. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line. (Ord. 1994-01, S2, July 12, 1994)

**9.08.030 Private Disposal System.**

- A. Where a public sanitary sewer is not available under the provisions of Section 9.08.020 G, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of \$\_\_\_\_\_ shall be paid to the Town at the time the application is filed.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the works at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.
- D. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000)

square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

- E. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 9.08.030 D, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- G. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
- H. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. (Ord. 1994-01, S3, July 12, 1994)

**9.08.040 Connection Specifications.**

- A. No unauthorized person shall uncover, make any connections with, or opening into, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.
- B. There shall be two (2) classes of Building Sewer Permits:
  - 1. for residential and commercial service, and
  - 2. for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the said Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the inspector.

A permit and inspection fees of \_\_\_\_\_ dollars (\$\_\_\_\_\_) for residential or commercial building sewer permit and \_\_\_\_\_ dollars (\$\_\_\_\_\_) for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

- C. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation, of the building sewer.

- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this Ordinance.
- F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C. Manual of Practice in No. FD-S shall apply.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice in No. FD-S. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installations.
- J. The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the said Inspector or his representative. The applicant shall provide access to all structures (and areas of structures) to the Inspector for the purpose of establishing compliance with Section 9.08.040 H.

- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said Town. (Ord. 1994-01, S4, July 12, 1994)

**9.08.050 Discharges Prohibited.**

- A. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  2. Any waters or wastes containing toxic (as described in Section 307A of the Clean Water Act) or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works or interfere with any treatment process.
  4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  5. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction of such discharge to the receiving waters.
  6. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
  7. Any waters or wastes having pH in excess of 9.5.

8. Materials which exert or cause:
    - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate.)
    - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions.)
    - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
    - (d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
  9. Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- B. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 9.08.050 A, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
1. Require any industries to submit information on wastewater quantities characteristics and obtain prior approval for discharges.
  2. Reject the wastes in whole or in part for any reason deemed appropriate by the Town.
  3. Require pretreatment of such wastes to within the limits of normal sewage as defined.
  4. Require control or flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, or
  5. Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

- C. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- D. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained so as to be safe and accessible at all times. Agents of the Town, the State Water Pollution Control Agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.
- E. All measurements, test, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole, except for applications for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA (40 CFR Part 136). In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and Suspended Solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.
- F. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate ordinance. (Ord. 1994-01, S5, July 12, 1994)



**9.08.060 Pretreatment of Industrial Wastes.** Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the United States Environmental Protection Agency (USEPA) (40 CFR Part 403), and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), in addition to any more stringent requirements established by the Town and any subsequent State or Federal Guidelines and Rules and Regulations. (Ord. 1994-10, S6, July 12, 1994)

**9.08.070 Pretreatment Plans and Specifications.** Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the Town and no construction of such facilities shall be commenced until approval in writing, is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the Town to determine that such facilities are being operated in conformance with applicable Federal, State and local laws and permits. The owner shall maintain operating records and shall submit to the Town a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against Town monitoring records. (Ord. 1994-01, S7, July 12, 1994)

**9.08.080 Disposal of Unpolluted Water.** Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the Town. Where a storm sewer is not available, discharge may be to a natural outlet approved by the Town and by the State of Indiana. Where a storm sewer, combined sewer, or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the Town. (Ord. 1994-01, S8, July 12, 1994)

**9.08.090 Industrial Cooling Water.** Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above Section. (Ord. 1994-01, S9, July 12, 1994)

**9.08.100 Wastewater Data.** The Town may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows and characteristics. Such measurements, tests, and analysis shall be made at the users' expense. If made by the Town, an appropriate charge may be assessed to the user at the option of the Town. (Ord. 1994-01, S10, July 12, 1994)

**9.08.110 Determination of Strength of Wastewaters.** The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the Rate Ordinance, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the Town may elect, or, at any place mutually agreed upon between the user and the Town. Appropriate charges for sampling and analysis may be assessed to the user at the option of the Town. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the Town. (Ord. 1994-01, S11, July 12, 1994)

**9.08.120 Grease, Oil and Sand Interceptors.** Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Town they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection.

They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight, water tight, and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Ord. 1994-01, S12, July 12, 1994)

**9.08.130 Notification to Town of unusual flows or wastes.** Users of the treatment works shall immediately notify the Town of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system. (Ord. 1994-01, S13, July 12, 1994)

**9.08.140 Applicability of State and Federal Requirements.** All provisions of this ordinance and limits set herein shall comply with any applicable State and/or Federal Requirements now, or projected to be in effect. (Ord. 1994-01, S14, July 12, 1994)

**9.08.150 Damage Violation.** No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest and criminal prosecution. (Ord. 1994-01, S15, July 12, 1994)

**9.08.160 Only Authorized Employees can enter public and private properties.**

- A. The Superintendent, Inspector and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in Section 9.08.160 A. above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by

negligence or failure of the company to maintain safe conditions as required in Section 9.08.050 E.

- C. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 1994-01, S16, July 12, 1994)

**9.08.170 Notice of Violation, Penalties.**

- A. Any person found to be violating any provisions of this ordinance except Section 9.08.150 shall be served by the Town 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. 1994-01, S17, July 12, 1994)

## Chapter 9.09

### SEWER SERVICE RATES AND CHARGES

#### Sections:

<b>9.09.010</b>	<b>Definitions</b>
<b>9.09.020</b>	<b>User Classes</b>
<b>9.09.030</b>	<b>User Rates and Charges</b>
<b>9.09.040</b>	<b>Quantity of Water Discharged into the Sanitary Sewage System</b>
<b>9.09.045</b>	<b>Sewer Account Leak Adjustment</b>
<b>9.09.050</b>	<b>Volume, Strength and Character of Sewage</b>
<b>9.09.060</b>	<b>Connection charge</b>
<b>9.09.070</b>	<b>Billing and Collection Procedure</b>
<b>9.09.080</b>	<b>Rates and charges become effective when</b>
<b>9.09.090</b>	<b>Sewer Rate Study</b>
<b>9.09.100</b>	<b>Enforcement</b>
<b>9.09.110</b>	<b>Validity</b>
<b>9.09.120</b>	<b>Appeal procedure</b>
<b>9.09.130</b>	<b>Special Rate Contracts</b>
<b>9.09.140</b>	<b>No free sewer service; not necessary to be annexed to receive sewage service</b>

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

- A. "Council" shall mean the Town Council of the Town of English, Indiana, or any duly authorized officials acting on its behalf.
- B. "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance.
- C. "Town" shall mean the Town of English, Indiana, acting by and through the Council.
- D. "Debt Service Costs" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.
- E. "Excessive Strength Surcharges" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- 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. "NH<sub>3</sub>" (or ammonia) shall have the same meaning as defined in the Use Ordinance.
- I. "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 200 mg/1  
S.S. not more than 200 mg/1

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

- J. "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.)
- K. "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.
- L. "P" (or phosphorus) shall have the same meaning as defined in the Use Ordinance.
- M. "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.
- N. "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.
- O. "S.S." (or suspended solids) shall have the same meaning as defined in the Use Ordinances.
- P. "Shall" is mandatory; "May" is permissive.
- Q. "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.

- R. "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.
- S. "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.
- T. "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System).

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

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

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

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

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works. (Ord. 1994-11, S1, November 30, 1994)

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

- A. User charges are subject to the rules and regulations adopted by the U.S. Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewage works equipment.

B. The various classes of users of the treatment works for the purposes of this Ordinance, shall be as follows:

- Class I
1. Residential
  2. Commercial
  3. Governmental
  4. Institutional
  5. Industrial

(Ord. 1994-11, S2, November 30, 1994)

**9.09.030 User Rates and Charges.** For the use of and the services rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town's sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town of English. 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:

Metered Water Users:

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

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

	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
All users	\$4.65	\$1.51	\$6.16

Plus;

2. Base Rate – per month, as follows:

<u>Base Rate</u>	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
Meter Size:			
5/8-3/4 inch	\$ 5.63	\$ 16.10	\$ 21.73
1 inch	9.64	40.25	49.89
1 ¼ inch	13.64	64.40	78.04
1 ½ inch	18.45	93.38	111.83
2 inch	29.66	161.00	190.66
3 inch	64.37	370.30	434.67
4 inch	109.76	644.00	753.76
6 inch	245.93	1,465.10	1,711.03

Unmetered Water Users:

- B. 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 rate shall include a base rate as listed above plus an estimated treatment charge as outlined on the schedule of rates and charges as follows:

<u>User</u>	<u>Monthly Rate</u>		
	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
Single family residence/unit	\$19.35	\$20.55	\$39.90
Apartment or trailer court/unit			

Unmetered non "Residential Single Family Dwelling Units" shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates to estimated usage and meter size. Each individual single family residential unit, whether in a trailer court a part of an apartment complex or building which is served by the sewage works should be individually charged a base charge plus a flow rate pursuant to Sections 9.09.020, 9.09.030 and 9.09.040.

- C. For the service rendered to the Town of English, said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.
- D. In order to recover the cost of monitoring industrial wastes, the Town shall charge the user the actual cost of monitoring but not less than \$25.00 per sample. This charge will be reviewed on the same basis as all other rates and charges in the



ordinance. (Ord. 1997-09, Nov. 12, 1997) (Ord. 1994-11, S3, November 30, 1994)

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

- A. In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the Town, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this ordinance, the owner or other interested party shall at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determining of sewage discharge.
- B. In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- C. In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary 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.
- D. In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary 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 Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

- E. In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided. (Ord. 1994-11, S4, Nov. 30, 1994)

**9.08.045 Sewer account leak adjustment.** The Town Council hereby establishes a one-time a year sewer account adjustment be affixed to the water account adjustment according to the following guidelines:

- A. There has been an excessive metered usage of water obviously caused by a rupture in the water line;
  - 1. the previous three months usage will be averaged;
  - 2. the average usage will be subtracted from the excessive usage (meter readings);
  - 3. a credit adjustment will be allowed for 50% of the difference of the subtraction (Resolution 1996-05, June 6, 1996)

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

- A. Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid or suspended solids in excess of 200 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

1. Rate Surcharge Based Upon Suspended Solids. There shall be an additional charge of \$0.71 cents per pound of suspended solids for suspended solids received in excess of 200 milligrams per liter of fluid.
  2. Rate Surcharge Based Upon BOD. There shall be an additional charge of \$0.71 cents per pound of biochemical oxygen demand received in excess of 200 milligrams per liter of fluid.
- B. The determination of Suspended Solids, five-day Biochemical Oxygen Demand, contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants," Regulation CFR Part 136, published in the Federal Register on October 16, 1973. (Ord. 1994-11, S5, Nov. 30, 1994)

**9.09.060 Connection charge.** The owner of any lot, parcel of real estate or building connecting to the sewage works shall, prior to begin permitted to make a connection, pay a connection charge in the amount of \$500.00 for each connection. The Town Council now finds such a connection charge to be a reasonable and equitable pro rata cost of construction of a local or lateral sewer adequate to serve the property so connecting and the cost of providing a connection to the sewer system.

Provided, however, no connection charge will be required of any customer connecting to a local or lateral sewer within 90 days of the date on which said sewer was available for connection.

Connection charges will be imposed on any connection made after 90 days of availability for connection and on all connections made to future extensions of the system based on the actual cost of connection but not less than \$500.00 per connection. (Ord. 1994-11, S6, Nov. 30, 1994)

**9.09.070 Billing and Collection Procedure.** Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- A. The rates and charges for all users shall be prepared and billed monthly and at the end of each year each user shall be given a notice, in conjunction with a regular bill, of the rates charged for operation, maintenance, and replacement for that user for the next year.
- B. 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 Town 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.

- C. As provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill. (Ord. 1994-11, S7, Nov. 30, 1994)

**9.09.080 Rates and charges become effective when.** Beginning with the first month after the sanitary sewers are available for connection and use to any lot, parcel of real estate or building, the full rates and charges become effective for such lot, parcel of real estate or building; but in any event, said full rates and charges shall become effective not later than November, 1995, so that billings for full rates and charges shall be rendered no later than December, 1995. (Ord. 1994-11, S8, Nov. 30, 1994)

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

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a similar study to be made for the purpose of reviewing the fairness, equity and proportionality of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by officers or employees of the Town, or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the Town shall determine to be best under the circumstances. The Town shall, upon completion of said study revise and adjust the rates and charges, as necessary in accordance therewith in order to maintain the proportionality and sufficiency of the rates. (Ord. 1994-11, S9, Nov. 30, 1994)

**9.09.100 Enforcement.** The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewage system, pumping stations and sewage conveyance system, for the construction and use of house sewers and connections to the sewage system, and for the regulation, collection, rebating and refunding of such rates and charges.

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

the Town, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the Town of English. (Ord. 1994-11, S10, Nov. 30, 1994)

**9.00.110 Validity.** 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. 1994-11, S11, Nov. 30, 1994)

**9.09.120 Appeal Procedure.** That the rules and regulations promulgated by the Town, after approval of the Town Council 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 user charge to the Town Council and that any decision concerning user charges of the Town Council may be appealed to a court of competent jurisdiction under the Appeal Procedures provided for in the Indiana Administrative Adjudication Act. (Ord. 1994-11, S12, Nov. 30, 1994)

**9.09.130 Special rate contracts.** The Council is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and such rate shall be limited to such costs. Said contract shall be in compliance with Public Law 92-500 and 95-217. (Ord. 1994-11, S13, Nov. 30, 1994)

**9.09.140 No free sewer services; not necessary to be annexed to receive sewage service.** The Council shall not grant free service or use of the sewage treatment system to any person, group or entity. It is not necessary for an area or parcel of real estate to be annexed to the Town to receive sewage treatment. (Ord. 1994-11, S14, Nov. 30, 1994)

## Chapter 9.15

### UTILITY CONNECTION, DEPOSIT, AND RECONNECTION FEES

#### Sections:

<b>9.15.010</b>	<b>Deposit fees</b>
<b>9.15.020</b>	<b>Bills to be paid before new service or transfer of service occurs</b>
<b>9.15.030</b>	<b>Account is in the name of the landowner</b>
<b>9.15.040</b>	<b>Utility User Agreement</b>
<b>9.15.050</b>	<b>Disconnection of Service</b>
<b>9.15.060</b>	<b>Reconnection</b>
<b>9.15.070</b>	<b>Delinquent accounts</b>
<b>9.15.080</b>	<b>Avoidance of discount and collection proceedings</b>
<b>9.15.090</b>	<b>Additional Deposit Fee required</b>
<b>9.15.100</b>	<b>Modifications</b>

**9.15.010 Deposit fees.** There shall be a \$50.00 Water deposit and a \$50.00 Sewer Deposit to be collected from each account holder before service can commence. (Ord. 2001-09, S1, Aug. 9, 2001)

**9.15.020 Bills to be paid before new service or transfer of service occurs.** A meter set must be cleared before service can be turned on or transferred to another party; i.e. bill must be paid. (Ord. 2001-09, S2, Aug. 9, 2001)

**9.15.030 Account is in the name of the landowner.** Each account will be in the name of the landowner, (if contract or sale or renter; bill may be sent in care of the contract buyer or renter but the bill still remains with the property owner). (Ord. 2001-09, S3, Aug. 9, 2001)

**9.15.040 Utility User Agreement.** A utility user agreement outlining all policies, guidelines and responsibilities of the utility companies and the account holder will be signed and on file. (Ord. 2001-09, S4, Aug. 9, 2001)

**9.15.050 Disconnection of Service.** Accounts sixty (60) days past due will be shut off. An account that is sixty (60) days past due will receive a minimum of ten (10) days notice before disconnecting the service. (Ord. 2001-09, S5, Aug. 9, 2001)

**9.15.060 Reconnection.** Once disconnected, all amounts sixty (60) days past due must be paid and reconnect fee of \$25.00 will be assessed if service is disconnected for a delinquency. (Ord. 2001-09, S6, Aug. 9, 2001)

**9.15.070 Delinquent accounts.** If service has remained disconnected for sixty (60) days, all water delinquent accounts will be filed in small claims court for the amount of

the account and all applicable court costs and attorney fees, and a sewer lien will be filed against the property for sewer charges including all recording and filing fees and attorney costs. (Ord. 2001-09, S7, Aug. 9, 2001)

**9.15.080 Avoidance of discount and collection proceedings.** The English Water Works and English Sewer Works will make every effort to work with each individual account holder to avoid any unnecessary disconnect and collection proceedings. (Ord. 2001-09, S8, Aug. 9, 2001)

**9.15.090 Additional Deposit Fee required.** If a customer or account holder has been disconnected and reconnected twice in a twelve (12) month period then an additional deposit of two-hundred dollars (\$200.00) will be required to reconnect service. (Ord. 2001-09, S9, Aug. 9, 2001)

**9.15.100 Modifications.** This policy and procedures guidelines may be updated or modified at any time by presentation of an ordinance or resolution modifying the same and adopted by the Town Council of the Town of English, Indiana. (Ord. 2001-09, S10, Aug. 9, 2001)

## Chapter 9.20

### PAYMENT IN LIEU OF TAXES

#### Sections:

- 9.20.010 Payment in lieu of taxes against the Waterworks Utility**
- 9.20.020 Payment of lieu of taxes against the Sewage Works Utility**

**9.20.010 Payment in lieu of taxes against the Waterworks Utility.** A payment in lieu of taxes will be assessed against the Waterworks Utility of 1.5% of the total assets of the utility as recorded in the fixed asset ledger; payable by December 31, of each calendar year.

The Town of English will repay its liability of past underpayments to the Water Works utility the amount paid by the Water works utility to the town in lieu of taxes.

Upon final payment of the past debt the rate of payment in lieu of taxes will be assessed at .10 percent of the total assets listed on the fixed asset ledger. (Ord. 2005-08, S1, Dec. 19, 2005)

**9.20.020 Payment of lieu of taxes against the Sewage Works Utility.** A payment in lieu of taxes will be assessed against the Sewage Works Utility a sum of .10% (one tenth of one percent) of the total assets of the utility as recorded in the fixed asset ledger. (Ord. 2005-08, S2, Dec. 19, 2005)

## Chapter 9.30

### Removing English Municipal Water Utility from the Indiana Utility Regulatory Commission

#### Sections:

- 9.30.010 English Municipal Water Utility**
- 9.30.020 Determination by Town**
- 9.30.030 Notice of Meeting**
- 9.30.040 Requirements met**
- 9.30.050 Removal of English Municipal Water Utility from IURC jurisdiction**
- 9.30.060 Effective when**

**9.30.010 English Municipal Water Utility.** The Town of English (hereinafter referred to as "Town") operates a water utility pursuant to Indiana Code 8-1.5-3. (Ord. 99-07, Whereas, Sept. 9, 1999)

**9.30.020 Determination by Town.** The Town has determined that it is in the Town's best interest that the water utility be removed from the jurisdiction of the Indiana Utility Regulatory Commission (hereinafter referred to as "Commission"). (Ord. 99-07, Whereas, Sept. 9, 1999)

**9.30.030 Notice of Meeting.** The legislative body for the Town has mailed written notice of the meeting which is set for the 14<sup>th</sup> day of May 1998, at 7:00 o'clock p.m., (EST), to all rate payers of the water utility and to the Commission at least thirty (30) days before the final vote. (Ord. 99-07, Whereas, Sept. 9, 1999)

**9.30.040 Requirements met.** The legislative body for the Town has met all the requirements of Indiana Code 8-1.5-3-9.1. (Ord. 99-07, Whereas, Sept. 9, 1999)

**9.30.050 Removal of English Municipal Water Utility from IURC jurisdiction.** The Town of English ordains that the Town of English Municipal Water Utility is hereby removed from the jurisdiction of the Indiana Utility Regulatory Commission (IURC) for the approval of rates and charges and of the issuance of stocks, bonds, notes or other evidence of indebtedness. (Ord. 99-07, S1, Sept. 9, 1999)

**9.30.060 Effective when.** This Ordinance shall take effect sixty (60) days after adoption of this Ordinance (September 9, 1999) pursuant to Indiana Code 8-1.5-3-9.1(c). (Ord. 99-07, S2, Sept. 9, 1999)



## Chapter 9.60

### STORM WATER

#### Sections:

- 9.60.010** Adverse effects of Storm Water
- 9.60.020** Storm Water Management Policy required by Indiana Code
- 9.60.030** Existing Ordinances
- 9.60.040** Storm Water Management Policy

**9.60.010 Adverse effects of Storm Water.** The Town Council for the Town of English, Indiana, is concerned about the adverse effects of storm water run-off to adjoining property owners and, indeed, all property owners in the watershed including but not limited to flooding, erosion or other damages. (Res. 2000-16, Whereas, Dec. 28, 2000)

**9.60.020 Storm Water Management Policy required by Indiana Code.** I.C. 36-9-28.5 requires all cities and towns to have a storm water management policy but which said policy does not have to actually manage storm water run-off from developed real property. (Res. 2000-16, Whereas, Dec. 28, 2000)

**9.60.030 Existing Ordinances.** The Town of English already addresses some of the adverse effects of storm water run-off through existing ordinances, such as the Town of English's Zoning Ordinance, and Comprehensive Plan. (Res. 2000-16, Whereas, Dec. 28, 2000)

**9.60.040 Storm Water Management Policy.** That the impact of storm water run-off from all developed or developing territory located within the Town of English should be considered in public and private projects alike within the town by weighing the risks, benefits, and costs to property owners affected and the general public as a whole. (Res. 2000-16, S1, Dec. 28, 2000)