

**TITLE 11**

**UTILITIES**

## **Title 11**

### **UTILITIES**

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## Chapter 11.01

### **RULES, REGULATIONS, CONDITIONS AND NON-RECURRING CHARGES APPLYING TO UTILITY SERVICE**

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**11.01.010 Utility service rules, regulations, conditions and non-recurring charges.** The following are hereby adopted as the rules, regulations, conditions, and non-recurring charges applying to utility service hereafter furnished by the City of Jasper, Indiana. (Ord. 2009-9, S1, Feb. 18, 2009) (Ord. 2007-26, S1, Aug. 22, 2007) (Ord. 2004-7, S1, Apr. 21, 2004) (Ord. 2003-17, S1, May 21, 2003) (Ord. 1998-9, S1, 1998; Ord. 1996-19, S1, 1996; Ord. 1991-39, 1991; Ord. 1169 S1, 1984)

### 11.01.020 Definition of Terms.

- (1) COMMISSION - The term "Commission" is herein used to designate the Indiana Utility Regulatory Commission, or any successor to the commission having jurisdiction on the subject matter hereof.
- (2) CUSTOMER - The term "customer" is used herein to designate a person, partnership, association, firm, public or private corporation or governmental agency, applying for or using utility service supplied by the City of Jasper or a person, partnership, association, firm, public or private corporation or governmental agency using or obtaining other services or materials from a utility department of the City of Jasper.
- (3) DIRECT-PAY PROGRAM - The term "Direct-Pay Program" is used herein to describe a payment option for the customers of the Jasper Municipal Utilities which allows for the electronic transfer of funds from the customer's bank account in payment of the customer's utility account.
- (4) DWELLING - As used herein, "dwelling" means an individual residence, including a mobile home or trailer or a room or combination of rooms, with facilities for living for a single household.
- (5) EQUAL-PAY PROGRAM - The term "Equal-Pay Program" is used herein to describe a payment option for the customers of the Jasper Municipal Utilities which allows the customer to make predetermined equal monthly payments toward the customer's utility account over an eleven (11) month period with the twelfth (12<sup>th</sup>) month being "settlement" or reconciliation month whereby the customer pays any balance due or receives a refund of any overpayment.
- (6) HEATING SEASON - As used herein, "heating season" means the period beginning on December 1 of any year and ending on the following March 15.
- (7) MONTH - The word "month" is hereby defined to be the elapsed time between two (2) successive meter readings approximately thirty (30) days apart. In the event of the stoppage of or the failure of any meter to register the full amount of usage, the customer will be billed for such period on an estimated consumption based upon his usage in a similar period of like use.
- (8) UTILITY - The term "utility" is herein used to designate the City of Jasper Municipal Utilities, which furnishes electric, water, wastewater, and gas services under these rules and regulations. (Ord. 2009-9, S2, Feb. 18, 2009) (Ord. 2007-26, S2, Aug. 22, 2007) (Ord. 2004-7, S2, Apr. 21, 2004)

(Ord. 2003-17, S2, May 21, 2003) (Ord. 1998-9, S2, 1998; Ord. 1996-19, S2, 1996; Ord. 1991-39, S2, 1991; Ord. 1169, S2, 1984)

### **11.01.030 Application for Service.**

- (1) A free copy of the standard terms and conditions under which service is to be rendered to the customer shall be furnished at the time of application for utility service or upon request at the Utility Business Office. Upon request, the Utility Business Office shall furnish a free copy of applicable rate schedules to the customer.
- (2) New or moving customers applying for utility service shall do so at the Utility Business Office; and SHALL complete an “Application for Utility Service”; and SHALL comply with the deposit requirements or creditworthy criteria, as specified herein, before any utility service will be rendered.
- (3) When submitting the “Application for Utility Service”, the applicant will be asked for proof of identification containing the applicant’s photograph (Driver’s License preferred). This is necessary to aid in the collection process, if necessary, to eliminate possible falsification of who is actually living at the service address, and to verify the identity of the Jasper Municipal Utility customer. The Business Office will make a copy of the proof document and attach it to the application form.
- (4) If the applicant is renting, the Property Owner or Manager SHALL sign the “Landlord Certification” section on the application. The Business Office will sign the application which acknowledges receipt of the completed application and compliance with the policy as stated herein. A copy will then be mailed to the Property Owner or Manager advising that the tenant has applied for utility service. The application may be presented to the Business Office by the Property Owner or Manager, along with proof of identification and any deposit required, on behalf of the applicant.
- (5) After reviewing the application for completeness, the Business Office will determine the Deposit Requirements, if any, and review computer and/or other records to verify that the applicant has no previous history of being past due and for any previous account balances that may still be due.
- (6) Upon payment of any required cash deposit, a Receipt will be issued to the applicant.
- (7) A copy of this policy will be mailed to each Rental Property Owner or Manager. The Owner/Manager should make the policy available to the

applicant and assist the applicant with the completion of the “Application for Utility Service”.

- (8) When the customer desires delivery of service at more than one point, a separate agreement shall be required for each separate point of delivery. Service delivered at each point may be billed under separate accounts or may be billed together under one (1) account using the applicable rates for each.
- (9) The utility reserves the right to refuse to render service to any applicant indebted to the utility for service rendered at any location served by the utility prior to such application, until such indebtedness is settled to the satisfaction of the utility. (Ord. 2009-9, S3, Feb. 18, 2009) (Ord. 2007-26, S3, Aug. 22, 2007) (Ord. 2004-7, S3, Apr. 21, 2004) (Ord. 2003-17, S3, May 21, 2003) (Ord. 1998-10, S1, 1998) (Ord. 1998-9, S3, 1998) (Ord. 1996-19, S3, 1996) (Ord. 1993-38, S1, 1993) (Ord. 1993-20, S1, 1993) (Ord. 1991-39 S2, 1991) (Ord. 1169 S2, 1984)

**11.01.040 Service Security Deposit Requirements.**

<u>Customer Type</u>	<u>Electric</u>	<u>Gas</u>	<u>Electric &amp; Gas</u>	<u>Water</u>	<u>Sewer</u>
Residential - Rental	\$100	\$100	\$75/\$75	\$30	\$50
Residential - Owner Occupied	\$100	\$100	\$75/\$75	\$30	\$50
Non-Residential	15% of the previous active twelve (12) month’s charges, including taxes, (rounded to the nearest \$100) at the service address for each service. If the service is new at the address, the twelve (12) month’s charges will be estimated based upon the type and size of the customer as compared to similar types and sized customers. Deposits are subject to periodic review, after which, the deposit may be adjusted to more accurately reflect the 15% requirement. Minimum deposits shall be equal to the Residential Deposits as stated above.				

- (1) A service security deposit shall be collected as set forth above, in advance of connecting service. The utility shall have reasonable time in which to read and/or remove the meters and to ascertain that the obligations of the customer have been fully performed before being required to return any deposit.
- (2) After final charges have been determined, deposits shall be applied to the customer's account and the balance, if any, refunded; OR refunded in its entirety after all indebtedness for utility services, including the final bill,

has been paid. (Ord. 2009-9, S4, Feb. 18, 2009) (Ord. 2007-26, S4, Aug. 22, 2007) (Ord. 2004-7, S4, Apr. 21, 2004) (Ord. 2003-17, S4, May 21, 2003) (Ord. 1998-10, S1, 1998) (Ord. 1998-9, S4, 1998) (Ord. 1996-19, S4, 1996) (Ord. 1993-38, S1, 1993) (Ord. 1993-20, S1, 1993) (Ord. 1991-39 S2, 1991) (Ord. 1169 S2, 1984)

**11.01.041 Residential - General.** When a previously terminated account (owner-occupied or renter) returns to establish a new account after a period of time has elapsed, the deposit requirement on those accounts which have previously established a negative credit history (see below for “History Defined”) with the Jasper Municipal Utilities, shall be double the regular deposit as stated above AND any amounts previously written off as bad debts or past outstanding debts MUST be paid AND any collection or legal fees paid to outside agencies MUST be reimbursed before a new account will be established and/or before service will be rendered.

If an active account (owner occupied or renter) continually becomes or remains past due (determined by multiple application of penalty charges against the account), or service has been disconnected due to non-payment, a deposit equal to double the schedule established above shall be required for continuation or reestablishment of service. (Ord. 2009-9, S5, Feb. 18, 2009) (Ord. 1998-10, S1, 1998) (Ord. 1993-38, S1, 1993) (Ord. 1993-20, S1, 1993)

**11.01.042 Residential - Rental.** A Residential Rental Cash Deposit shall always be required before utility service will be rendered.

When a rental account moves to a new account, a new “Application for Utility Service” shall be required. The old deposit normally shall be transferred to the new account. If, however, the customer has developed a history of being past due (see below for “History Defined”), the old deposit shall stay with the old account and a new deposit shall be required for a new account. In this event, the deposit required on the new account shall be double the regular deposit requirement. The old deposit will be applied to the current and final bills of the old account, and the balance, if any, will be refunded. If the old account is past due on the moving date, a new account will not be established until the old account is brought current.

If, after the final bill is prepared, the old deposit is not sufficient to cover the remaining charges on the old account and the old account becomes past due, the new account will be subject to service termination as though the two accounts were one.

If the new account has different service than the old account, the new account’s deposit requirement must be satisfied. A reduction in the requirement may result in a partial refund of the deposit, but only after the final bill from the old account is paid in full.

When planning a move, the Utility Business Office should be given sufficient notice so that services can be terminated on the planned date of vacating the premises. (Ord.

2009-9, S6, Feb. 18, 2009) (Ord. 1998-10, S1, 1998) (Ord. 1993-38, S1, 1993) (Ord. 1993-20, S1, 1993)

**11.01.043 Residential - Owner Occupied.** An Owner Occupied Residential Cash Deposit shall normally be required before utility service will be rendered. The deposit shall be waived, however, and the owner deemed creditworthy, if said Owner/Applicant provides written confirmation from his/her preceding utility company(ies) (the Jasper Municipal Utilities shall be considered a preceding utility company), going back two (2) years, verifying that the applicant:

- (1) has been a customer of said previous utility(ies) within the past two (2) years,
- (2) is not past due on any bill at this time for service rendered by said previous utility(ies),
- (3) within the past one (1) year, did not have more than two (2) bills which were delinquent to any utility, and
- (4) within the past two (2) years, did not have a service disconnected by any utility for the non-payment of a bill for services rendered by said utility.

If the Owner/Applicant has not had service with any utility company within the past two (2) years, he/she must submit a deposit as set forth in the schedule above. After one (1) year, if requested, the deposit may be refunded subject to the conditions set forth in the Refund section below. (Ord. 2009-9, S7, Feb. 18, 2009) (Ord. 1998-10, S1, 1998) (Ord. 1993-38, S1, 1993) (Ord. 1993-20, S1, 1993)

**11.01.044 Non-Residential - General.** Non-Residential accounts (Commercial, Industrial, Institutional, and Governmental) shall be required to provide a Cash Deposit, an assigned Certificate of Deposit (CD) or Surety Bond, before utility service(s) will be rendered.

If an account continually becomes or remains past due (determined by multiple application of penalty charges against the account), a deposit equal to double the schedule established above may be required for continuation of service.

If an account is disconnected because of non-payment, the Cash Deposit, Certificate of Deposit (CD) and/or Surety Bond may be used to pay all existing charges. Upon reestablishing the required deposit balance (a new Certificate of Deposit (CD) or Surety Bond may be required), the payment of reconnect charges, and the payment of any charges not covered by the deposit and/or Certificate of Deposit (CD) or Surety Bond, services will be restored. (Ord. 2009-9, S8, Feb. 18, 2009) (Ord. 1998-10, S1, 1998) (Ord. 1993-38, S1, 1993) (Ord. 1993-20, S1, 1993)



**11.01.045 Installment Options.** If the combined Residential deposit requirement (rental or owner occupied) is more than \$100, the applicant or customer shall be allowed to make two (2) installment payments. The first installment, due at the time application is made, shall be at least \$100; and the subsequent installment, for the balance, shall be due two (2) weeks later. Service shall be connected upon receipt of the first installment, but may be terminated at any time, without notice, upon failure by the applicant or customer to make the final installment payment when due.

If the combined Non-Residential deposit is more than \$230, the applicant or customer shall be allowed one of the following options:

- (1) To make two (2) installment payments. The first installment, due at the time application is made, shall be at least \$230; and the subsequent installment, for the balance, shall be due two (2) weeks later. Service shall be connected upon receipt of the first installment, but may be terminated at any time, without notice, upon failure by the applicant or customer to make the final installment payment when due.
- (2) To provide an assigned Certificate of Deposit (CD) or Surety Bond, from an approved underwriting company, for the deposit requirement. Service shall be connected upon receipt of the “Application for Utility Service” and the assigned Certificate of Deposit (CD) or the Surety Bond. (Ord. 2009-9, S9, Feb. 18, 2009) (Ord. 1998-10, S1, 1998) (Ord. 1993-38, S1, 1993) (Ord. 1993-20, S1, 1993)

**11.01.046 History Defined.** Having a ‘history of being past due’ or a ‘negative credit history’ is hereby defined as follows:

- (1) Having been past due on more than two (2) occurrences during the preceding twelve (12) month period,
- (2) Having any service disconnected as a result of non-payment during the preceding twenty-four month period, and/or
- (3) Being past due on the date service is terminated. This includes those customers who request service be terminated at one location and connected at a new location as a result of moving to said new location. (Ord. 2009-10, S10, Feb. 18, 2009) (Ord. 1998-10, S1, 1998) (Ord. 1993-38, S1, 1993) (Ord. 1993-20, S1, 1993)

**11.01.050 Payment of Bills.**

- (1) Bills will be rendered monthly by the utilities to the customer in accordance with the rate(s) applicable to the customer's service. All bills are payable at the Utility Business Office by the 10th of each month. If the 10th falls on a weekend or City-observed holiday, the first working

day following the 10th will be considered the due date for bills. A night deposit is provided at the Utility Business Office for the customers' convenience. Failure to receive the bill will not entitle the customer to the remission of any charge for non-payment within the time specified.

As an alternative to billing for the actual amount of utilities used each month, residential customers shall be given the option of enrolling in the Equal-Pay Program. Those residential customers so enrolled shall be billed in equal monthly installments during an eleven (11) month billing cycle (Equal-Pay Period) commencing with the July billing every year, with the equal monthly installments (Equal-Pay Amount) determined by averaging the previous twelve (12) months' bills at the same location, and applying a multiplier to said average as set forth in Section 11.01.150(15). The equal monthly installments (Equal-Pay Amount) may be adjusted at any time at the discretion of the Utility Business Office.

The account will be reconciled with the June bill each year by comparing the actual charges incurred during the Equal-Pay Period, plus the June charges, against the actual amount paid during the Equal-Pay Period. If there is a balance due, said balance must be paid by the due date on the June bill. If an overpayment of the account has occurred, the overpayment will be refunded, thereby starting the next Equal-Pay period with a zero balance.

Enrollment by electing customers must be completed before June 30<sup>th</sup> or prior to the billing for the electing customers' July statement, whichever is later. The customer must at all times be current with their utility bill in order to participate in the Equal-Pay Program, or their participation will be terminated. Customers electing this Equal-Pay Program remain subject to all other rules and regulations of the Jasper Municipal Utilities, including, but not limited to, those regarding late payments, penalties and disconnection.

Participation in the program will continue from year-to-year without having to re-enroll.

Customers may terminate their enrollment in the Equal-Pay Program by written notification to the Utility Business Office and giving the Utility Business Office a reasonable opportunity to act on it. The account will then be reconciled and any balance due must be paid upon termination.

- (2) The utility's rate schedules provide for delayed payment penalties for failure to pay bills within a specified time. Such delayed payment penalty shall be added to the original bill if not paid on or before the time specified and/or in accordance with conditions set forth in the rate schedules. Said penalties shall be applied as set forth in Section

11.01.150(2). When payments are made by mail, bills will be considered as having been paid on date of mailing as shown by the postmark. If the date on the postmark is indistinguishable, Utility Business Office personnel shall have final authority to determine whether or not said postmark qualifies as having been paid on or before the due date specified on the bill.

- (3) Payment must be made without regard to any counter claims, whatsoever, and failure to receive the bills does not relieve the customer of the responsibility for payment of the amount due. At the Jasper Municipal Utilities' personnel's discretion, customers may be given the option of making payment of their monthly utility bill via "Cash", "Check", "Bank Draft", "Money Order" or "Electronic Funds Transfer".

Payment by check or electronic funds transfer which is subsequently returned to the utilities by a bank for insufficiency, or any other reason, which is not made good on or before the due date, shall not constitute timely payment of a bill, shall be assessed late payment penalties as set forth in Section 11.01.150(2), and may be subject to possible termination of utility services. Further, a returned check charge shall be made by the utilities against the customer's utility account as set forth in Section 11.01.150(5).

The customer shall be given the option of enrolling in the Direct-Pay Program which authorizes the Jasper Municipal Utilities to automatically withdraw funds from the customer's bank account for payment of the customer's monthly bill.

Upon providing the Utility Business Office with an authorization to make an "Electronic Funds Transfer" from their financial institution's checking or savings account, said transfers will commence on the due date as stated on the bill, following a reasonable time necessary to act on said authorization. A depository shall be chosen by the Utility Service Board as the processing bank taking into account the amount of monthly transaction fee, any other applicable fees, and the quality of service provided by said bank. The choice as to processing bank shall be reviewed periodically by reviewing the amount of monthly transaction fee, any other applicable fees, and the quality of service provided by said bank. All monthly transaction and/or processing fees, established by the processing bank, shall be added to the customer's monthly bill and will be paid to the processing bank. Should the customer's chosen bank account become inactive or closed, and the customer's bill remains unpaid past the due date, the customer's utility account shall be charged the returned check charge as set forth in Section 11.01.150(5), the customer's participation in the Direct-Pay Program and authorization to make the "Electronic Funds Transfer" shall be terminated; and, the customer's

utility account shall be considered unpaid on the due date, shall be assessed late payment penalties, and may be subject to possible termination of utility services. Should the customer's chosen bank account contain insufficient funds to cover the amount of the "Electronic Funds Transfer", the customer's utility account shall be charged the returned check charge as set forth in Section 11.01.150(5), the customer's participation in the Direct-Pay Program and authorization to make the "Electronic Funds Transfer" may be terminated; and, the customer's utility account shall be considered unpaid on the due date, shall be assessed late payment penalties, and may be subject to possible termination of utility services. The customer shall have the right to terminate the authorization at any time by written instruction to the Utility Business Office, and the Utility Business Office shall honor said written instruction following a reasonable time necessary to act on same.

- (4) The utilities may provide any residential customer whose account is delinquent an opportunity to enter into a reasonable amortization agreement to pay the delinquent account. Such an amortization agreement is to provide the customer with adequate opportunity to apply for and receive the benefits of any available assistance program. The agreement must be subject to amendment at the customer's request if there is a change in the customer's financial circumstances.
- (5) A reasonable rate of interest in addition to penalties set forth in Section 11.01.150(2) may be charged on the unpaid balance of a customer's delinquent bill, should said bill remain unpaid for more than 90 days beyond the due date as stated on the original bill. (Ord. 2009-9, S11, Feb. 18, 2009) (Ord. 2007-26, S5, Aug. 22, 2007) (Ord. 2004-7, S5, Apr. 21, 2004) (Ord. 2003-61, S1, Oct. 22, 2003) (Ord. 2003-17, S5, May 21, 2003) (Ord. 1998-9, S5, 1998) (Ord. 1996-19, S5, 1996) (Ord. 1991-39 S2, 1991) (Ord. 1169 S2, 1984)

#### **11.01.055 Billing Adjustments.**

##### **GAS:**

- (1) If any service meter is found to have a percentage of error greater than two percent (2%), plus or minus, when tested at its check and open rates, the following provisions for the adjustment of bills shall be observed:
  - (a) When a meter is found to be fast, in excess of two percent (2%) when tested at check and open rates (positive average error), the utility shall refund the customer's account with the amount of any charges in excess of either of the following:
    1. An average bill for the units of gas incorrectly metered.

2. Separate bills individually adjusted for the percent of error for a period equal to one-half (1/2) of the time elapsed since the previous test, or one (1) year, whichever period is shorter.

An average bill shall be calculated on the basis of units registered on the meter over corresponding periods either prior to or subsequent to the period for which the meter is determined to be fast. No part of a minimum service charge shall be refunded.

- (b) When a meter is stopped or is slow, in excess of two percent (2%) when tested at check and open rates (negative average error), the utility may charge the customer for the units of gas incorrectly metered for one-half (1/2) of the time elapsed since the previous test, or one (1) year, whichever period is shorter. The amount of the charge to the customer shall be estimated on the basis of either of the following:

1. An average bill.
2. Separate bills individually adjusted for percent of error.

An average bill shall be calculated on the basis of units registered on the meter over corresponding periods either prior to or subsequent to the period for which the meter is determined to be slow or stopped. Such action may be taken only in cases where the utility is not at fault for allowing the stopped or slow meter to remain in service.

- (2) All other billing errors may be adjusted to the known date of error or for a period of one (1) year, whichever period is shorter.

#### WATER:

- (1) If any service meter shall be found to have a percentage of error greater than two percent (2%), the following provisions for the adjustment of bills shall be observed:

- (a) Fast Meters. When a meter is found to have a positive average error, i.e., is fast, in excess of two (2) percent, the utility shall refund or credit the customer's account with the amount in excess of that determined to be an average charge for one-half of the time elapsed since the previous test, or one (1) year, which period is shorter. This average charge shall be calculated on the basis of units registered on the meter over corresponding periods either prior to subsequent to the period for which the meter is

determined to be fast. No part of a minimum service charge need be refunded.

- (b) Stopped or Slow Meters. When a meter is stopped or has a negative average error, i.e. is slow, in excess of two (2) percent, the utility may charge the customer an amount estimated to be an average charge for one-half of the time elapsed since the previous test or one (1) year, whichever period is shorter. The average charge shall be calculated on the basis of units registered on the meter over corresponding periods either prior or subsequent to the period for which the meter is determined to be slow or stopped. Such action may be taken only in cases where the utility is not at fault for allowing the stopped or slow meter to remain in service.
- (2) Other Billing Adjustments. All other billing errors may be adjusted to the known date of error or for a period of one year, whichever period is shorter.

#### ELECTRIC:

- (1) Adjustments Due to Meter Errors. If any service meter, after being tested, is found to have a percentage of error greater than three percent (3%) for watt-hour meters and four percent (4%) for demand meters, the bills for service shall be adjusted as follows:
- (a) Fast Meters. When a meter is found to have a positive average error, the public utility shall refund, or credit the customer's account with the amount of any charges in excess of either (i) an average bill for the kilowatt-hours and/or demand units incorrectly metered or (ii) separate bills individually adjusted for the percent of error for the period the meter was fast, if such kilowatt-hours and/or demand units registered on the meter over corresponding periods either prior to or subsequent to the period for which the meter is determined to be fast. No part of a minimum service charge shall be refunded.
  - (b) Stopped or Slow Meters. When a meter is stopped or has a negative average error, the public utility may charge the customer for the kilowatt-hours and/or demand units incorrectly registered for one-half of the period since the last previous test or one year, whichever is shorter. The amount of the charge to the customer shall be estimated on the basis of either (i) an average bill as herein below described or (ii) separate bills individually adjusted for the percent of error. An average bill shall be calculated on the basis of kilowatt-hours and/or demand units registered on the meter over corresponding periods either prior or subsequent to the period for which the meter is determined to be slow or stopped. The utility may charge the customer for such amounts except where the utility negligently allows the stopped or slow meter to remain in service.

- (2) Other Billing Adjustments. All other billing errors may be adjustment to the known date of error or for a period of one year, whichever period is shorter. (Ord. 2009-9, S12, Feb. 18, 2009)

**11.01.060 Discontinuance of Service.**

- (1) Whenever a customer desires discontinuance of such a utility service, they shall notify the utility, at the Utility Business Office, of such desire and of the date on which service is to be discontinued, sufficiently in advance of such date to provide a reasonable time for the utility to obtain the final meter readings. Customers shall not rely on their landlord, or any third party, to notify the utility of such discontinuance of service.
- (2) The utility reserves the right to discontinue service for non-payment of bills and for other such reasons as stated in 'Termination of Service' below. All bills will be due and payable on the 10<sup>th</sup> day of each month. Customers who fail to pay on or before the 10<sup>th</sup> day of the month will be sent a written past due notice. Customers who have not paid their bills by the due date as stated on this past due notice and have not made satisfactory payment arrangements will have their service discontinued.
- (3) When the utility service has been cut off upon customer's default, the utility will not be obligated to restore service until the customer had paid all bills due for service previously furnished and has made a satisfactory deposit, the amount to be determined in accordance with the utilities' deposit policy, to insure future payment of bills. A reconnection fee will be charged to reconnect a disconnected customer as set forth in Section 11.01.150(3). If a reconnection is desired during Business Hours, the entire payment due must be made at the Jasper Municipal Utilities Business Office. If a customer desires reconnection after hours, payment must be made by money order for the entire amount due, plus the reconnection fee as set forth in Section 11.01.150(3). Jasper Municipal Utility personnel whose duty it is to reconnect utility service after hours may not accept payment for reconnection by cash or check.
- (4) If the customer is in default and, while the utility is preparing to disconnect the customer's utility service, the customer elects to pay the utility employee the total and exact amount in default, the customer may be charged a collection fee as set forth in Section 11.01.150(6). Said collection fee shall be used to offset the additional labor costs associated with attempting to disconnect.
- (5) In the event natural gas service has been terminated, for whatever reason, the gas utility will perform a gas inspection of the premises at the time

service is restored and the customer may be charged a gas inspection fee as set forth in Section 11.01.150(4).

- (6) In every circumstance where utility service has been disconnected, whether for nonpayment or at a customer's request, a Temporary Disconnect/ Reconnect Fee shall be charged to the person requesting reconnection as set forth in Section 11.01.150(3). Said fee shall be paid in full prior to reconnection.
- (7) The utility may disconnect service forthwith and without notice if the customer's wiring or other utility connections are found to be in a dangerous or unsafe condition, or if necessary to protect itself from fraud. The utility may deny service to anyone who is indebted to the utility for service rendered at another location, until such time as all such indebtedness is paid in full. Any discontinuance of service shall not terminate the obligations under the applicable tariff between the utility and the customer. (Ord. 2009-9, S13, Feb. 18, 2009) (Ord. 2007-26, S6, Aug. 22, 2007) (Ord. 2004-7, S6, Apr. 21, 2004) (Ord. 2003-17, S6, May 21, 2003) (Ord. 1998-9, S6, 1998; Ord. 1996-19, S6, 1996; Ord. 1991-39 S2, 1991; Ord. 1169 S2, 1984)

#### **11.01.070 Termination of Service.**

- (1) Notwithstanding any other ordinance or regulation, except as stated in Section 11.01.070(2) below, during the "heating season" of any year, residential customers who have applied for and are having their eligibility determined, or are receiving, assistance from a heating assistance program administered under state law shall not have their utility service terminated. It shall be the responsibility of the customer to notify the Utility Business Office that application has been made to the heating assistance program. Non-residential customers shall not be subject to this "heating season" exclusion.

The Jasper Municipal Utilities reserves the right to discontinue utility service for non-payment of bills if the residential customer has not applied for or is not receiving benefits from a heating assistance program regardless whether during the "heating season" or not.

- (2) The utilities may terminate utility service upon request of the customer or under the following circumstances:
  - (a) If a condition dangerous or hazardous to life, physical safety, or property exists.
  - (b) Upon order of any court, the Commission, or other duly authorized authority.



- (c) If fraudulent or unauthorized use of any utility service is detected, and the utility has reasonable grounds to believe the affected customer is responsible for such use.
  - (d) If the utilities' regulating or measuring equipment has been tampered with and the utility has reasonable grounds to believe that the affected customer is responsible for such tampering.
  - (e) For nonpayment, under those rules set out in 'Termination of Service - Notice' below.
- (3) In the event the customer requests a utility service be permanently removed, the customer will be charged as set forth in Section 11.01.150(7) for each service involved. Each Service permanently disconnected shall also have the meter removed and, where appropriate, service lines abandoned and disconnected at the main. Should the customer, at a later date, request re-installation of said utility service, the customer will be required to reapply for a permit and pay all appropriate fees and expenses as though it were a totally new service.
  - (4) In the event the customer requests a utility service relocated, either temporarily or permanently, the customer will be charged as set forth in Section 11.01.150(8).
  - (5) In every circumstance where utility service has been disconnected, whether for nonpayment or at a customer's request, a Temporary Disconnect/ Reconnect Fee shall be charged to the person requesting reconnection as set forth in Section 11.01.150(3). Said fee shall be paid in full prior to reconnection.
  - (6) Owners or Managers of rental property shall complete, and the Utility Business Office shall maintain a "Rental Property Owner Questionnaire" in which the rental property owner or manager shall elect to either a) leave all utilities connected, but to have payment responsibility transferred to the property owner during unit or property vacancies or b) have all utilities temporarily shut-off during unit or property vacancies and to be subject to the Temporary Disconnect/Reconnect Fee as set forth in Section 11.01.150(3). Said Owner shall also be subject to the Temporary Disconnect/Reconnect Fee if the Owner's tenant's service was disconnected for nonpayment and the Owner requests reconnection as set forth in Section 11.01.150(3). (Ord. 2009-9, S14, Feb. 18, 2009) (Ord. 2007-26, S7, Aug. 22, 2007) (Ord. 2004-7, S7, Apr. 21, 2004) (Ord. 2003-17, S7, May 21, 2003) (Ord. 1998-9, S7, 1998) (Ord. 1996-19, S7, 1996) (Ord. 1991-39 S2, 1991) (Ord. 1169 S2, 1984)

### **11.01.080 Termination of Service - Notice.**

- (1) Utility service being provided to an occupied "dwelling", or other occupied facility, may not be terminated because of the failure of the customer to pay their utility bill until fourteen (14) days after the utility serves notice upon the customer of its intent to terminate said service. Said notice shall be in the form of a past due notice.
- (2) The past due notice must, in separate numbered paragraphs:
  - (a) Indicate the date on which service will be terminated;
  - (b) State the reason and factual basis for termination of service;
  - (c) List the telephone number of the Utility Business Office that customers may call during business hours in order to question the proposed termination of service or to seek information concerning their rights; and
  - (d) State that customers may refer to the pamphlet furnished to them when they applied for service for information as to their rights.
- (3) Service of a past due notice under this section must be made by:
  - (a) First Class mail addressed to the customer at the address listed for the customer in the records of the utilities; or
  - (b) Personal delivery posted in a conspicuous location at the service address.
- (4) No notice may be served before the date on which the customer's account becomes delinquent.
- (5) After following the notice provisions set forth above, utility service, whether it be electric, gas, wastewater, or water, or any combination thereof, being provided to a residential customer at one metering point, residence, or location, may be disconnected for failure to pay for utility service, whether it be electric, gas, wastewater, or water, or any combination thereof, being provided to the same residential customer for the same form or class of utility service at another metering point, residence or location if such bill has remained unpaid for at least forty-five (45) days. (Ord. 2009-9, S15, Feb. 18, 2009) (Ord. 2007-26, S4, Aug. 22, 2007) (Ord. 2004-7, S8, Apr. 21, 2004) (Ord. 2003-17, S8, May 21, 2003) (Ord. 1998-9, S8, 1998) (Ord. 1996-19, S8, 1996) (Ord. 1991-39 S2, 1991) (Ord. 1169 S2, 1984)

**11.01.083 Bankruptcies.** Any active residential account which files Bankruptcy shall have its existing Cash Deposit applied to any unpaid charges incurred prior to the bankruptcy filing date, AND shall be required to submit an additional Cash Deposit sufficient in amount so as to provide the Jasper Municipal Utilities adequate assurance of payment of future charges in accordance with bankruptcy law. In no event shall the new deposit be more than double the regular deposit requirement.

Any active non-residential account which files Bankruptcy shall have its Cash Deposit, Certificate of Deposit (CD) and/or its Surety Bond applied to any unpaid charges incurred prior to the bankruptcy filing date, AND shall be required to submit an additional Cash Deposit, assigned Certificate of Deposit (CD), and/or Surety Bond sufficient in amount so as to provide the utilities adequate assurance of payment of future charges in accordance with bankruptcy law. In no event shall be new deposit be more than 30% of the previous twelve (12) months charges, including taxes and penalties, for each service, rounded to the nearest \$100.

If, after the bankruptcy filing date, an account becomes past due, service may be terminated and the deposit used to pay all existing charges. Upon reestablishing the required deposit balance, the payment of reconnect charges, and the payment of any charges not covered by the Cash Deposit, Certificate of Deposit (CD) and/or Surety Bond, services will be restored. (Ord. 2009-9, S16, Feb. 18, 2009) (Ord. 1998-10, S1, 1998) (Ord. 1993-38, S1, 1993) (Ord. 1993-20, S1, 1993)

**11.01.087 Refunding of Deposits and the Payment of Interest.**

- (1) Cash Deposits will be applied to the customer's Final Bill after which the balance, if any, will be refunded. Any balance due after application of the deposit shall be due and payable on or before the date specified on the Final Bill.
- (2) Residential, owner occupied, Cash Deposits may be refunded after one (1) year, if requested and, if the following conditions are met:
  - (a) within the past one (1) year, the Owner/Occupant did not have more than two (2) bills which became delinquent, AND
  - (b) within the past two (2) years, the Owner/Occupant did not have a service disconnected for non-payment by any utility.
- (3) Non-Residential Certificates of Deposit (CDs) will be returned to the owner with a cancellation of the assignment within a reasonable time after all final charges are paid.
- (4) Non-Residential Surety Bonds will be cancelled and returned to the principal within a reasonable time after all final charges are paid.

- (5) If a given utility has a deposit balance remaining after that utility's charges are satisfied, said balance shall be applied to other utility charges not so satisfied before any amount of the deposit is refunded.

If more than one (1) utility has charges not so satisfied, the excess shall be applied in a manner determined by the Utility Business Office.

- (6) Interest will NOT be paid on any part of the deposit. (Ord. 2009-9, S17, Feb. 18, 2009) (Ord. 1998-10, S1, 1998) (Ord. 1993-38, S1, 1993) (Ord. 1993-20, S1, 1993)

**11.01.090 Meter Tampering, Fraudulent, or Unauthorized Use of Utility Service.** In the event the utility has reasonable grounds to believe that the customer has tampered with the utilities' regulating or measuring equipment, or if fraudulent or unauthorized use of any utility service is detected, the utility will estimate its loss of revenue, including interest, and bill the responsible customer as set forth in Section 11.01.150(9). (Ord. 2009-9, S18, Feb. 18, 2009) (Ord. 2007-26, S9, Aug. 22, 2007) (Ord. 2004-7, S9, Apr. 21, 2004) (Ord. 2003-17, S9, May 21, 2003) (Ord. 1998-9, S9, 1998) (Ord. 1996-19, S9, 1996)

**11.01.100 Accessibility of Meters.** Utility meters must, at all times, be accessible to utility personnel for the purpose of reading, testing, and maintenance. In the event shrubbery or other obstructions inhibit access to the meter and/or the viewing of the meter dials, the customer will be formally requested in writing and given 30 days in which to remove (or trim) said shrubbery or other obstruction so that uninhibited access of the meter can take place. Should the customer choose not to comply with said request, the utility may contract with a professional for the purpose of removing (or trimming) the inhibiting shrubbery or other obstruction. The customer, in this event, will be billed as set forth in Section 11.01.150(10). (Ord. 2009-9, S19, Feb. 18, 2009) (Ord. 2007-26, S10, Aug. 22, 2007) (Ord. 2004-7, S10, Apr. 21, 2004) (Ord. 2003-17, S10, May 21, 2003) (Ord. 1998-9, S10, 1998) (Ord. 1996-19, S10, 1996)

**11.01.110 Inside Meters.** In those cases where a utility's regulating or measuring device (including, without limitation, a measuring meter) is located on the inside of a structure or is otherwise located in a place that is not readily available for sight reading by a utility employee, the Jasper Municipal Utilities may request the customer to convert the regulating or measuring device to a remote device that does not require sight reading and which can be read by means of an electronic signal transmitted via radio waves, wire, optical cable, or similar medium. Any such request shall be made in writing and shall give the customer 30 days to make the appropriate conversion. In the event the customer does not make the conversion within 30 days, the Jasper Municipal Utilities may charge an inside meter reading fee as set forth in Section 11.01.150(11). The owner of any structure that has an inside meter must provide the Jasper Municipal Utilities with 24 hour access to the inside meter for the purpose of testing, maintenance and disconnection of said meter. (Ord. 2009-9, S20, Feb. 18, 2009) (Ord. 2007-26, S11, Aug. 22, 2007)

(Ord. 2004-7, S11, Apr. 21, 2004) (Ord. 2003-17, S11, May 21, 2003) (Ord. 1998-9, S11, 1998) (Ord. 1996-19, S11, 1996)

**11.01.120 Meter Testing.** Whenever the customer believes that a meter is not recording within the limits of accuracy as prescribed by the rules of the Indiana Utility Regulatory Commission, said customer may request that the meter in question be tested for accuracy.

Whenever a request is made for a test on a customer's meter and said meter has been tested twice in the previous twenty-four (24) months, the customer shall be required to make an advance payment of a meter testing fee, as set forth in Section 11.01.150 (12), before the meter will be tested.

If the meter is found to be over-recording usage, the meter testing fee will be refunded. If the meter is found to be under-recording usage, or if the meter is found to be accurately recording usage, the meter testing fee will not be refunded. (Ord. 2009-9, S21, Feb. 18, 2009) (Ord. 2007-26, S12, Aug. 22, 2007) (Ord. 2004-7, S12, Apr. 21, 2004) (Ord. 2003-17, S12, May 21, 2003) (Ord. 1998-9, S12, 1998)

**11.01.130 Electric Service Permit.** All residential, commercial, industrial, governmental, and institutional facilities shall be required to obtain a permit before connection to the utility's system will be allowed. This permit requirement applies to new, temporary or permanent, service connections; changes in the size of service; additional service connections; and, the relocating of service connections.

A permit fee, as set forth in Section 11.01.150(13), shall be paid at the time the Electric Service Permit is issued. The permit fee shall apply toward recovering costs associated with inspecting the installation as described on the permit. (Ord. 2009-9, S22, Feb. 18, 2009) (Ord. 2007-26, S13, Aug. 22, 2007) (Ord. 2004-7, S13, Apr. 21, 2004) (Ord. 2003-17, S13, May 21, 2003) (Ord. 1998-9, S13, 1999)

**11.01.140 Seasonal Service Disconnection/Reconnection.** Utility service will be extended to customers on a seasonal basis under the same conditions as permanent residential, commercial, and industrial accounts. When requested by the customer, service(s) will be temporarily disconnected, however, a monthly customer charge, as set forth in the appropriate rate ordinance, will be assessed for each service involved, each month said service(s) is/are disconnected. A reconnection fee, as set forth in Section 11.01.150(14) for each service involved, shall be paid prior to reconnection of said service(s). In the event natural gas service has been shut-off, the Gas Utility will perform a gas inspection of the premises when service is restored and the customer will be charged a gas inspection fee as set forth in Section 11.01.150(14).

In the event the temporary shut-off becomes permanent as a result of direction from the property owner, time lapse, or other criteria in the discretion of utility management, the provisions of Section 11.01.070(3) shall apply. (Ord. 2009-9, S23, Feb. 18, 2009) (Ord. 2007-26, S14, Aug. 22, 2007) (Ord. 2004-7, S14, Apr. 21, 2004) (Ord. 2003-17, S14, May 21, 2003) (Ord. 1998-9, S14, 1999)

**11.01.145 Miscellaneous Charges.** The Jasper Municipal Utilities shall charge its customers for other miscellaneous items and services as set forth in Section 11.01.150(16) through 11.01.150(23). (Ord. 2009-9, S24, Feb. 18, 2009) (Ord. 2007-26, S15, Aug. 22, 2007)

**11.01.150 Schedule of Non-Recurring Charges.**

(1) Customer Security Deposit	Refer to the “Customer Application and Deposit Policy” Ordinance
(2) Late Payment of Utility Bill Penalty: Electric, Water, & Gas  Sewer	10% on first \$3.00; Plus 3% on Balance 10% on Balance
(3) Temporary Disconnect / Reconnect Fee: During Business Hours (7:30AM-4PM) After Hours (4PM-7:30AM)	\$ 50.00 each \$ 100.00 each
(4) Gas Inspection Fee: During Business Hours (7:30AM-4PM) After Hours(4PM-7:30AM)	\$ 30.00 each \$ 60.00 each
(5) Returned Check Charge	\$ 25.00 each
(6) Delinquent Account Collection Fee	\$ 50.00 each
(7) Permanent Service Removal (Customer Requested) [Service Lines Disconnected & Meters Removed- Requires New Service Permits to Reactivate]	As set by the Utility Service Board
(8) Service Relocation (Customer Requested)	As set by the Utility Service Board
(9) Meter Tampering / Fraudulent or Unauthorized use of Utility Service	Justified Adjustment of Charges, Plus 12% Interest
(10) Removal of Meter Obstruction / Shrubbery Trimming	As set by the Utility Service Board
(11) Inside Meter Reading Fee	\$ 2.00 / Month
(12) Meter Testing Fee	\$ 30.00 each
(13) Electric Service Permit Fee	\$ 50.00 each
(14) Seasonal Service Disconnection / Reconnection Fee: During Business Hours (7:30AM-4PM)	\$ 50.00 each

(15) Equal-Pay Multiplier	1.05
(16) Water Meters and Parts	As set by the Utility Service Board
(17) Equipment Rental	As set by the Utility Service Board
(18) Labor	As set by the Utility Service Board
(19) Water Sampling	As set by the Utility Service Board
(20) Wastewater Laboratory Charges	As set by the Utility Service Board
(21) Septic Dumping	As set by the Utility Service Board
(22) Trenching	As set by the Utility Service Board
(23) Set up Fee for electric load profiling services	One time fee of \$100.00
(24) Service Fees for electric load profiling services	\$35.00/month
(25) Other miscellaneous utility parts and materials	As set by the Utility Service Board

(Ord. 2010-5, S1, Mar. 17, 2010) (Ord. 2009-9, S25, Feb. 18, 2009) (Ord. 2007-26, S16, Aug. 22, 2007) (Ord. 2006-38, S1 and S1, Aug. 23, 2006)(Ord. 2004-7, S15, Apr. 21, 2004) (Ord. 2003-17, S15, May 21, 2003) (Ord. 1998-9, S15, 1998) (Ord. 1996-19, S12, 1996) (Ord. 1991-39, 1991)

**11.01.160 Prior Ordinances.** Ordinances 1998-10, 2003-17, 2003-61, 2004-7, and 2006-38, and all ordinances and/or parts of ordinances in conflict herewith, are hereby repealed. (Ord. 2009-9, S26, Feb. 18, 2009) (Ord. 2007-26, S17, Aug. 22, 2007) (Ord. 2004-7, S16, Apr. 21, 2004)

**11.01.170 Separability.** If any section, sub-section, sentence, clause, phrase or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 2009-9, S27, Feb. 18, 2009) (Ord. 2007-26, S18, Aug. 22, 2007) (Ord. 2004-7, S17, Apr. 21, 2004)



**11.01.180 Effective Date.** This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and completion of any other legal requirements, all in the manner as provided by law. (Ord. 2009-9, S28, Feb. 18, 2009) (Ord. 2007-26, S19, Aug. 22, 2007) (Ord. 2004-7, S18, Apr. 21, 2004)

## Chapter 11.04

### WATER

#### Sections:

- 11.04.010 Meter required when.**
- 11.04.020 Responsibility for repairs.**
- 11.04.030 Broken meter - Notice - Report.**
- 11.04.040 Broken meter - Responsibility for repair.**
- 11.04.050 Broken meter - Inspection.**
- 11.04.070 Water service - Conditions listed.**
- 11.04.080 Checking and substituting meters.**
- 11.04.090 Approval of meter prior to service.**
- 11.04.100 Water service - Cut off authorized.**
- 11.04.110 Specifications for connections.**
- 11.04.120 Replacing mains when resurfacing streets.**
- 11.04.130 Penalty for violations of Section 11.04.110-11.04.120.**
- 11.04.140 Rates for Service.**
- 11.04.150 Collection charge for late bills**
- 11.04.160 Main extensions - To be made at owner's expense.**
- 11.04.180 Main extensions - Installation supervision.**
- 11.04.190 Main extensions - Dedication to Municipal Water Department.**
- 11.04.200 Backflow Prevention**

**11.04.010 Meter required when.** All water consumers shall procure from the Municipal Water Department, a water meter to be installed by a licensed plumber in the lines provided for by the consumer, the same to be of sufficient capacity for the efficient measuring of water furnished to the consumer. Said water meter shall be located ten (10) feet behind the property line and it shall be located in the middle of the lot. Any deviation from this requirement may only be made with the express written consent of the Water Manager. (Ord. 2015-2, S2, Jan. 21, 2015) (Ord. 2013-34, S3, Oct. 23, 2013) (Ord. 1277 S 1, 1986) (Ord. 262, 1941) (Ord. 46 S 1).

**11.04.020 Responsibility for repairs.** The owner shall thereafter, at his own expense, keep all service pipes and connections therewith in good repair. The entire service line from the tap onto the main to the home or other building is the responsibility of the owner. Should any leak or other damage require repair, said repair shall be the responsibility of the owner. In the event the City, through its Municipal Water Department, shall notify the owner or consumer of the need for repair, such repair shall be completed within five (5) days from the date of such notice. If the repairs are not made within five (5) days after the notice, the Distribution Foreman of the Municipal Water Department of the City of Jasper, shall either shut off the water supply to the consumer until the repairs are made according to the specifications and order of the Distribution Foreman, or provide said repairs at the owner's sole expense. A leak or

other condition that jeopardizes the water system shall be repaired immediately. (Ord. 2015-2, S3, Jan. 21, 2015) (Ord. 2013-34, S4, Oct. 23, 2013) (Ord. 262, 1941) (Ord. 46 S2).

**11.04.030 Broken meter - Notice - Report.** When the Water Distribution Foreman, or his duly authorized agent, finds that the water meter of any of the water consumers of the City is not in good working order, but is in need of repair, it shall be the duty of the Distribution Foreman, or his agent, to then and there notify the consumer of the condition of the meter and to order the consumer to have the water meter repaired and put in good working order. The Distribution Foreman, or his agent, shall make a record of the date when such notice and order was served on consumer. Damages due to normal wear and tear shall be excluded from this section 11.04.030, and shall be the responsibility of the Municipal Water Department. (Ord. 2015-2, S4, Jan. 21, 2015) (Ord. 2013-34, S5, Oct. 23, 2013) (Ord. 60 S1, 1927).

**11.04.040 Broken meter - Responsibility for repair.** It shall be the duty of the water consumer to have the water meter repaired and inspected by the Municipal Water Department personnel and be in good working order within ten (10) days after the notice and order has been given to him and served upon him. The cost of the labor and parts necessary to repair the meter and put it in good working order shall be at the expense of the water consumer. (Ord. 2015-2, S5, Jan. 21, 2015) (Ord. 2013-34, S6, Oct. 23, 2013) (Ord. 1277 S2, 1986) (Ord. 60 S2, 1927).

**11.04.050 Broker meter - Inspection.** It shall be the duty of the Distribution Foreman, or his agent, to inspect and examine the water meter of the consumer at the expiration of the ten (10) day period or as soon thereafter as possible. (Ord. 2015-2, S6, Jan. 21, 2015) (Ord. 2013-34, S7, Oct. 23, 2013) (Ord. 60 S3, 1927).

**11.04.070 Water service - Conditions listed.** The Municipal Water Department shall furnish water to consumers only on the following conditions:

- (1) Every consumer shall have a separate service line.
- (2) A main must be present adjacent to the owner's land.
- (3) The service tap must be twenty (20) feet away from the end of the main. A service line may tap a main line that is located across the street from the property to be serviced, so long as the tap is twenty (20) feet away from the end of the main line. The consumer shall be required to extend the water main to a point that will allow for the most direct connection of the service line to the water main. The location of said extension shall be approved by the Municipal Water Department Manager and any deviation from this requirement may only be upon the express written consent and at the discretion of the Municipal Water Department Manager.

- (4) That consumers shall purchase and have installed water meters of the type and size approved by the Distribution Foreman of the Municipal Water Department.
- (5) The consumers shall permit the Distribution Foreman of the Municipal Water Department from time to time, whenever he sees fit, at reasonable hours, to check the meters to determine whether or not they accurately measure the water flowing through them.
- (6) The consumers shall agree to permit and shall permit the Distribution Foreman of the Municipal Water Department to remove their water meters when the Distribution Foreman of the Municipal Water Department finds that their water meters do not accurately measure the water flowing through them and substitute water meters of similar size, quality, and value which will accurately measure the water flowing through them. (Ord. 2015-2, S7, Jan. 21, 2015) (Ord. 2013-34, S8, Oct. 23, 2013) (Ord. 93 S1, 1931).

**11.04.080 Checking and substituting meter.** The checking and substitution of water meters shall be done by the Municipal Water Department without charge to the consumers. (Ord. 2015-2, S8, Jan. 21, 2015) (Ord. 2013-34, S9, Oct. 23, 2013) (Ord. 93 S2, 1931).

**11.04.090 Approval of meter prior to service.** Water shall not be furnished to consumers until they have installed water meters and until the Distribution Foreman of the Municipal Water Department, or his authorized agent, has approved the same. (Ord. 2015-2, S9, Jan. 21, 2015) (Ord. 2013-34, S10, Oct. 23, 2013) (Ord. 93 S3, 1931).

**11.04.100 Water service - Cut off authorized.** The Distribution Foreman of the Municipal Water Department shall be authorized to cut off water from such consumers and discontinue to furnish water to them without notice upon their failure or refusal to comply with any of the conditions stated in Section 11.04.070 of this Chapter. (Ord. 2015-2, S10, Jan. 21, 2015) (Ord. 2013-34, S11, Oct. 23, 2013) (Ord. 93 S4, 1931).

**11.04.110 Specifications for connections.** All connections to water mains in the City, hereafter made by any property owner, shall meet the following specifications:

- (1) SERVICES: KIND, SIZE. The kinds of services are listed below:
  - (a) Commercial service is a connection which serves an apartment house where three or more families reside or a store, factory, or institution which require large quantities of water. The sizes of these services shall be determined by consultation with the Municipal Water Department.

- (b) Residence service is a connection which serves a residence wherein not more than two (2) families reside. The size of these services shall be not smaller than five-eighths (5/8) inch nor longer than one (1) inch inside diameter of pipe.
  - (c) A service shall consist of: One corporation cock, threaded into water main. Copper pipe, connected to corporation cock, and extending through the consumer's water meter at least five (5) feet.
- (2) MATERIAL: KIND, QUALITY. The kind of materials are listed below:
- (a) Any material shall be allowed to be added to the distribution system (main lines) so long as it has been approved by the American Water Works Association and by the Municipal Water Department Manager. Provided, however, when tapped into ductile iron mains, service lines must be "K" copper from the tap on the main to at least five (5) feet past the meter. Thereafter, any material approved by the American Water Works Association may be used. Private mains and fire lines tapped on ductile iron mains must use ductile iron up to the property line. Thereafter any material approved by the American Water Works Association may be used. All service lines and mains must be traceable. Any such line that is not metal or traceable by use of an electric current must be accompanied by a tracer wire buried above the line. Such trace wire must be readily accessible for connection and protected from damage.
  - (b) Connections - No soldered connections will be permitted. Copper pipes may be joined by means of approved threaded solderless, gasketless, connections or may be brazed with phosphorized copper or silver copper brazing rod, which shall have a melting point of not less than one thousand one hundred (1,100°) degrees Fahrenheit.
  - (c) Fittings - All fittings shall be of brass and shall be in conformity with the American Water Works Standard or equal.
- (3) WORKMANSHIP AND INSPECTION. The workmanship and inspection shall be done as follows:
- (a) Tapping Mains - Tapping of mains shall be done only by licensed and bonded plumbers, or their employees, or by employees of the Municipal Water Department. The work must be carefully done so that the holes when tapped will be standard size for the fittings used. No bushing of holes will be permitted.

- (b) All services shall be inspected and approved by the Distribution Foreman of the Municipal Water Department or a designee before the trench is backfilled. Any work installed which does not pass inspection shall be either removed, replaced, or made suitable and in conformity with specifications before being approved. (Ord. 2015-2, S11, Jan. 21, 2015) (Ord. 2013-34, S12, Oct. 23, 2013) (Ord. 1277, S4, 1986) (Ord. 182-B, S1, 1934).

**11.04.120 Replacing mains when resurfacing streets.** At the sole discretion of the City of Jasper, whenever any street in the City of Jasper is improved with pavement, and there is a water main in such street, and the existing water main connections do not meet the specifications of Section 11.04.110 of this Chapter, all water main connections leading from said main to said curb line shall be replaced according to specifications of Section 11.04.110. All abutting or adjoining property owners to any street which may be improved, and in which street there is a water main, shall make a water connection before such street is paved or improved. If the property owner refuses or fails to make connections, or replace his connections with the water main, on the streets to be improved or being improved with pavement, then the City of Jasper shall proceed to lay said water connections with nonferrous metal pipe and the cost of same including all work, labor, and materials, shall be assessed against the abutting property owner and said costs shall constitute a lien against said real estate. (Ord. 2015-2, S12, Jan. 21, 2015) (Ord. 2013-34, S13, Oct. 23, 2013) (Ord. 182-B, S2, 1934).

**11.04.130 Penalty for violations of Sections 11.04.110 - 11.04.120.** Any violation of any provision of Sections 11.04.110 - 11.04.120 is hereby declared unlawful, and any person violating any of the provisions of Sections 11.04.110 - 11.04.120 shall, upon conviction, be fined in any sum not less than Twenty-Five Dollars (\$25.00), or more than One Hundred Dollars (\$100.00). (Ord. 2015-2, S13, Jan. 21, 2015) (Ord. 2013-34, S14, Oct. 23, 2013) (Ord. 182-B, S3, 1934).

**11.04.140 Rates for Service.** There shall be and there are hereby established for the use of the retail and wholesale consumers, both inside and outside the corporate limits of the City of Jasper, the following rates and charges for the Municipal Water Utility, which are hereby deemed to be reasonable, equitable, and based upon the cost of providing service.

- (1) There shall be and there are hereby established for the sale of water within the corporate limits of the City of Jasper the following rates and charges:

- (a) 

<u>Metered Rates</u>	<u>Per 100 Cu. Ft. Per Month</u>
First 5,000 cubic feet	\$ 5.62
Next 20,000 cubic feet	4.57
Over 25,000 cubic feet	3.54
- (b) Monthly Service Charge  
Each user shall pay a monthly service charge in accordance with the size of the meter installed:

<u>Meter Size</u>	<u>Per Month</u>
5/8 inch meter	\$ 9.15
3/4 inch meter	11.15
1 inch meter	12.85
1 1/2 inch meter	15.00
2 inch meter	20.80
3 inch meter	64.30
4 inch meter	80.35
6 inch meter	117.85

(c) Fire Hydrant Rental Per Annum  
Private Hydrant \$ 787.40

(d) Fire Protection Rates (Private) Per Annum

1 inch connection	\$ 22.50
1 1/2 inch connection	49.80
2 inch connection	87.85
3 inch connection	197.15
4 inch connection	350.25
6 inch connection	787.40
8 inch connection	1,400.00
10 inch connection	2,187.20
12 inch connection	3,149.00

(e) Inspection fee  
An Inspection Fee shall be charged by the City to the owner for inspection of the water service line installation and tap of the same onto the water main, including inspection of materials used. Said Inspection Fee shall be in accordance with the applicable Ordinances in effect at the time the inspection is made. In the event the inspection identifies installation is unsatisfactory, the inspector shall so advise the owner. The owner shall cause the deficiencies to be corrected. Another inspection shall then be made, for which an additional Inspection Fee will be charged. Water service shall not be initiated until the work has been approved.

(f) Temporary Users  
Water furnished to temporary users, such as contractors, festivals, etc., shall be charged for on the basis of the above rates and quantities as estimated by the Municipal Water Department Manager.

(g) Bulk Water  
Water sold to bulk users directly from the fill station at the Water Treatment Plant shall be Ten Dollars (\$10.00) for any amount less

than or equal to one thousand (1,000) gallons and then \$.0056 per each additional gallon of water. Applicable sales tax would also be added.

- (2) There shall be and there are hereby established for the sale of water outside the corporate limits of the City of Jasper, the following rates and charges:

(a)	<u>Metered Rates</u>	<u>Per 100 Cu. Ft. Per Month</u>
	First 5,000 cubic feet	\$ 7.09
	Next 20,000 cubic feet	5.73
	Over 25,000 cubic feet	4.46

- (b) Monthly Service Charge  
Each user shall pay a monthly service charge in accordance with the size of the meter installed:

	<u>Meter Size</u>	<u>Per Month</u>
	5/8 inch meter	\$ 11.40
	3/4 inch meter	14.00
	1 inch meter	16.00
	1 1/2 inch meter	18.85
	2 inch meter	26.10
	3 inch meter	80.35
	4 inch meter	100.45
	6 inch meter	147.15

- |     |                            |                  |
|-----|----------------------------|------------------|
| (c) | <u>Fire Hydrant Rental</u> | <u>Per Annum</u> |
|     | Private Hydrant            | \$ 979.85        |

- |     |  |                  |
|-----|--|------------------|
| (d) | <u>Fire Protection Rates (Private)</u> | <u>Per Annum</u> |
|     | 1 inch connection                      | \$ 31.50         |
|     | 1 1/2 inch connection                  | 70.00            |
|     | 2 inch connection                      | 123.35           |
|     | 3 inch connection                      | 276.95           |
|     | 4 inch connection                      | 491.75           |
|     | 6 inch connection                      | 1,106.15         |
|     | 8 inch connection                      | 1,966.30         |
|     | 10 inch connection                     | 3,072.80         |
|     | 12 inch connection                     | 4,423.75         |

- (e) Inspection Fee  
An Inspection Fee shall be charged by the City to the owner for inspection of the water service line installation and tap of the same onto the water main, including inspection of materials used. Said



Inspection Fee shall be in accordance with the applicable Ordinances in effect at the time the inspection is made. In the event the inspection identifies installation is unsatisfactory, the inspector shall so advise the owner. The owner shall cause the deficiencies to be corrected. Another inspection shall then be made, for which an additional Inspection Fee will be charged. Water service shall not be initiated until the work has been approved.

(f) Temporary Users  
 Water furnished to temporary users, such as contractors, festivals, etc., shall be charged for on the basis of the above rates and quantities as estimated by the Municipal Water Department Manager.

(g) Bulk Water  
 Water sold to bulk users directly from the fill station at the Water Treatment Plant shall be Ten Dollars (\$10.00) for any amount less than or equal to one thousand (1,000) gallons and then \$.0056 per each additional gallon of water. Applicable sales tax would also be added.

(3) There shall be and there are hereby established for the sale of water to the Dubois Water Utilities, Inc., the following wholesale rates and charges:

<u>Metered Rates</u>	<u>Per 100 Cu. Ft. Per Month</u>
First 1,000,000 cubic feet	\$ 4.17
Over 1,000,000 cubic feet	4.86

(b) Monthly Service Charge - Each user shall pay a monthly service charge in accordance with the size of the meter installed:

<u>Meter Size</u>	<u>Per Month</u>
5/8 inch meter	\$ 11.40
3/4 inch meter	14.00
1 inch meter	16.00
1 1/2 inch meter	18.85
2 inch meter	26.10
3 inch meter	80.35
4 inch meter	100.45
6 inch meter	147.15

(4) There shall be and there are hereby established for the sale of water to the Ireland Utilities, Inc., the following wholesale rates and charges:

(a)	<u>Metered Rates</u>	<u>Per 100 Cu. Ft. Per Month</u>
	First 1,000,000 cubic feet	\$ 4.17
	Over 1,000,000 cubic feet	4.86

(b) Monthly Service Charge - Each user shall pay a monthly service charge in accordance with the size of the meter installed:

<u>Meter Size</u>	<u>Per Month</u>
5/8 inch meter	\$ 11.40
3/4 inch meter	14.00
1 inch meter	16.00
1 1/2 inch meter	18.85
2 inch meter	26.10
3 inch meter	80.35
4 inch meter	100.45
6 inch meter	147.15

(Ord. 2019-6, S1, Mar. 20, 2019) (Ord. 2015-14, S1, May 20, 2015) (Ord. 2015-2, S14, Jan. 21, 2015) (Ord. 2013-34, S15, Oct. 23, 2013) (Ord. 2009-31, S1, 2, 3, 4, Oct. 21, 2009) (Ord. 2007-37, S1, 2, 3, 4, 5, Nov. 14, 2007) (Ord. 2003-70, S11.04.140(1), (2), (3), (4), Jan. 21, 2004) (Ord. 1999-41, S1, 1999) (Ord. 1997-46, S1, 1997) (Ord. 1996-21, S1, 1996) (Ord. 1990-14, S1, 1990) (Ord. 1989-4, S1, 1989) (Ord. 1988-6, S1, 1988) (Ord. 1287, S1, 1987) (Ord. 1277, S5, 1986) (Ord. 1208, 1985) (Ord. 834, SS 1 and 2, 1975) (Ord. 832, S1, 1975) (Ord. 688, S1, 1971) (Ord. 637, S1, 1954)

**11.04.150 Collection charge for late bills.** All bills for the provision of water service not paid by the due date, as stated on such bills, shall be subject to a collection of a deferred payment charge of Ten Percent (10%) on the first Three Dollars (\$3.00) and Three Percent (3%) on the excess over Three Dollars (\$3.00). (Ord. 2015-2, S15, Jan. 21, 2015) (Ord. 2013-34, S16, Oct. 23, 2013) (Ord. 2009-31, S5, Oct. 21, 2009) (Ord. 2003-70, S11.04.140(5), Jan. 21, 2004)

**11.04.160 Main extensions - To be made at owner's expense.** The City of Jasper, being the owner of and engaged in the operation of a water works system for the City of Jasper, its inhabitants, and areas surrounding the City of Jasper, now provides that new main extensions to the water system shall hereafter be made at the expense of the owner, owners, or developer desiring such extension; provided, however, that the Utility Service Board will have the final decision as to the size of mains that will be required to satisfy the present and future needs of the area served by the extension, including the extension of feeder mains through the new area. Should the Utility Service Board deem it necessary or advisable, in the interest of future expansion and improvement involving the City water system, to install a main larger than that required to satisfy the present and future needs of the area served by the extension, including the extension of feeder mains leading up to the new area to be served, a larger main may be installed by the developer, owner, or owners with the added cost for the larger main and fittings to be paid by the

Municipal Water Utility. (Ord. 2015-2, S16, Jan. 21, 2015) (Ord. 2013-34, S17, Oct. 23, 2013) (Ord. 747, S1, 1973) (Ord. 692, S1, 1971)

**11.04.180 Main extensions - Installation supervision.** The requirements are as follows:

- (1) All water mains shall be installed at a depth of not less than forty-two (42) inches from ground level. At all times when work has been temporarily halted, a plug shall be installed at the open end of the last section of pipe installed.
- (2) Mains running lateral to a sewer line shall be not less than ten (10) feet horizontally and eighteen (18) inches vertically from the sewer line.
- (3) **NORMAL CONDITIONS.** Water mains crossing house sewers, storm sewers, or sanitary sewers shall be laid to provide a separation of at least eighteen (18) inches between the bottom of the water main and the top of the sewer.
- (4) **UNUSUAL CONDITIONS.** Where the vertical separation cannot be obtained, the sewer shall be constructed of materials and with joints that are equivalent to water main standards of construction and shall be pressure tested to assure water-tightness prior to backfilling.
- (5) All safety standards on the job will meet with O.S.H.A. requirements.
- (6) The owner or developer shall be responsible for obtaining all permits necessary to complete the main extension, including, but not limited to, notice of intent, request for locate with Indiana Underground, permission to proceed with street cut, and any and all other permits or investigative measures required.
- (7) The owner or developer shall provide the Municipal Water Department with a graphic depiction of the main extension on paper reflecting precisely the actual construction of every part of the main extension (commonly known as “as-built drawings”) within thirty (30) days of completing the main extension.
- (8) Upon completion of any main extension, tapping, or connection to a main, the Municipal Water Department shall fill the main with water, and conduct flushing and bacterial testing in order to place the main or service line into service. The charge for these services shall be borne by the owner or developer. (Ord. 2015-2, S17, Jan. 21, 2015) (Ord. 2013-34, S18, Oct. 23, 2013) (Ord. 770 S1, 1974) (Ord. 692 S3, 1971)

**11.04.190 Main extensions - Dedication to Municipal Water Department.** Upon completion of main extensions by the owner, owners, or developers, the facilities shall then be turned over and dedicated to the City at no cost to the City. It is in the discretion of the Municipal Water Department Manager as to whether said facilities will be accepted as dedicated or whether repairs or changes must be made to said facilities before acceptance by the Municipal Water Department. At the time of dedication and acceptance, the facilities shall be free and clear of all liens and encumbrances and the owners of said real estate, if requested, shall provide an Affidavit that they have paid contractors and material suppliers the full cost of said extension or extensions.

Said dedication shall be accompanied by a one year guarantee of the materials and workmanship on the facilities by the owner. The owner shall be responsible and shall assume the cost for any repairs required on the facilities during the first year after acceptance by the Municipal Water Department. The water facilities are considered accepted by the Municipal Water Department when a properly completed Owner's Certification of Donated Water Line has been received and approved by the City. (Ord. 2015-2, S18, Jan. 21, 2015) (Ord. 2013-34, S19, Oct. 23, 2013) (Ord. 2013-34, S19, Oct. 23, 2013)

**11.04.200 Backflow Prevention.** The requirements are as follows:

- (1) A cross connection shall be defined as any physical connection or arrangement between two (2) otherwise separate systems, one of which contains potable water from the City of Jasper Water Utility system and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two (2) systems.
- (2) No person, firm, or corporation shall establish, or permit to be established or maintained, or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of the City of Jasper may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the City of Jasper Water Utility and by the Indiana Department of Environmental Management in accordance with 327 IAC §8-10.
- (3) It shall be the duty of the Municipal Water Department to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the Municipal Utility Department, in compliance with 327 IAC §8-10-8.

- (4) Upon presentation of credentials, the representative of the Municipal Water Department shall have the right to request entry at any reasonable time to examine the property served by a connection to the public water system of the City of Jasper for cross connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system of systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections.
- (5) The Municipal Water Department is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Provided, however, water service shall be discontinued without request by the customer and without prior notice only.
- (a) if a condition dangerous or hazardous to life, physical safety, or property exists;
  - (b) upon order by any court, the Indiana Utility Regulatory Commission, or other duly authorized public authority;
  - (c) if fraudulent or unauthorized use of water is detected and the utility has reasonable ground to believe the affected customer is responsible for the use; or
  - (d) if the utility's regulating or measuring equipment has been tampered with and the utility has reasonable grounds to believe that the affected customer is responsible for the tampering.

Water service to such property shall not be restored until the cross connection(s) has/have been eliminated in compliance with the provisions of this Ordinance.

- (6) If it is deemed by the by the Municipal Water Department that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed in the office of the Jasper Municipal Utilities, and delivered to the consumer's premises. Under these circumstances, service may be immediately discontinued. The consumer shall have an opportunity for

hearing by the Utility Service Board within ten (10) days of such emergency discontinuance.

- (7) All consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced pressure principal backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.
- (8) Reduced pressure principle backflow preventers shall not be installed below ground level.
- (9) If, in the judgment of the Municipal Water Department Manager an approved backflow prevention device is necessary for the safety of the public water system, the Manager shall cause to be given a notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Distribution Foreman of the Municipal Water Department and shall have inspections and tests made of such approved devices as required by the Distribution Foreman of the Municipal Water Department and in accordance with the IDEM rule 327 IAC §8-10. (Ord. 2015-2, S19, Jan. 21, 2015) (Ord. 2013-34, S20, Oct. 23, 2013)

## Chapter 11.05

### WATER MANAGEMENT (CONSERVATION AND SHORTAGES)

#### Sections:

<b>11.05.010</b>	<b>Application.</b>
<b>11.05.020</b>	<b>Declaration of Need.</b>
<b>11.05.030</b>	<b>Conservation Measures.</b>
<b>11.05.040</b>	<b>Voluntary Conservation.</b>
<b>11.05.050</b>	<b>Mandatory Conservation.</b>
<b>11.05.060</b>	<b>Rationing.</b>
<b>11.05.070</b>	<b>Exceptions.</b>
<b>11.05.080</b>	<b>Notice.</b>
<b>11.05.090</b>	<b>Enforcement.</b>

**11.05.010 Application.** This ordinance shall apply to all persons, firms, partnerships, corporations, wholesale users, company or organizations connected to the City of Jasper's public water system or using or purchasing water therefrom (hereafter, 'users'). (Ord. 2008-21, S2, Aug. 20, 2008)

**11.05.020 Declaration of Need.** Upon determining that the City of Jasper's public water system is in a condition of water shortage, the City of Jasper shall declare a water conservation emergency and establish the appropriate measures and the duration thereof. (Ord. 2008-21, S3, Aug. 20, 2008)

**11.05.030 Conservation Measures.** Practices that conserve water should be used at all times. Examples of conservation measures include:

- (1) Judiciously sprinkling, watering, or irrigating shrubbery, trees, grass, ground covers, plants, vines gardens, vegetables, or any other vegetation; eliminating wasteful sprinkling of impervious surfaces, such as streets and sidewalks;
- (2) Limiting water use while washing trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment;
- (3) Limiting water use while cleaning sidewalks, driveways, paved areas, or other outdoor surfaces;
- (4) Repairing or replacing leaking water fixtures and service lines;
- (5) Using appliances such as clothes washers and dishwashers only when they are full;
- (6) Turning off the water while brushing teeth or shaving;

- (7) Using a higher lawnmower setting to provide natural ground shade and promote the soil's water retention;
- (8) Washing cars with a bucket of soapy water and using a nozzle to stop the flow of water from the hose between rinsing;
- (9) Covering swimming pools when not in use to reduce evaporation. (Ord. 2008-21, S4, Aug. 20, 2008)

**11.05.040 Voluntary Conservation.** During moderate water shortages users shall be requested to reduce water consumption by practicing voluntary conservation. The City of Jasper shall identify reasonable and meaningful conservation techniques and provide such information to users. The City of Jasper may also implement conservation pricing and prohibitions to encourage water conservation. (Ord. 2008-21, S5, Aug. 20, 2008)

**11.05.050 Mandatory Conservation.** During severe water shortages users shall be prohibited from selected water uses subject to reasonable terms, times and conditions as the governing body shall adopt and append to this document. Such water uses may include, but are not limited to, washing vehicles, washing outside surfaces, sprinkling lawns and shrubbery, and refilling or supplementing water in swimming pools. (Ord. 2008-21, S6, Aug. 20, 2008)

**11.05.060 Rationing.** In addition to mandatory conservation measures users shall be limited during extreme water shortage to water use by the following schedule:

- (1) Residential use shall be limited to a percentage of the average daily water usage for the previous months of February, March, and April. Said percentage shall be set by the governing body at the time the rationing is necessary.
- (2) Business, commercial, agricultural, and industrial users shall be limited to the volume of water deemed to be essential. (Ord. 2008-21, S7, Aug. 20, 2008)

**11.05.070 Exceptions.** The City of Jasper shall establish rationing exemptions necessary to provide for the maintenance of adequate health, safety, and sanitary conditions. (Ord. 2008-21, S8, Aug. 20, 2008)

**11.05.080 Notice.** Notice of the need for either voluntary or mandatory conservation measures shall be issued in a local newspaper of general circulation or other means such as radio and television as deemed appropriate by the governing body. Notice shall be effective upon issuance. (Ord. 2012-26, S1, Aug. 22, 2012) (Ord. 2008-21, S9, Aug. 20, 2008)



**11.05.090 Enforcement.** Any user who violates Section 11.05.050 or 11.05.060 of this chapter (also known as Section 6 or Section 7 of the Ordinance) may be punished by a fine of not more than \$2,500. Each day of violation shall constitute a separate offense. In addition to, or in the alternative to, a fine, water service may be terminated for any user who violates Section 11.05.050 or 11.05.060 of this chapter (also known as Section 6 or Section 7 of the Ordinance). (Ord. 2008-21, S10, Aug. 20, 2008)

## Chapter 11.07

### ELECTRIC SERVICE RULES AND REGULATIONS

#### Sections:

- 11.07.010 Definition of Terms.
- 11.07.020 General.
- 11.07.030 Conditions for Service.
- 11.07.040 Permits, Installation, and Inspection.
- 11.07.050 Electric Inspector.
- 11.07.060 Meter Testing.
- 11.07.070 Service Interruptions.
- 11.07.080 Liability.
- 11.07.090 Requirements for Service.
- 11.07.100 Board of Electrical Examiners.
- 11.07.110 The Jasper Municipal Electric Code.
- 11.07.120 Standards.
- 11.07.130 Enforcement of Provisions.
- 11.07.140 Repeal of Conflicting Ordinances.

#### 11.07.010 Definition of Terms.

- (1) City. City of Jasper, Indiana, acting through its Utility Service Board and duly elected Mayor and Council.
- (2) Commission. The Indiana Utility Regulatory Commission.
- (3) Customer. Any person, partnership, association, firm, public or private corporation or governmental agency who applies for, or is using, electric service supplied by the Jasper Municipal Electric Utility.
- (4) Delivery Point. The point at which electric service is delivered by the Electric Utility to the customer, normally the point at which the customer's meter base and entrance conductor is connected to the Electric Utility's facilities.
- (5) Industrial Customer. A user of Utility Services whose establishment is involved in the manufacture or processing of a product for resale.
- (6) Month. The elapsed time between two (2) successive meter readings approximately thirty (30) days apart.

- (7) Service Entrance. Permanent installation of the Meter Socket, Riser, Wiring to and including the Service Panel, and all Grounding as required by the National Electric Code.
- (8) Temporary Service. Temporary location of the Service Entrance as defined by the National Electric Code.
- (9) Utility. The City of Jasper Electric Utility, the Jasper Municipal Electric Utility, and/or the Electric Utility. (Ord. 1998-8, S1, 1998; Ord. 992, S1, 1980)

#### **11.07.020 General.**

- (1) **General.** Every customer who can be served by the city will be served electric service under these ordinances and the City's rules, regulation, and tariffs. The size of the service and appurtenances used to serve each customer shall be such that will render efficient service to customers.
- (2) **Not Applicable to Public Utility.** This Ordinance shall not apply to a public utility incorporated for the transmission of intelligence by electricity, nor to those performing work for such public utility where such work is an integral part of the plant and facilities used by the public utility in rendering its services to the public.
- (3) **Industrial Customers.** Notwithstanding any other provisions of this Ordinance, the city may, but is not required, provide electric services to an industrial customer in a written contract which contains such terms, conditions, rates and schedules as the city, in its sole discretion, reasonably exercised, deems appropriate. (Ord. 1998-8, S11, 1998)

#### **11.07.030 Conditions for Service.**

- (1) **Application for Service.** Each prospective customer must present to the Utility Business Office a completed "Application for Service" for the type of service he desires as a condition of receiving service. Each prospective customer, by their "Application for Service", grants the City an easement over the property where the service will be, or is installed, permitting the City to use this property for the purpose of installing and/or maintaining said service.

A copy of the tariffs and the Rules, Regulations, and Conditions applying to electric service shall be furnished the prospective customer upon request by the Utility Business Office.

Should the customer desire delivery of energy at more than one point, a separate "Application for Service" shall be required for each point of delivery.

The Electric Utility reserves the right to refuse to render electric service to any applicant indebted to the Electric Utility, or any other utility of the City, or any service rendered at any location served by the Jasper Municipal Utilities prior to such application, until such indebtedness is settled to the satisfaction of the Utility Business Office.

- (2) **Customer Deposits.** Each Residential, Commercial, and Industrial prospective customer must make a deposit with the City at the time of signing an "Application for Service" in accordance with the Deposit Policy Ordinance in effect at the time of said application. Such deposit will be refunded to the customer at the time service is discontinued, provided the customer has paid all amounts due the City. The deposit may be applied to the final bill.
- (3) **Activation of Service.** Upon the installation of the service line and meter set, normal monthly meter readings will be taken and the appropriate rate(s) will be charged.
- (4) **Rates for Service.** All customers shall be charged and the customers will pay rates and charges in accordance with the Rates and Charges Ordinance in effect at the time of electric usage.
- (5) **Meter Reading.** Meters will be read at regular intervals for preparation of regular bills, and as required for the preparation of opening bills, final bills and special bills. Charges for electrical service furnished by the utility shall be billed and collected monthly. All bills for electrical service are due and payable on or before the date specified thereon.

If, for any reason whatsoever, the utility's meter reader cannot gain access to the meter, an average bill may be rendered and the amount thereof shall be considered as due and payable.

- (6) **Payment of Bill.** Bills will be rendered to the customer by the Utility Business Office on a monthly basis. All bills are due and payable at the Utility Business Office (a night deposit is provided for the customer's convenience) on or before the due date as indicated on said bill. Payment must be made without regard to any counter claims, whatever, and failure to receive the bill does not relieve the customer of the responsibility for payment of the amount due.

Payment by check which is subsequently returned to the Utility Business Office by a bank for insufficient funds, or for any other reasons, shall not

constitute timely payment of a bill. Further, a returned check charge will be assessed in accordance with the Non-Recurring Charges Ordinance in effect at the time the check is returned.

Should the customer fail to make payment by the due date as indicated on the bill, a late payment penalty shall be assessed in accordance with the Non-Recurring Charges Ordinance in effect at the time the customer is determined to be late. Failure to receive the bill shall not entitle the customer to the remission of any penalty charge for non-payment by the due date.

- (7) **Discontinuance of Service.** Whenever a customer desires discontinuance of electric service, he shall notify the Utility Business Office of such desire and of the date on which service is to be discontinued. Said notification shall be sufficiently in advance of such date so as to provide for obtaining the final meter reading. A customer shall not rely on his landlord to notify the utility of such discontinuance of service.

The Utility Business Office reserves the right to discontinue service for non-payment of bills and for other such reasons as herein contained. Customers who fail to make payment on or before the due date as indicated on the bill will be sent a delinquent notice. If the customer fails to make payment by the date specified on the delinquent notice, electric service will be disconnected.

When electric service is disconnected as a result of failure to make payment, the Electric Utility will not be obligated to restore said service until the customer has paid all bills due for service previously furnished, including any outstanding water, gas, or sewer bills, and has made a satisfactory deposit in accordance with the Deposit Ordinance in effect at the time of disconnection. In addition, a reconnection charge will be assessed in accordance with the Non-Recurring Charges Ordinance in effect at the time of reconnection.

The Electric Utility may disconnect service forthwith and without notice if the customer's wiring is found to be in a dangerous or unsafe condition, or if necessary to protect itself from fraud. Any discontinuance of electric service shall not terminate the obligations under the applicable tariff between the Electric Utility and the customer.

- (8) **Resale of Service.** Electric service will only be offered to the ultimate customer, except where such customer is a temporary or transient occupant of an area normally held for rent as in hotels and motels. Electric service shall not be re-metered, resold or shared by others nor shall it be extended outside the premises for service to other customers or premises.

- (9) **Multi-Use Service.** Individual residences shall be served individually with single phase service under the Residential Service Tariff. The customer may not take service for two (2) or more separate residences through a single point of delivery under the Residential Service Tariff, irrespective of common ownership of the several residences, except that in the case of an apartment house with a number of individual apartments the landlord shall have the choice of providing separate wiring for each apartment so that the utility may supply each apartment separately under Residential Tariff.

The Residential Service Tariff shall not apply to that portion of a residence which becomes regularly used for commercial or manufacturing purposes. Where a portion of the customer's premises becomes regularly used for commercial or manufacturing purposes, the customer shall have the choice of (1) separating the wiring so that the residential portion of the premises is served through a separate meter under the Residential Service Tariff and the other uses are served through a separate meter or meters under the appropriate tariff applicable to the service; or (2) of taking the entire service under the appropriate service tariff. In the event the customer does not exercise the option of separating the wiring, the applicable rate shall be applied to the total requirements of the customer.

A detached building(s), adjacent to the residence, such as a garage, may be served by an extension of the customer's residence wiring through the residence meter. If said detached building(s) is served through a separate meter, the appropriate "non-residential" service tariff will be applied.

- (10) **Temporary Service.** Temporary service of 120/240 volts, single-phase power will be furnished for construction or other purposes. Unless the customer expects to take permanent service from the utility, such service must be located within 200 feet of the utility's existing distribution lines. Application for temporary service of more than 200 feet distance shall be handled on an individual basis.

The customer applying for temporary overhead service will be required to supply a suitable pole and meter socket set at the desired location, with the top of the pole at least 10 feet above ground level. Power consumed through temporary service shall be billed at the regular applicable schedule of rates. No temporary installation may continue for a period of more than twelve (12) months, unless such installation conforms to the requirements of a permanent installation.

- (11) **Seasonal Service.** Service will be extended to customers on a seasonal basis under the same conditions as permanent residential, commercial and industrial accounts. When requested by the customer, service will be

temporarily disconnected, however, a monthly customer charge, as set forth in the Rate Ordinance, will be assessed for each month said service is disconnected. In addition, a reconnection fee, as set forth in the Non-Recurring Charges Ordinance, shall be paid prior to reconnection of said electric service.

- (12) Increase in Load. The service connection, transformers, meters and other devices supplies by the utility have definite capacity and the customer shall not increase the demand for service by a substantial amount except upon approval from the utility. (Ord. 1998-8, S111, 1998)

#### **11.07.040 Permits, Installation, and Inspection.**

- (1) Permits Required. All residential, commercial, industrial, governmental, and institutional electric service installations shall be required to obtain a permit issued at the Utility Business Office prior to connection to the Jasper Municipal Electric Utility's distribution system. Failure to obtain said permit will result in refusal of service.

This permit requirement applies to new, temporary or permanent, service connections; changes in the size of service; additional service connections; and, the relocating of service connections.

- (2) When a Permit is Not Required. A permit shall not be required for minor repair work, for the replacement of lamps, or for the connection of portable devices to suitable receptacles which have been permanently installed.

A permit shall not be required for the installation of wiring, devices, appliances, and equipment for the operation of signals or such wiring, devices, appliances or equipment operating at a voltage not exceeding fifty (50) volts between conductors, and do not include generating or transforming equipment capable of supplying more than fifty (50) watts of energy.

A permit shall not be required for the installation, maintenance, or alteration of electric wiring, devices, appliances, and equipment to be installed by or for the City of Jasper's Electric Utility for the use of said Electric Utility in the generation, transmission, distribution, or metering of electric energy.

- (3) No Deviation from Permit. A permit, when issued, shall be for such installation as is herein described and no deviation shall be made from the installation so described without approval of the Electric Inspector.

- (4) Permit Fee. This ordinance shall provide for a permit fee to be paid to the Electric Utility by the Applicant at the time the “Electric Service Permit” is issued. The permit fee shall apply toward recovering costs associated with inspecting the installation as described on the permit. The fee shall be as set forth in the Non-Recurring Charges Ordinance.
- (5) Inspection and Certificates. Upon completion of the work which has been authorized by the permit, it shall be the responsibility and the duty of the person, firm, or corporation installing the same to notify the Electric Inspector, through the Utility Business Office, that the installation is ready for inspection. The Electric Inspector shall, during normal business hours, inspect the installation within 24 hours of notification, or as soon thereafter as is practical. If found to be in full compliance with the provisions of this Ordinance, the Electric Inspector shall issue a final certificate of approval and send written notification to the Jasper Municipal Electric Utility’s Distribution Department of said approval. The Distribution Department shall not connect to a source of supply without written approval of the Electric Inspector.

When a certificate of approval is issued authorizing the connection and use of uncompleted or temporary work, such certificate shall be issued to expire at a time stated therein, and shall be revocable by the Electric Inspector for cause. A preliminary certificate of approval may be issued authorizing the connection and use of certain portions of an uncompleted installation, such certificate shall be revocable at the discretion of the Electric Inspector.

If, upon inspection, the installation is found not to be fully in compliance with this ordinance, a written notice from the Electric Inspector shall be sent to the Electric Contractor, stating the defects which have been found to exist. The Electric Contractor shall immediately make corrections to comply with this ordinance. It shall be the contractor’s responsibility to notify the Utility Business Office for a reinspection of the facility.

- (6) Periodic Inspection. The Electric Inspector shall endeavor periodically to inspect the installation of all electric service entrances and other apparatus now installed, or that may hereafter be installed, within the City of Jasper or in the area served by the Jasper Municipal Electric Utility, and within the scope of this ordinance. When installation of the service and/or other apparatus is found to be in a dangerous or unsafe condition, the person, firm, or corporation owning, using, or operating the same, shall be notified in writing that they are to make all repairs or changes necessary to eliminate the dangerous or unsafe condition, within a period not to exceed thirty (30) days, depending upon the work involved and the extent of the hazards existing.



- (7) Connection to the Installation. It shall be unlawful for any person, firm or corporation to make a connection from a source of supply of electrical energy to any electric wiring which has been disconnected or ordered to be disconnected by the Electric Inspector or the use of which has been discontinued by him.

A request for connection to temporary or permanent service should be made at least two (2) days in advance to allow for hookup when needed. (Ord. 1998-8, SIV, 1998)

#### **11.07.050 Electric Inspector.**

- (1) Creation, Qualifications, Etc. There is hereby created the office of Electric Inspector. The person chosen to fill the office of Electric Inspector shall have the qualifications to meet the Utility Service Board specifications. Such person shall possess such executive ability as is requisite for the efficient performance of his duties and shall have a thorough knowledge of the standard materials and methods used in the installation of electric wiring, devices and equipment; shall be well versed in approved methods of electrical construction for safety to life and property, the Statutes and the National Electric Code as approved by the American Standards Association.
- (2) Duties. It shall be the duty of the Electric Inspector to see that the provisions of this ordinance are enforced. The Electric Inspector shall, upon application, grant permits for the installation or alteration of electric service wiring and shall make inspections of all new electrical installations and reinspection as provided for in this ordinance. The Electric Inspector shall keep a complete record of all permits issued, inspections, and reinspections made, and other official work performed in accordance with the provisions of this ordinance.
- (3) Not to engage in Electrical Business. It shall be unlawful for the Electric Inspector to engage in the business of Electrical Contracting, either directly or indirectly, and he shall have no interest in any concern engaged in such business in the City of Jasper at any time while holding the office of Electric Inspector, as herein provided for.
- (4) Right to Enter and Disconnect Service. The Electric Inspector shall have the right during reasonable hours to enter any building in the discharge of his official duties, or for the purpose of making any inspection, reinspection or test of the installation of electric wiring, and shall have the authority to cut or disconnect electric service in case of emergency where necessary for safety to life and property, or where such service may interfere with the work of the Fire Department. The Electric Inspector is hereby empowered to disconnect or order the discontinuance of electrical

service to any facility where said service is found to be dangerous to life or property until such dangerous condition(s) have been made safe and after inspected by him. (Ord. 1998-8, SV, 1998)

**11.07.060 Meter Testing.** Whenever it is discovered that a meter is not recording within the limits of accuracy as prescribed by the rules of the Indiana Utility Regulatory Commission, adjustment shall be made in accordance with such rules, as follows:

Whenever a request is made for a test on a customer's meter and such meter has been tested twice in the previous 24 months, the customer will be required to make an advance payment, as set forth in the Non-Recurring Charges Ordinance, before the meter will be tested.

- (1) **Fast meters.** When a meter is found to have a positive average error; i.e., is fast in excess of four (4%) percent in tests made at the request of the customer, the utility will refund to the customer his advance payment plus an amount equal to the excess charge for kilowatt hours incorrectly metered for a period equal to one-half of the time elapsed since the last previous test but not to exceed six (6) months. No part of a minimum service, fuel adjustment charge or demand charge, will be refunded.
- (2) **Slow Meters.** When a meter is found to have a negative average error; i.e., is slow in excess of four (4%) percent in tests made at the request of the customer, the utility shall retain the advance payment and make a charge to the customer for the kilowatt hours incorrectly metered for a period equal to one-half of the time elapsed since the last previous test, but not to exceed six (6) months.
- (3) **Accurate Meters.** When a meter is found to be accurate within the limits established by the Indiana Utility Regulatory Commission; i.e., plus or minus (4%), the advance payment, when such is made, will be retained by the utility and no adjustment of past billing will be made. (Ord. 1998-8, SVI, 1998)

**11.07.070 Service Interruptions.** The utility will endeavor to furnish continuous service, but does not guarantee uninterrupted service, and shall not be liable for any damages which the customer may sustain by reason of the failure of the energy, or failure or reversal of phases, whether caused by accident, repair or other causes; nor shall the utility be liable for damages that may be incurred by the use of electrical appliances, or the presence of the utility's property on customer's premises.

- (1) **Temporary Interruptions.** From time to time it may be necessary or desirable that electric service be temporarily interrupted for maintenance, construction, repairs, emergencies, other purposes, or failure of the City's suppliers to deliver power. During such periods, the Electric Utility assumes no responsibility for resulting loss of heat, products, materials,

plants, animals, or such other things which might be affected by the fact that electric service is interrupted for a period of time.

- (2) Intolerable Temporary Interruptions. Any customer having a facility, operation, process, activity, or residence which cannot under any or all conditions tolerate a temporary interruption of electric service shall provide an alternate source of on-site power for utilization during such interruption. The responsibility for such alternative rests fully with the customer.
- (3) Notification of Temporary Interruptions. Every effort will be taken to notify, in advance, those customers who might be seriously affected by a planned temporary interruption in service. However, the Jasper Municipal Electric Utility shall not be liable to any customer for failure to notify, or for any damages resulting from, said interruption of service. (Ord. 1998-8, SVII, 1998)

#### **11.07.080 Liability.**

- (1) Liability for Damages. This ordinance shall not be construed to relieve from, or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling or installing any electric wiring, for damages to person or property caused by any defects therein, nor shall the City of Jasper be held liable by reason of the inspection authorized herein, or the certificate of approval issued as herein provided.
- (2) Electric Utility's Liability. The Electric Utility will use reasonable diligence in furnishing a regular and uninterrupted supply of energy, but does not guarantee uninterrupted service. The Electric Utility shall not be liable for damages in case such supply should be interrupted or fail by reason of a natural disaster, vandalism, accident, labor dispute or civil disorder. Further, the Electric Utility shall not be liable for damages in case such supply should be interrupted due to causes or conditions beyond the Electric Utility's reasonable control, including necessary repairs, breakdowns or damage to sub-station equipment, transmission lines, distribution lines, generating facilities or other facilities of the Electric Utility.

Unless otherwise provided in a contract between the Electric Utility and the customer, the point at which service is delivered by the Electric Utility to the customer (delivery point) shall be the point at which the customer's meter base and entrance conductor is connected to the Electric Utility's facilities. The Electric Utility shall not be liable for any loss, injury, or damage resulting from the customer's use of his equipment or occasioned by the energy furnished by the Electric Utility beyond the delivery point.

The customer shall provide and maintain suitable protective devices on his equipment to prevent any loss, injury or damage resulting from a single phasing condition or any other fluctuation or irregularity in the supply of energy.

The Electric Utility shall provide and maintain the necessary line or service connections, transformers (when the same are required by conditions of contract between the parties thereto), meters and other apparatus which may be required for the proper measurement of and protection to its service. All such apparatus shall be and remain the property of the Electric Utility.

- (3) Customer's Liability. Where meter tampering, or fraudulent or unauthorized use of energy, is determined the Electric Utility may charge the customer for estimated revenue lost in accordance with the Non-Recurring Charges Ordinance in effect at the time said tampering, or fraudulent or unauthorized use, is discovered.

Where damage or loss to Electric Utility property or equipment through misuse by, or negligence of, the customer or its employees is determined, the Electric Utility may charge the customer for the repair or replacement of said property or equipment at current cost, including labor, equipment rental, and a reasonable mark-up for administrative cost.

The customer shall agree, by application for, or acceptance of, electric service, that no person except employees of the Electric Utility shall be allowed to make any internal or external adjustments to any meter or any other apparatus which is the property of the Electric Utility. (Ord. 1998-8, SVIII, 1998)

#### **11.07.090 Requirements for Service.**

- (1) General Wiring Requirements. Each customer shall cause all premises receiving electric service, pursuant to his application, to become wired in accordance with the requirements of the National Electric Code. If electric metering installations are to be made on premises not heretofore supplied with electricity by the Electric Utility, customers shall furnish and install, at their expense, outside metering installations in accordance with the Electric Utility's specifications. All service entrance wiring hereafter installed, shall be not less than 100 AMP Minimum capacity and shall be installed in accordance with the current National Electric Code.

The instrument transformer cabinet shall be mounted in an approved manner and shall have a hinged, or removable, hook and front suitably arranged for sealing. The Electric Utility will furnish the instrument transformers and test block; the customer shall furnish and install a one-

inch conduit for current potential transformer secondary circuits, extending from the instrument transformer cabinet to the meter test block box. This cabinet shall not be used as a distribution cabinet.

The customer shall provide, at his expense, near the service entrance, a suitable socket or housing for the meter or meters to be installed. Current transformers disconnect switches, and meters shall be furnished by the Electric Utility. All three phase metering over 400 AMP and single phase, where current transformers are used, shall be wired by the Electric Utility.

Where building or premises are occupied by more than one customer, the Electric Utility will set as many meters as there are separate applications for service, and will connect the meters to one set of service wires, providing the wires are sufficiently large to furnish an ample energy supply for all customers. Building wiring shall be so arranged as to permit the installation of electric meters adjacent to each other.

The contractor shall stencil the apartment/room number and floor number, the same as the building configuration, on or near the meter socket so that the meter socket can be associated with a specific apartment/room.

Each customer shall be responsible for and shall indemnify the Electric Utility and any other person against injury, loss, or damage resulting from any defect and/or improper use or maintenance of such premises and all wiring and apparatus connected thereto or used thereon. In no event shall the responsibility of the Electric Utility extend beyond the point at which its service wires are attached to the meter loop provided for measuring electricity used on such premises.

- (2) Overhead Service Connections. The utility will, when notified, designate the location of its service connection and the customer's wiring must be brought outside the building wall nearest the utility's service drop so as to be readily accessible thereto and in such manner that all wiring furnished by the utility will be in plain view from the street or alley. The inside wiring must extend at least three (3) feet beyond the building for the utility to attach its wires thereto, and same must be thoroughly and permanently grounded in accordance with the most recent National Electric Code.

All connections between the customer's service equipment and the utility's service drop must be installed as recommended or required by the National Electrical Code.

The utility will not permit any potheads, wiring, conduit, lights or other such equipment owned by the customer to be placed on poles, structures or other such property owned by the utility except in special circumstances with the express approval of the utility.

When a customer desires that energy should be delivered at a point or in a manner other than that specified by the utility, a charge will be made equal to the additional cost of same.

Whenever, at the customer's request, the utility's facilities located on customer's premises are relocated solely to suit the convenience of the customer, the customer shall reimburse the utility for the entire cost incurred in making such change.

- (3) **Underground Service Connections.** Underground services are subject to special conditions and policies making it necessary to consult the utility before wiring or rewiring the premises. When underground service is supplied, the utility and the customer will agree and designate the point at which utility underground lines will be connected to customer's facilities.

Upon request, the utility will, as nearly as practical, install, own, and maintain underground facilities under the same conditions as it would overhead facilities.

- (4) **Extension of Service.** The transmission or distribution lines of the utility will be extended to all points within its assigned jurisdictional boundaries as specified by the Indiana Utility Regulatory Commission.

In those cases where it is not feasible or practicable to construct lines on public rights of way and it is necessary to secure rights of way on private property or tree trimming permits, the applicant or applicants shall secure the same without cost to the utility or assist the utility in obtaining such rights of way on private property or tree trimming permits before construction shall commence. The utility shall be under no obligation to construct lines in the event the necessary rights of way or tree trimming permits cannot be so obtained.

- (5) **Facilities Extension Ownership.** All line extensions, service wire and connections, no matter who pays or contributes toward paying the cost thereof, are to be made by the utility and remain the property of the utility. The utility shall not be required to serve any customer over a line built, owned, operated and maintained by the customer or a third party.

All property of the utility placed in or upon the customer's premises, used in supplying service to him, is placed there under his protection.

The utility shall have access to such property at all reasonable times. The customer shall not commit or cause or permit any act that will result in damage to or loss of such property or in the loss of life or injury to any person, or the loss of or damage to any other property, owned by the electric utility.

- (6) Location and Maintenance of Utility Equipment. The utility shall have the right to construct its poles, lines and circuits on the property, and to place its transformers and other apparatus on the property or within the buildings of the customer, at a point or points convenient for such purpose, and the customer shall further provide and guarantee the right to use suitable space for the installation of necessary measuring instruments so that the latter may be protected from injury by the elements or through the negligence or deliberate acts of the customer or of any employee of same.

The utility shall supply and maintain at a single location, the complete substation equipment that is necessary in order to make the transformation to a standard voltage from the voltage of such available transmission or distribution line as the utility deems adequate and suitable to serve the capacity contracted for.

Where service is metered at a primary voltage and the customer desires and requests transformation to more than one standard voltage, or service of a standard voltage at more than one location within his premises, the utility will, at its option, furnish and maintain such additional transformation equipment and such interconnecting lines as may be necessary, provided, however, that the customer shall reimburse the utility for the amount of the cost of furnishing the extra transformers, switches, wiring, and other such facilities as may be necessary to provide another voltage or service point as provided for above. The right and title to all equipment so furnished and maintained by the utility shall be and remain in the utility.

Should the customer require a non-standard voltage, the customer shall, at his own expense, furnish and maintain all transformers and protective equipment therefore necessary in order to obtain such non-standard voltage.

- (7) Right of Access. The utility shall at all reasonable hours have the right to enter the premises of the customer for the purpose of installing, reading, removing, testing, replacing or otherwise disposing of its apparatus and property, and the right of entire removal of the utility's property in the event of the termination of service for any cause. The customer may, at his expense, provide a remote register in lieu of meter accessibility.
- (8) Relocating/Changing Utility Wires, Equipment, or Facilities. Whenever the utility is requested to relocate or make changes to its wires, equipment or facilities, so that work can be done by contractors or others, or for the convenience of the customer, the cost of said relocation or changes shall be billed to and paid for by the contractor, customer or others. Only authorized utility employees may relocate, remove, cut, raise or handle any equipment, wires or facilities belonging to the Jasper Electric Utility.

- (9) Power Factor Corrections. The maintenance of high power factor is of primary importance in the economic operation and maintenance of the distribution system. Under-loaded motors contribute largely to the creation of a low power factor unfavorable to both the utility and the customer.

Where the over-all power factor of the customer's load is less than 90% lagging, or 10% leading, the utility may require the customer to install at his own expense, equipment to correct the power factor to limits designated by the utility. The utility shall have the right to measure the power factor at any time.

- (10) Phase Load Balance. When multi-phase service is furnished, the customer will at all times maintain a reasonable balance of load between the phases.
- (11) Electric Motors. The utility should always be consulted on any major increase in electric load capacity.

It is characteristic of most electric motors to draw a heavy momentary current when starting, resulting in many cases in variation of the voltage supplied to the other customers who receive service from the same circuits or transformer. The utility may require the customer to limit, when necessary, the amount of starting current which may be drawn by a motor.

All motors should be provided with devices that will protect the motor against overload and short circuit as defined in the National Electrical Code. All three-phase motors shall have overload devices on each of the three-phase wires to insure proper protection for the motor.

The direction of phase rotation and the continuity of all three-phase current are guarded with great care, but the utility cannot guarantee against accidental or temporary change in phase rotation or phase failure; therefore, motors should be equipped with suitable protection against such reversal or phase failure.

All protective devices required by these regulations shall be provided by the customer and at the customer's sole expense.

- (12) Electric Generators. Where auxiliary or breakdown service is installed by the customer to provide emergency power, parallel operation of the customer's generating equipment with the utility's system will not be allowed. A double throw switch must be used to prevent possible injury to the utility workmen by making it impossible for power to be fed back into the main line from the emergency generator.



- (13) Electric Welders, Motors and Miscellaneous Devices. Customers desiring to operate electric welders or other devices with high inrush or fluctuating currents must supply the utility with information regarding the electrical characteristics of the equipment. Service will not be allowed to equipment which adversely affects the utility's equipment or the service to other customers. The utility must be consulted before the purchase or installation of the equipment.
- (14) Electric Meters. All meter bases shall be installed on an exterior surface as nearly as possible at eye level. Upon receipt of the "Application for Service", a representative of the utility will, upon request, survey the premises to be served and locate the meter socket in the most convenient and satisfactory location.

Central meter pole service may be provided upon request where such installations may be necessary to adequately supply power to the served premises. A meter pole shall be provided by the customer in any case where a suitable building for mounting the meter is not available.

All meters shall be placed ahead of all switches and fuses unless otherwise agreed to by the utility.

- (15) Highly Fluctuating or Intermittent Loads. Service to equipment having highly fluctuating or intermittent characteristics and having a combined input capacity in excess of (3) KVA will not be served under a residential or commercial rate. Customers having X-ray, welding, or other machines having a total input capacity in excess of (3) KVA can secure service for such equipment under the applicable power rates.
- (16) Neon or Fluorescent Equipment and Radio Interference. Any commercial customer installing neon, fluorescent, or other types of gaseous tube lighting, including signs, will be required to furnish, install and maintain, at his own expense, corrective apparatus so that the power factor at all times, of each unit or each group of units controlled through one switch, will not be less than ninety (90%) lagging, nor 10% leading. Any customer operating equipment such as neon, fluorescent, or other type of gaseous tube lighting, including signs, or other apparatus that is found to be causing radio or television interference will be requested to discontinue the use of such equipment or apparatus or to install corrective equipment to eliminate the radio or television interference. Failure or refusal to comply with the above shall be considered sufficient cause to discontinue service. In such case the service shall not be reconnected until the utility is assured that the radio or television interference-creating device has been corrected or eliminated. (Ord. 1998-8, SIX, 1998)

### **11.07.100 Board of Electrical Examiners.**

- (1) Creation and Composition of Board. There is hereby created a Board of Electrical Examiners which shall consist of the Electrical Inspector, the Electric Manager, and the Electric Distribution Superintendent.
- (2) Duties. The Examining Board shall be empowered to establish rules and regulations concerning the furnishing of Electrical Service to its customers and to determine the operating parameters within the Electric Utility.
- (3) Quorum. Any two (2) members of the Board present at any meeting shall constitute a quorum for the transaction of business and a majority vote of said quorum shall prevail. (Ord. 1998-8, SX, 1998)

**11.07.110 The Jasper Municipal Electric Code.** The Electric Code of the City of Jasper, Indiana, consists of the current edition of the National Electric Code together with such other applicable ordinances as may have been, or will be passed, by the Jasper City Council. All electrical work performed inside the jurisdictional limits of the Jasper Municipal Electric Utility, not specifically specified or mentioned in this ordinance, shall be done according to the requirements and specifications of the National Electric Code.

The purpose of this ordinance is the practical safeguarding of persons and of buildings and their contents, from electrical hazards arising from the use of electricity for lighting, heating, air-conditioning, commercial and industrial power and other purposes. The Electric Code of the City of Jasper, as specified in this ordinance, and the requirements and specifications of the National Electric Code shall be enforced by the Electric Inspector's office and the Electric Manager's office.

Bulletins may be issued, as occasion demands, covering interpretations and use of "subsequent materials" which may be technically approved and which have received recognition generally by architects and engineers. (Ord. 1998-8, SXI, 1998)

### **11.07.120 Standards.**

- (1) General. All installations shall be in strict conformity with the provisions of this Ordinance, the National Electric Code, the Rules and Regulations issued by the Indiana Utility Regulatory Commission under authority of the State Statutes, and shall be in conformity with approved standards of construction for safety to life and property. In every case where no specific type or class of material or no specific method of construction is prescribed by the Statutes of the State of Indiana, by regulation issued under the authority of the State Statutes or by this Ordinance, conformity with the regulations as laid down by the National Electric Code as approved by the American Standards Association shall be evidence of conformity with approved standards of construction for safety to life and property.

- (2) Wiring Beyond the Service Entrance Conduit. The wires in the entrance run shall extend at least three (3) feet beyond the upper and outer end of the rain-tight service head for residential single phase services. For three phase service over 200 amp where current transformers are used and mounted to conduit, wires from entrance run should be not less than six (6) feet.
- (3) Residential and Commercial Service. Any residential or commercial business shall require 100 amp, three wire entrance switch or multi-circuit breaker, except where loads and conditions are of temporary nature or where the Electric Inspector approves a justifiable smaller size. All services over 400 amp shall be three (3) phase unless approval is granted in writing by the Electric Inspector.
- (4) Subsequent Material. Where materials that may hereafter come upon the market as an improvement over certain materials that may be referred to in this ordinance are used, evidence that such materials have been technically approved and received recognition generally by architects and engineers shall constitute compliance with the requirements of this Ordinance.
- (5) Grounding. All ground rods must have a minimum of 25 OHMS resistance from rod to ground. A ground rod shall be required at the service entrance. Grounding of metal water pipes, cable television, and telephone service entrance conductors must be grounded to the entrance service ground rod in accordance with National Electric Code Requirements.
- (6) Approved Materials. No electrical materials, devices, appliances or equipment shall be installed in the City of Jasper and within the area served by the City unless they are in conformity with the provisions of this Ordinance and the National Code and unless they are in conformity with approved methods of construction for safety to life and property.
- (7) Description of Service Required. The customer shall, upon request of the Electric Inspector, present in writing to the Electric Inspector, a list of the appliances, motors and other equipment which are to be connected to the Electric Utility's lines, giving the location of the premises at which the service entrance is to be located. The Electric Inspector will then advise the customer as to the character of service it will furnish. All services shall be reported to the Utility Business Office and approved by the Electric Inspector.
- (8) Location of Meters. Residential meters shall be installed outdoors on the side of the building, except on multiple occupancy dwellings, where the meters may be installed in an accessible place indoors after receiving approval from the Electric Inspector.

Meters shall not be installed under water pipes, in coal or wood bins, boiler rooms, clothes closets, storerooms, sifting rooms, bedrooms, toilet rooms, bathrooms, stairways, over windows, doorways, sinks, stoves or radiators, in elevator or ventilating shafts, in attics, nor on partitions subject to vibrations, nor within three (3) feet of large masses of iron or conductors carrying heavy currents unless conductors are shielded for magnetic effects, nor in locations subject to great variations in temperature, nor within twelve (12) inches of gas meters.

- (9) Security Light Service. The Jasper Municipal Electric Utility offers a private dusk-to-dawn security light service. A monthly charge per unit will be made after the original installation, in accordance with the Electric Rate Ordinance in effect at the time of usage. The security light will be installed free of charge if such installation can be made on an existing utility pole. The Customer will be charged for any additional pole or poles, and for each additional span of wire that may be necessary. (Ord. 1998-8, SXII, 1998)

**11.07.130 Enforcement of Provisions.** These Rules, Regulations and Requirements are for the purpose of safeguarding customers and providing adequate service to all customers and will be enforced by the Electric Manager, Electric Inspector, Distribution Superintendent, and other employees of the Jasper Electric Utility.

The requirements contained herein are the minimum requirements and in addition to compliance with these rules, all electrical installations must comply with the National Electrical Code of the National Board of Fire Underwriters, the National Electrical Safety Code, and such municipal laws and ordinances in force by the City of Jasper, Indiana.

These rules are not necessarily all-inclusive and in event conditions arise that are not fully covered herein, the customer shall contact Jasper Electric Utility to determine the applicable requirements.

These Rules and Regulations may be revised, amended, supplemented, or otherwise changed, and such changes, when effective, shall have the same force as the original Rules and Regulations.

The failure by the Jasper Municipal Electric Utility to enforce any provision of these Rules and Regulations shall not be deemed a waiver of its subsequent right to do so. (Ord. 1998-8, SXIII, 1998)

**11.07.140 Repeal of Conflicting Ordinances.** Ordinance Number 943 dated January 10, 1979, and Ordinance Number 992 dated February 13, 1980, are hereby repealed. (Ord. 1998-8, SXIV, 1998)

## Chapter 11.08

### ELECTRIC SERVICE RATES AND CHARGES

#### Sections:

- 11.08.010 Residential Electric Service - Rate R.**
- 11.08.030 General Service Small - Rate GSS.**
- 11.08.044 General Service Demand - Rate GSD.**
- 11.08.046 Security Lighting - Rate SL.**
- 11.08.050 Municipal Street Lighting - Rate MSL.**
- 11.08.075 Power and Energy Adjustment.**
- 11.08.080 Co-Generation.**
- 11.08.100 Removal from Indiana Utility Regulatory Commission Jurisdiction.**

The schedule of rates and charges for light and power purposes for consumers of the Municipal Electric Utility of the City of Jasper, Indiana, hereinafter referred to as the “Electric Utility”) and the rules and regulations pertaining thereto shall be as follows:

#### **11.08.010 Residential Electric Service - Rate R.**

- (1) AVAILABILITY. Available in all territory served by the Electric Utility from existing distribution lines of adequate capacity subject to the City's service rules and regulations.
- (2) APPLICABILITY. Applicable for all domestic uses (lighting, cooking, heating, refrigeration, and incidental power) of a residential consumer in a separately metered single-family dwelling unit. Service under this rate shall not be resold or shared with others.
- (3) CHARACTER OF SERVICE. Single phase, 60 Hertz, 120/240 Volts.
- (4) MONTHLY RATE.

Usage	Calendar year 2018	Calendar year 2019	Calendar year 2020
First 300 KWH (used per month)	11.000¢	9.500¢	8.4180¢
Over 300 KWH (used per month)	7.4209¢	8.0251¢	

- (5) **MONTHLY FACILITIES CHARGE.** In addition to the above monthly rates, there shall be a monthly facilities charge as follows:

	Calendar year 2018	Calendar year 2019	Calendar year 2020
Monthly Facilities Charge	\$10.00	\$10.00	\$10.31

- (6) **POWER AND ENERGY COST ADJUSTMENT.** Refer to Section 11.08.075 herein.
- (7) **NON-RECURRING CHARGES.** Refer to Section 11.01.150 of the Municipal Code of the City of Jasper. (Ord. 2017-32, S11.08.010, Dec. 20, 2017) (Ord. 2014-10, S11.08.010, June 18, 2014) (Ord. 2008-34, S11.08.010, Feb. 18, 2009) (Ord. 1996-4, S1, 1996; Ord. 1992-16, S1, 1992; Ord. 1991-42, 1991; Ord. 1988-31 S1, 1988; Ord. 1114 S 1, 1983; Ord 965 S 1, (part), 1979.)

**11.08.030 General Service Small - Rate GSS.**

- (1) **AVAILABILITY.** Available in all territory served by the Electric Utility from existing distribution lines of adequate capacity subject to the City's service rules and regulations.
- (2) **APPLICABILITY.** To all electric service of one standard voltage required on customer's premises, delivered at one point and metered at or compensated to that voltage. This service is for customers with monthly demand requirements, which average in any 12 month period, demands of less than 50 kilowatts or monthly energy usage of less than 50kVA (also known as kilo-volt-ampere). Service rendered under this rate shall not be resold or shared with others.
- (3) **CHARACTER OF SERVICE.** Single phase, 60 Hertz, 120/240 Volts and/or three phase at 120/240 Volts, 240/480 Volts, 120/208 Volts wye, and 277/480 Volts wye.
- (4) **MONTHLY RATE.**

Usage	Calendar year 2018	Calendar year 2019	Calendar year 2020
First 1,000 KWH (used per month)	12.000¢	10.000¢	8.7752¢
Over 1,000 KWH (used per month)	7.9570¢	8.5432¢	

- (5) **MONTHLY FACILITIES CHARGE.** In addition to the above monthly rates, there shall be a monthly facilities charge as follows:

	Calendar year 2018	Calendar year 2019	Calendar year 2020
Monthly Facilities Charge	\$12.62	\$15.62	\$19.67

- (6) **POWER AND ENERGY COST ADJUSTMENT.** Refer to Section 11.08.075 herein
- (7) **NON-RECURRING CHARGES.** Refer to Section 11.01.150 of the Municipal Code of the City of Jasper, Indiana. (Ord. 2017-32, S11.08.030, Dec. 20, 2017) (Ord. 2014-10, S11.08.030, June 18, 2014) (Ord. 2008-34, S11.08.030, Feb. 18, 2009) (Ord. 1996-4, S1, 1996; Ord. 1992-16, S1, 1992; Ord. 1991-42, 1991; Ord. 1988-31 S1, 1988; Ord. 1114 S 1, 1983; Ord. 965 S 1, (part), 1979.)

**11.08.044 General Service Demand - Rate GSD.**

- (1) **AVAILABILITY.** Available in all territory served by the Electric Utility from existing lines of adequate capacity subject to the City's service rules and regulations.
- (2) **APPLICABILITY.** To all electric service of one standard voltage required on a customer's premises, delivered at one point and metered at or compensated to that voltage. This service is for customers with monthly demand requirements, which average in any 12 month period, determined annually, demands of equal to or in excess of 50kVA, or more. This service is also for customers without a 12-month history of demand requirements, and for whom the Jasper Board of Electrical Examiners has made such demand determination. Service rendered under this rate shall not be resold or shared with others.
- (3) **CHARACTER OF SERVICE.** Single phase, 60 Hertz, 120/240 Volts and/or three phase at 120/240 Volts, 240/480 Volts, 120/208 Volts wye and 277/480 Volts wye and/or at an available primary system voltage adequate for the service.
- (4) **MONTHLY RATE.** The monthly bill shall be the sum of the demand and energy charges calculated according to the following schedule:

	Calendar year 2018	Calendar year 2019	Calendar year 2020
Monthly Demand Charge (per kVA per month of billing demand)	\$10.50	\$13.00	\$15.50
Monthly Energy Charge (per KWH of energy consumed)	5.335¢	4.575¢	3.816¢

- (5) **MONTHLY FACILITIES CHARGE.** In addition to the above monthly rates, there shall be a monthly facilities charge as follows:

	Calendar year 2018	Calendar year 2019	Calendar year 2020
Monthly Facilities Charge	\$72.58	\$79.58	\$86.58

- (6) **DETERMINATION OF BILLING DEMAND.** The billing demand shall be the customer's greatest 30-minute demand in kVA which occurs during the month for which the bill is rendered, but not less than 60 percent of the highest billing demand during the preceding 11 months or 50 kVA, whichever is greater.
- (7) **POWER FACTOR CLAUSE.** The charges set forth in this rate are based upon maintenance by the customer of an average monthly power factor of 100%, leading or lagging. The billing demand shall be adjusted by multiplying the actual measured demand by 100%, divided by the power factor for the month.
- (8) **METERING CREDIT.** The rate set forth in this tariff is based on measurement of energy at secondary voltages. The City reserves the right to meter the service at primary voltage in which case, the metered KWH used in calculating the energy charge, will be reduced by 3%.
- (9) **POWER AND ENERGY COST ADJUSTMENT.** Refer to Section 11.08.075 herein.
- (10) **NON-RECURRING CHARGES.** Refer to Section 11.01.150 of the Municipal Code of the City of Jasper, Indiana. (Ord. 2017-32, S11.08.044, Dec. 20, 2017) (Ord. 2014-10, S11.08.044, June 18, 2014) (Ord. 2008-34, S11.08.044, Feb. 18, 2009) (Ord. 2005-19, S3, Aug. 17, 2005) (Ord. 1996-4, S1, 1996) (Ord. 1992-16, S1, 1992) (Ord. 1991-42, 1991) (Ord. 1988-31, S1, 1988)

**11.08.046 Security Lighting - Rate SL.**

- (1) **AVAILABILITY.** Available in all territory served by the Electric Utility from existing distribution lines of adequate capacity subject to the City's service rules and regulations.
- (2) **APPLICABILITY.** Applicable only for continuous year-round outdoor lighting service.
- (3) **CHARACTER OF SERVICE.** Dusk to dawn lighting service, using photo-electric controlled equipment. Maintenance of the complete assembly and the cost of its electric operation are included in this service.



Any additional investment such as installation of more than one pole, extension of secondary lines, or hanging of a transformer, for the sole purpose of this service, will be billed to the consumer at a cost as determined in the City's service rules and regulations.

(4) MONTHLY RATE.

<u>Lamp Size:</u>	175 Watt Mercury Vapor	\$ 7.87 per unit
	400 Watt Mercury Vapor	\$ 14.72 per unit
	1,000 Watt Mercury Vapor	\$ 32.99 per unit
	1,500 Watt Mercury Vapor	\$ 48.23 per unit
	43 Watt LED	\$ 5.59 per unit
	100 Watt High Pressure Sodium	\$ 5.59 per unit
	150 Watt High Pressure Sodium	\$ 6.75 per unit
	250 Watt High Pressure Sodium	\$ 9.07 per unit
	400 Watt High Pressure Sodium	\$ 14.72 per unit
	1,000 Watt High Pressure Sodium	\$ 32.99 per unit
	50 W LED	\$ 5.59 per unit
	125 W LED	\$ 9.07 per unit
	200 W LED	\$ 14.72 per unit
	500 W LED	\$ 32.99 per unit

(5) HOURS OF LIGHTING. All lamps shall burn approximately one-half hour after sunset until approximately one-half hour before sunrise each day in the year, approximately four thousand (4,000) hours per annum.

(6) OWNERSHIP OF SYSTEM. All facilities installed by the Utility for service hereunder including fixtures, controls, poles, transformers, secondary lines, lamps and other appurtenances shall be owned and maintained by the Utility. All service and necessary maintenance will be performed only during regularly scheduled working hours of the Utility. Non-operative lamps will normally be restored to service within 48 hours after notification by the customer.

When the customer requests that a lamp be mounted on the customer's pole or building, the customer waives any claim for damages caused by the installation and/or removal of secondary and lamp support. (Ord. 2019-21, S1, Aug. 21, 2019) (Ord. 2017-32, S11.08.046, Dec. 20, 2017) (Ord. 2014-10, S11.08.046, June 18, 2014) (Ord. 2008-34, S11.08.046, Feb. 18, 2009) (Ord. 1996-4, S1, 1996) (Ord. 1992-16, S1, 1992) (Ord. 1991-42, 1991) (Ord. 1988-31, S1, 1988) (Ord. 1114, S1, 1983) (Ord. 965, S1, (part), 1979).

**11.08.050 Municipal Street Lighting - Rate MSL.**

- (1) AVAILABILITY AND APPLICABILITY. Applicable only for street, alley and park lighting and traffic signals located within any territory served by the Electric Utility from existing distribution lines of adequate capacity subject to the City’s service rules and regulations.
- (2) MONTHLY RATE.

<u>Lamp Size:</u>	175 Watt Mercury Vapor	\$ 6.87 per unit
	400 Watt Mercury Vapor	\$ 13.10 per unit
	1,000 Watt Mercury Vapor	\$ 29.68 per unit
	100 Watt High Pressure Sodium	\$ 4.82 per unit
	150 Watt High Pressure Sodium	\$ 6.20 per unit
	250 Watt High Pressure Sodium	\$ 8.95 per unit
	400 Watt High Pressure Sodium	\$ 13.10 per unit
	1,000 Watt High Pressure Sodium	\$ 29.68 per unit
	Traffic Signals	\$ 13.75 per unit
	50 W LED	\$ 4.82 per unit
	75 W LED	\$ 6.20 per unit
	125 W LED	\$ 8.95 per unit
	200 W LED	\$ 14.72 per unit
	500 W LED	\$ 29.68 per unit

(Ord. 2019-21, S2, Aug. 21, 2019) (Ord. 2017-32, S11.08.050, Dec. 20, 2017) (Ord. 2014-10, S11.08.050, June 18, 2014) (Ord. 2008-34, S11.08.050, Feb. 18, 2009) (Ord. 1996-4, S1, 1996) (Ord. 1992-16, S1, 1992) (Ord. 1991-42, 1991) (Ord. 1988-31, S1, 1988) (Ord. 1114, S1, 1983) (Ord. 965, S1, (part), 1979).

**11.08.075 Power and Energy Adjustment.** Power and Energy Cost Adjustment shall be determined on the basis of a purchased power cost adjustment tracking factor occasioned solely by changes in the cost of purchased power and energy. Power and Energy Adjustment Clause applicable to: Rates R, GSS, and GSD. (Ord. 2017-32, S11.08.075, Dec. 20, 2017) (Ord. 2014-10, S11.08.075, June 18, 2014) (Ord. 2008-34, S11.08.075, Feb. 18, 2009) (Ord. 1996-4, Appendix A, 1996) (Ord. 1992-16, Appendix A, 1992)

**11.08.080 Co-Generation.** Any customer that has a plan for Co-Generation may submit same to the Electric Utility for review. Co-Generation plans will be reviewed on a case-by-case basis. Any such plan must be approved by the Jasper Utility Service Board and the Common Council before implementation and nothing herein guarantees that such approval will be given. Any such plan must also be in compliance with all applicable Federal and State Laws. (Ord. 2017-32, S11.08.080, Dec. 20, 2017) (Ord. 2014-10, S11.08.080, June 18, 2014) (Ord. 2008-34, S11.08.080, Feb. 18, 2009)

**11.08.100 Removal from Indiana Regulatory Commission Jurisdiction.** The Electric Utility has been taken out of the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and for the issuance of stocks, bonds, notes or other evidences of indebtedness. (Ord. 2017-32, S11.08.100, Dec. 20, 2017) (Ord. 2014-10, S11.08.100, June 18, 2014) (Ord. 2008-34, S11.08.100, Feb. 18, 2009) (Ord. 1991-14, S1, 1991)

## Chapter 11.09

### INDIANA MUNICIPAL POWER AGENCY (IMPA) POWER SALES CONTRACT

#### Sections:

<b>11.09.010</b>	<b>Findings and determination</b>
<b>11.09.020</b>	<b>Supplemental Contract - Exhibit A at City Hall</b>
<b>11.09.030</b>	<b>Contract - Exhibit B at City Hall</b>
<b>11.09.035</b>	<b>Term</b>
<b>11.09.040</b>	<b>Responsibilities</b>
<b>11.09.050</b>	<b>Agreement - Exhibit C at City Hall</b>
<b>11.09.060</b>	<b>Authorization to execute and attest</b>
<b>11.09.070</b>	<b>Conflicting ordinances repealed</b>
<b>11.09.080</b>	<b>Effective Date</b>

**11.09.010 Findings and determination.** The findings and determinations set forth in the preambles to this Ordinance are hereby made findings and determinations of the Member. (Ord. 2007-27, S1, Aug. 22, 2007)

**11.09.020 Supplemental Contract - Exhibit A at City Hall.** The Member is authorized pursuant to this Ordinance (a) to tender its Supplemental Contract in the form attached hereto as Exhibit A to the Contract of June 12, 1980, by and between the Cities of Anderson, Crawfordsville, Greenfield, Lawrenceburg, Lebanon, Logansport, Peru, Richmond and Tipton, and the Towns of Flora and Greendale, under the terms of which the Agency was created, (b) to apply in such Supplemental Contract to be an additional member of said Agency, and (c) to be bound by the terms and conditions of said Supplemental Contract and the Contract of June 12, 1980, as supplemented from time to time, the By-Laws of the Agency and such other lawful actions as may be heretofore have been taken by the Board of Commissioners of the Agency. (Ord. 2007-27, S2, Aug. 22, 2007)

**11.09.030 Contract - Exhibit B at City Hall.** The Member is authorized pursuant to this Ordinance to enter into the Contract in the form attached hereto as Exhibit B so that the Member may provide its customers with an adequate, reliable and economical supply of electric power and energy and join with other members of the Agency for the purpose of the Agency providing the planning, financing, locating and building of needed new facilities for generation and transmission and for other purposes contemplated in the Contract. (Ord. 2007-27, S3, Aug. 22, 2007)

**11.09.035 Term.** This Contract shall become effective upon a date to be determined by the Board of Commissioners of the Indiana Municipal Power Agency, which date shall follow the delivery and acceptance of the opinions and certificates required pursuant to Section 19 of this Contract. The Contract shall remain in effect until April 1, 2042. On

April 1, 2032, and on each April 1<sup>st</sup> thereafter, the Contract term shall be extended automatically for an additional one year period (i.e., on April 1, 2032, the Contract term shall extend until April 1, 2043). Notwithstanding the foregoing, this Contract may be terminated by the Member on April 2042, or on any subsequent April 1<sup>st</sup> thereafter, upon the Member having given prior written notice to the Agency pursuant to Section 21 of the Contract at least ten (10) years prior to the then current date of termination. In addition, this Contract may be terminated by the Member at such time that all Bonds shall have been paid or provision for such payment shall have been made therefore pursuant to the Bond Resolution and all contractual obligations entered into by the Agency for the generation, purchase, transmission or transformation of power and energy have been terminated and provision has been made for the payment of any residual costs thereof. In no event shall the term of this Contract exceed the maximum term permitted by law.

Notwithstanding anything to the contrary set forth in the Contract, the Agency may set the rates charged to the Member from time to time pursuant to the provisions of Section 5 of the Contract so as to amortize the Member's proportionate share of the debt service and associated costs incurred subsequent to the effective date of this Contract over the term of the Contract. The foregoing approach to establishing rates under Section 5 shall not be considered a pattern of adverse distinction or a pattern of undue discrimination for purposes of Section 27 of the Contract. (Part Exhibit B Indiana Municipal Power Agency Power Sales Contract - Section 2)

**11.09.040 Responsibilities.** The Member's electric utility shall purchase electric power and energy from the Agency under and pursuant to the terms of the Contract. The Agency shall have full responsibility for planning and obtaining an adequate supply of power and energy for the Member pursuant to the Contract. (Ord. 2007-27, S4, Aug. 22, 2007)

**11.09.050 Agreement - Exhibit C at City Hall.** The Member is authorized pursuant to this ordinance to enter into the Agreement attached as Exhibit C to allow the Agency to dispatch its generating facilities pursuant to the terms of the Agreement; and (Ord. 2007-27, S5, Aug. 22, 2007)

**11.09.060 Authorization to execute and attest.** By this Ordinance, the Mayor, as the Presiding Officer of the Common Council of the Member is hereby authorized and directed to execute and deliver, and the Clerk-Treasurer is hereby authorized to attest and seal, the Supplemental Contract, the Contract, and the Agreement respectively. (Ord. 2007-27, S6, Aug. 22, 2007)

**11.09.070 Conflicting ordinances repealed.** All ordinances and parts of ordinances in conflict herewith are hereby repealed. (Ord. 2007-27, S7, Aug. 22, 2007)

**11.09.080 Effective Date.** This Ordinance shall be in full force and effect from and after its passage. PASSED AND ADOPTED by the Common Council of the City of Jasper, Indiana, this 22<sup>nd</sup> day of August, 2007. (Ord. 2007-27, S8, Aug. 22, 2007)

## Chapter 11.10

### DEMAND RESPONSE PROGRAMS

#### Sections:

- 11.10.010 Findings and Determinations of the City Council**
- 11.10.020 Sole entity permitted to bid demand response on behalf of Jasper retail customers**
- 11.10.030 Retail customers may bid their demand response by participating in the City's program**
- 11.10.040 The City is the sole entity to bid demand response relative to services**
- 11.10.050 Prior authorization from the City by retail customers**

**11.10.010 Findings and Determinations of the City Council.** The findings and determinations set forth in the preambles to this Ordinance are hereby made findings and determinations of the Council. (Ord. 2009-8, S2, Feb. 18, 2009)

**11.10.020 Sole entity permitted to bid demand response on behalf of Jasper retail customers.** The City of Jasper or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the City of Jasper directly into any FERC-approved independent system operator's or regional transmission organization's organized electric markets. (Ord. 2009-8, S3, Feb. 18, 2009)

**11.10.030 Retail customers may bid their demand response by participating in the City's program.** Retail customers served by the City of Jasper wishing to bid their demand response into a FERC-approved independent system operator's or regional transmission organization's organized electric markets may do so by participating in the program to be established by the City of Jasper. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the City of Jasper. (Ord. 2009-8, S4, Feb. 18, 2009)

**11.10.040 The City is the sole entity to bid demand response relative to services.** The City of Jasper or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the City of Jasper directly into any FERC-approved independent system operator's or regional transmission organizations' organized markets for energy, imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff). (Ord. 2009-8, S5, Feb. 18, 2009)

**11.10.050 Prior authorization from the City by retail customers.** Retail customers served by the City of Jasper wishing to bid their demand response into a FERC-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the FERC-approved independent system operator's or regional transmission organization's tariff) may do so by participating in a program that will be established by the City of Jasper or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the City of Jasper. (Ord. 2009-8, S6, Feb. 18, 2009)

## Chapter 11.11

### NET ENERGY METERING PROGRAM

#### Sections:

- 11.11.010 Findings and Determinations**
- 11.11.015 Net Metering Nameplate Capacity Limitation**
- 11.11.020 Net Metering Arrangements Encouraged**
- 11.11.030 Definitions**
- 11.11.040 Authorization and Limitation**
- 11.11.050 Measurement of Energy**
- 11.11.060 Net Metering Rules and Rates and Charges**
- 11.11.070 Interconnection Agreement Required**
- 11.11.075 Excess Renewable Energy Customers**
- 11.11.080 Application Procedure**
- 11.11.090 Configuration**
- 11.11.100 Connection Requirements**
- 11.11.110 Standards**
- 11.11.120 Installation**
- 11.11.130 Operation of facilities**
- 11.11.140 On Site Access/Inspection**
- 11.11.150 Insurance**
- 11.11.160 Indemnification**
- 11.11.170 Violation/Penalty**

**11.11.010 Findings and Determinations.** The findings and determinations set forth in the preambles to this Resolution are hereby made findings and determinations of the Council. (Ord. 2009-32, S2, Oct. 21, 2009)

**11.11.015 Net Metering Nameplate Capacity Limitation.** Customers who qualify as “Eligible Net Metering Customers,” pursuant to Section 11.11.030, but whose renewable energy generation would result in the aggregate amount of net metering facility nameplate capacity from all Eligible Net Metering Customers exceeding the limitation set out in Section 11.11.040 and who desire to participate in a renewable energy program, shall be governed by the excess renewable energy policy set out herein Sections 11.11.075 through 11.11.170. (Ord. 2018-13, S1, June 20, 2018)

**11.11.020 Net Metering Arrangements Encouraged.** The City of Jasper encourages interested citizens and businesses to invest in renewable electric energy generation systems and enter into a Net Metering arrangement with the municipal electric utility of the City of Jasper. (Ord. 2009-32, S3, Oct. 21, 2009)

**11.11.030 Definitions.**



- (1) “Eligible Net Metering Customers” include residential, commercial, and industrial customers in good standing that own and operate a solar, wind, biomass, geothermal, or hydroelectric generating facility or other approved renewable generating equipment that
  - (a) has a nameplate capacity less than or equal to ten (10) kilowatts (kW);
  - (b) is located on the customer’s premises and is operated by the customer; and
  - (c) is used primarily to offset all or part of the customer’s own electricity requirements.
  
- (2) “Excess Renewable Energy Customers” include residential, commercial, and industrial customers in good standing that own and operate a solar, wind, biomass, geothermal or hydroelectric generating facility or other approved renewable generating equipment that
  - (a) has a nameplate capacity more than ten (10) kilowatts (kW);
  - (b) is located on the customer’s premises and is operated by the customer; and
  - (c) is used primarily to offset all or part of the customer’s own electricity requirements. (Ord. 2018-13, S2, June 20, 2018) (Ord. 2009-32, S4, Oct. 21, 2009)

**11.11.040 Authorization and Limitation.** The Council authorizes the Utility to offer Net Metering to Eligible Net Metering Customers on a first-come, first-served basis. The Utility shall limit the aggregate amount of net metering facility nameplate capacity from all Eligible Net Metering Customers to one-tenth of one percent (0.1%) of the Utility’s most recent summer peak load. (Ord. 2009-32, S5, Oct. 21, 2009)

**11.11.050 Measurement of Energy.** The Utility shall measure the difference between the amount of energy delivered by the Utility to the Eligible Net Metering Customer and the amount of energy generated by the Eligible Net Metering Customer and delivered to the Utility. If the Eligible Net Metering Customer generates more energy than it consumes in a month, the customer shall receive a bill credit for the amount of surplus energy generated. The Utility shall not purchase or wheel power produced by an Eligible Net Metering Customer’s facilities. (Ord. 2009-32, S6, Oct. 21, 2009)

**11.11.060 Net Metering Rules and Rates and Charges.** The Jasper Municipal Electric Utility Net Metering Rules and Rates and Charges set forth below are hereby adopted as the terms and conditions under which the Utility will offer Net Metering to Eligible Net Metering Customers.

## JASPER MUNICIPAL ELECTRIC UTILITY NET METERING RULES AND RATES AND CHARGES

### AVAILABILITY

Net Metering is provided upon request and on a first-come, first-served basis. Net Metering is available to residential, commercial, and industrial customers in good standing that own and operate an eligible solar, wind, biomass, geothermal, hydroelectric, or other approved renewable generation source. The name plate rating of customer's generator must not exceed 10 kW. Customers served under these rates and charges must also take service from the Jasper Municipal Electric Utility under the otherwise applicable standard service rates and charges.

Total Net Metering participation under these rules and rates and charges is limited to a total name plate rating of all Customers' generators of one-tenth of one percent (0.1%) of the Utility's most recent summer peak load.

### DEFINITIONS

"Net Metering" means measuring the difference in an applicable billing period between the amount of electricity supplied by the Utility to Customer who generates electricity using an eligible solar, wind, biomass, geothermal, hydroelectric or other approved renewable generation source and the amount of electricity generated by such respective Customer that is delivered to the Utility.

### BILLING

Monthly charges for energy and demand, where applicable, to serve the Customer's net or total load shall be determined according to the Utility's standard service rates and charges under which the Customer otherwise would be served, absent the Customer's eligible Net Metering facility. The measurement of a net energy supplied by Utility and delivered to Utility shall be calculated in the following manner: Utility shall measure the difference between the amount of electricity delivered by Utility to Customer and the amount of electricity generated by the Customer and delivered to Utility during the billing period, in accordance with normal metering practices. If the kWh delivered by Utility to the Customer exceeds the kWh delivered by the Customer to Utility during the billing period, the Customer shall be billed for the kWh difference. If the kWh generated by the Customer and delivered to Utility exceeds the kWh supplied by the Utility to Customer during the billing period, the Customer shall be credited in the next billing cycle for the kWh difference. When Customer elects to discontinue Net Metering service, any unused credit will be granted to Utility. The Utility shall not purchase or wheel power produced by Net Metering facilities. Bill charges and credits will be in accordance with the standard rates and charges that would apply if the Customer did not participate in Net Metering under these rules and rates and charges.

### METERING

The Customer's standard meter, if capable of measuring electricity in both directions, will be used. If Utility determines new metering is necessary, the Utility will install metering capable of Net Metering at the Customer's expense. Additionally, the Utility reserves the right to install, at its own expense, a meter to measure the output of the solar, wind, biomass, geothermal, hydroelectric, or other approved renewable generation system.

## TERMS AND CONDITIONS

In order to be eligible for Net Metering, the Customer's generator must meet the following requirements:

- (1) All kWh must be generated from the output of solar, wind, biomass, geothermal, hydroelectric, or other approved renewable generation sources;
- (2) The generation equipment must be operated by the customer and located on the Customer's premises;
- (3) The generator must operate in parallel with the Utility's transmission and distribution facilities without adversely affecting the Utility's system and equipment and without presenting safety hazards or threats to the reliability of service to the Utility, its personnel and other Customers;
- (4) The Customer's generation must be intended primarily to offset all or part of the Customer's requirements for electricity;
- (5) The name plate rating of Customer's generator must not exceed 10 kW and the Customer's generation must satisfy the Interconnection requirements specified below.

Customer shall make an application for Interconnection Service and execute an Interconnection Agreement acceptable to the Utility.

Customer shall maintain homeowners, commercial, or other insurance providing coverage in the amount of at least one hundred thousand dollars (\$100,000) for the liability of the insured against loss arising out of the use of generation equipment associated with Net Metering under these rules and rates and charges, with the City of Jasper being named as an Additional Insured under such insurance coverage.

The supplying of, and billing for, service and all conditions applying thereto, are subject to the Utility's General Terms and Conditions.

## INTERCONNECTION

For generator systems 10 kW or smaller eligible for these rates and charges, the Utility's technical requirements consist of:

- (1) IEEE 1547-2003, "IEEE Standard for Interconnecting Distributed Resources with Electric Power Systems" (IEEE 1547).
- (2) Current version of ANSI/NFPA 70, "National Electrical Code" (NEC).
- (3) Any other applicable local building codes.

Inverter based systems listed by Underwriters Laboratories (UL) to UL Standard 1741, published May 7, 1999, as revised January 17, 2001 (UL 1741), are accepted by the Utility as meeting the technical requirements of IEEE 1547 tested by UL 1741.

Conformance with these requirements does not convey any liability to the Utility for damages or injuries arising from the installation or operation of the generator system. The Utility may, at its own discretion, isolate any Net Metering facility if the Utility has reason to believe that continued interconnection with the Net Metering facility creates or contributes to a system emergency or is detrimental to the quality of service to other customers.

Customer shall operate the Net Metering facility in such a manner as not to cause undue fluctuations in voltage, intermittent load characteristics or otherwise interfere with the operation of Utility's electric system. Customers shall agree that the interconnection and operation of the facility is secondary to, and shall not interfere with, Utility's ability to meet its primary responsibility of furnishing reasonably adequate service to its customers.

Customer's control equipment for the Net Metering facility shall immediately, completely, and automatically disconnect and isolate the facility from Utility's electric system in the event of a fault on Utility's electric system, a fault on Customer's electric system, or loss of a source or sources on Utility's electric system.

Customer shall install, operate, and maintain, at Customer's sole cost and expense, the Net Metering facility in accordance with the manufacturer's suggested practices for safe, efficient and reliable operation of the facility in parallel with Utility's electric system. Customer shall bear full responsibility for the installation, maintenance and safe operation of the Net Metering facility. Customer shall be responsible for protecting, at Customer's sole cost and expense, the Net Metering facility from any condition or disturbance on Utility's electric system, including, but not limited to, voltage sags or swells, system faults, outages, loss of a single phase of supply, equipment failures, and lightning or switching surges.

Upon reasonable advance notice to Customer, Utility shall have access at reasonable times to the Net Metering facility whether before, during or after the time facility first

produces energy, to perform reasonable on-site inspections to verify that the installation and operation of the facility comply with the requirements of this tariff and to verify the proper installation and continuing safe operation of the facilities. Utility shall also have, at all times, immediate access to breakers or any other equipment that will isolate the Net Metering facility from Utility's electric system. In non-emergency situations, Utility shall give Customer reasonable notice prior to isolating the Net Metering facility.

Customer shall agree that, without the prior written permission from Utility, no changes shall be made to the configuration of the Net Metering facility, as that configuration is described in the Interconnection Agreement, and no relay or other control or protection settings specified in the Interconnection Agreement shall be set, reset, adjusted or tampered with, except to the extent necessary to verify that the facility complies with the Utility approved settings. (Ord. 2009-32, S7, Oct. 21, 2009)

**11.11.070 Interconnection Agreement Required.** In accordance with the terms of the Net Metering Rules and Rates and Charges set forth above, the Utility shall enter into an interconnection agreement with the Eligible Net Metering Customer, which incorporates technical interconnection requirements and does not conflict with this Ordinance before the Net Metering facility may be interconnected with the Utility's system. (Ord. 2009-32, S8, Oct. 21, 2009)

**11.11.075 Excess Renewable Energy Customers.** Customers who qualify as "Excess Renewable Energy Customers" and choose to operate renewable generation facilities interconnected to the Jasper Municipal Utility's grid shall be governed by the provisions contained in Section 11.11.075 through 11.11.170. (Ord. 2018-13, S4, June 20, 2018)

**11.11.080 Application Procedure.** Where a customer desires to interconnect renewable generation facilities with the utility's grid:

- (1) The Customer shall complete an interconnection application and submit the application to the utility business office for review;
- (2) After receipt of the application, the utility shall conduct such further inspection of the renewable generation facilities as the utility deems necessary and approve or deny the application.
- (3) If the application is denied, the utility shall provide a written response to the customer explaining why the application was denied.
- (4) The utility is hereby authorized to charge a reasonable application fee to offset costs involved with reviewing the application, inspecting the renewable generation facilities, and otherwise ensuring compliance with this Ordinance. (Ord. 2018-13, S5, June 20, 2018)

**11.11.090 Configuration.** If the interconnection application is approved, then the customer agrees that no changes shall be made to the configuration of the renewable

generation facilities, as that configuration is described in the application, and no relay or other control or protection settings specified in the application shall be set, reset, adjusted or tampered with, except to the extent necessary to verify that the renewable generation facilities comply with the utility's approved settings. (Ord. 2018-13, S6, June 20, 2018)

**11.11.100 Connection Requirements.** In addition to such other requirements as the utility deems necessary, any renewable generation facility allowed to interconnect to the utility's grid must comply with:

- (1) The National Electrical Code and the National Electrical Safety Code, as each may be revised from time to time;
- (2) The utility's rules and regulations and the utility's General Terms and Conditions for Electric Service, each as may be revised from time to time; and
- (3) All other applicable local, state, and federal codes and laws, as the same may be in effect from time to time. (Ord. 2018-13, S7, June 20, 2018)

**11.11.110 Standards.** For any approved renewable generation facilities interconnected to the utility's grid, the customer shall install, operate, and maintain, at the customer's sole cost and expense, the renewable generation facilities in accordance with the Institute of Electrical and Electronics Engineers' applicable Standard for Interconnecting Distributed Resources with Electric Power Systems, as it may be amended from time to time. The customer shall be responsible for protecting, at the customer's sole cost and expense, the renewable generation facilities from any condition or disturbance on the utility's electric system, including, but not limited to, voltage sags or swells, system faults, outages, loss of a single phase of supply, equipment failures, and lightning or switching surges. (Ord. 2018-13, S8, June 20, 2018)

**11.11.120 Installation.** Customer shall bear full responsibility for the installation, maintenance and safe operation of the renewable generation facilities. Customer agrees that, without the prior written permission from utility, no changes shall be made to the configuration of the renewable generation facilities, as that configuration is described in an approved application, and no relay or other control or protection settings specified in an approved application shall be set, reset, adjusted or tampered with, except to the extent necessary to verify that the renewable generation facilities comply with Utility approved settings. (Ord. 2018-13, S9, June 20, 2018)

**11.11.130 Operation of facilities.** The customer shall operate any interconnected renewable generation facilities in such a manner as not to cause undue fluctuations in voltage, intermittent load characteristics or otherwise interfere with the operation of the utility's electric system. At all times when the renewable generation facilities are being operated in parallel with the utility's electric system, the customer shall operate the renewable generation facilities in a manner that no disturbance will be produced to the service rendered by the utility to any of its other customers or to any electric system interconnected with the utility's electric system. The customer's control equipment for the

renewable generation facilities shall immediately, completely, and automatically disconnect and isolate the renewable generation facilities from the utility's electric system in the event of a fault on the utility's electric system, a fault on the customer's renewable generation facilities, or loss of a source or sources on the utility's electric system. The automatic disconnecting device included in such control equipment shall not be capable of reclosing until after service is restored on the utility's electric system. Additionally, if the fault is with the customer's renewable generation facilities, such automatic disconnecting device shall not be reclosed until after the fault is isolated from the customer's renewable generation facilities. The utility's primary responsibility is furnishing reasonably adequate service to its customers. The interconnection and operation of the renewable generation facilities is secondary to, and shall not interfere with utility's primary responsibility. (Ord. 2018-13, S10, June 20, 2018)

**11.11.140 On Site Access/Inspection.** Upon reasonable advance notice to the customer, the utility shall have access to any interconnected renewable generation facilities to perform on-site inspections to verify that the installation and operation of the renewable generation facilities comply with the requirements of this Ordinance and to verify the proper installation and continuing safe operation of the renewable generation facilities. The utility shall also have, at all times, immediate access to breakers or any other equipment that will isolate the renewable generation facilities from the utility's electric system. The utility shall not be responsible for any costs the customer may incur as a result of such inspection(s). The utility shall have the right and authority to isolate approved interconnected renewable generation facilities at the utility's sole discretion if the utility believes that: (a) continued interconnection and parallel operation of the renewable generation facilities with the utility's electric system creates or contributes (or will create or contribute) to a system emergency on either the utility's or the customer's electric facilities; (b) the renewable generation facilities are not in compliance with the requirements of this Ordinance; or (c) the renewable generation facilities interfere with the operation of the utility's electric system. In non-emergency situations, the utility shall give the customer reasonable notice prior to isolating the renewable generation facilities. (Ord. 2018-13, S11, June 20, 2018)

**11.11.150 Insurance.** Customer shall procure and keep in force during all periods of parallel operation of the renewable generation facilities with the utility's electric system, homeowners, commercial, or other insurance to protect the interests of the utility as a named insured, with insurance carriers acceptable to the utility, and in amounts not less than those reasonably determined by the utility to be necessary taking into consideration the nameplate capacity, configuration and type of the renewable generation facilities. The Customer shall deliver a certificate of insurance verifying the required coverage to utility at least fifteen (15) days prior to any interconnection of the renewable generation facilities with utility's electric system and thereafter as requested by utility. (Ord. 2018-13, S12, June 20, 2018)

**11.11.160 Indemnification.** The customer shall indemnify and hold harmless the utility, the City of Jasper, its employees, appointed and elected officials, representatives, agents and subcontractors from and against all claims, liability, damages and expenses,

including attorney's fees, based on any injury to any person, including the loss of life, or damage to any property, including the loss of use thereof, arising out of, resulting from, or connected with, or that may be alleged to have arisen out of, resulted from, or connected with, an act or omission by the customer, its employees, agents, representatives, successors or assigns in the construction, ownership, operation or maintenance of the customer's renewable generation facilities. If the utility is required to bring an action to enforce its rights under this Section of the Ordinance, either as a separate action or in connection with another action, and said rights are upheld, the customer shall reimburse the utility for all expenses, including attorney's fees, incurred in connection with such action. (Ord. 2018-13, S13, June 20, 2018)

**11.11.170 Violation/Penalty.** It shall be unlawful for any person or entity to connect or maintain the connection of a renewable generating facility to the utility's grid without obtaining the utility's approval of an interconnection application. Any person or entity found to be in violation of this section shall be fined not less than \$500, nor more than \$2,500 for each such violation, plus costs. In addition to the foregoing fines and at the utility's sole discretion, property where a renewable generating facility is unlawfully connected to the utility's grid may be disconnected from the utility's grid until an interconnection application is approved. Every day that a violation of this section occurs shall constitute a separate offense. (Ord. 2018-13, S14, June 20, 2018)



## Chapter 11.12

### GAS

#### Sections:

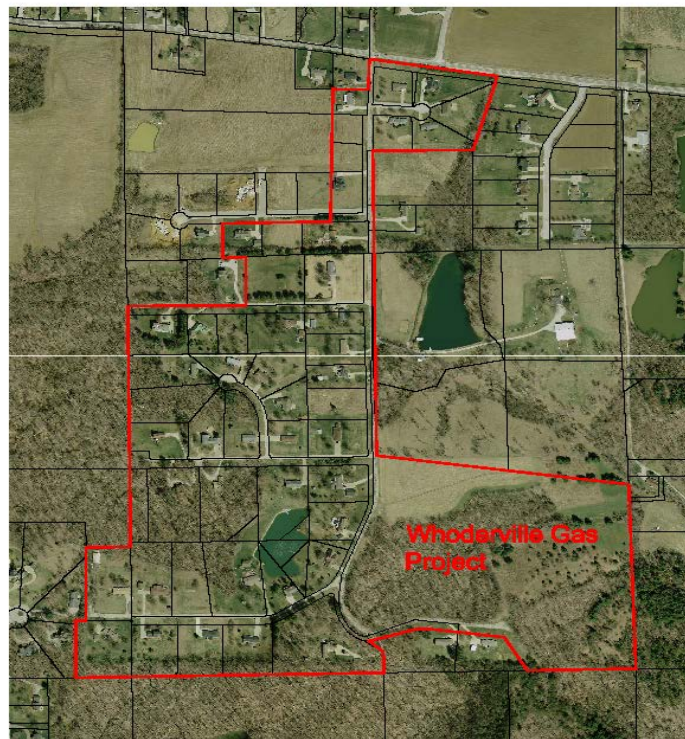
11.12.010	Definitions
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11.12.070	Inspection
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11.12.100	Flue connections and venting
11.12.110	Notice to cease violation
11.12.120	Violations

**11.12.010 Definitions.** Throughout this Chapter, the following terms shall be construed to mean as follows:

- (1) "APPLIANCES" means all stoves, heaters, hot water tanks, conversion units, gas logs, and any other devices in which natural gas is used.
- (2) "CITY" means the City of Jasper, Indiana, acting through its Utility Service Board and duly elected Mayor and Council.
- (3) "CUSTOMER" means any person, firm, or corporation which receives and/or purchases natural gas from the City of Jasper, Indiana or who contracts with the City for main extensions or service installations.
- (4) "CUSTOMER INLET" means the outlet of the meter set or the last regulator used by the utility to control the pressure that is delivered to the customer.
- (5) "GAS" means natural gas purchased by the City to be sold to its customers.
- (6) "GAS INSPECTOR" means the duly authorized person hired by the City of Jasper, Indiana, to inspect house piping and appliance installations.

- (7) "GAS SYSTEM" means the natural gas distribution lines from the Texas Eastern Transmission Corporation, ANR, or other supply points of sale to the City Border Stations together with all service lines, valves, meters, cocks, regulating equipment, and other appurtenances necessary to distribute natural gas to customers.
- (8) "GAS UTILITY" means the Jasper Municipal Gas Utility.
- (9) "HOUSE PIPING" means the house piping will ordinarily be considered as that portion of pipe and fittings running from the customer inlet to the various appliance inlet connections.
- (10) "INDUSTRIAL CUSTOMER" means a user of Utility Service whose establishment is involved in the manufacture or processing of a product for resale.
- (11) "INTERRUPTIBLE CUSTOMER" means those customers with annual usage in excess of 10,000 Mcf per year who have met City requirements and elected to take gas service on an Interruptible Service basis.
- (12) "LICENSEE" or "LICENSED INSTALLER" means any person, firm, or corporation who has been licensed by the City to install house piping and appliances. If a firm or corporation has been licensed, said license covers all employees and subcontractors of the firm or corporation as long as the person who took and passed the examination described in Section 8 (11.12.070) below continues to be an employee or owner of said firm or corporation.
- (13) "LINE CUSTOMER" means any person, firm, or corporation receiving gas service from the high pressure distribution main.
- (14) "Mcf" means one thousand cubic feet
- (15) "MAIN" means a line, part of the distribution system, which conveys gas throughout the gas system.
- (16) "RATE CLASSES"
  - Rate Class RS- Residential Service
  - Rate Class SGS – Small General Service - < 2,000 Mcf per year
  - Rate Class MGS – Medium General Service - 2,000-10,000 Mcf per year
  - Rate Class LGS – Large General Service - > 10,000 Mcf per year
  - Rate Class IS – Interruptible Service

- (17) “SERVICE LINE” means a line from the main to the outlet side of the meter, or outlet of the regulator that controls the customer’s inlet supply pressure, whichever is farthest from the main.
- (18) “SPECIFICATION” means these standard specifications for the construction of natural gas systems which shall be complied with, unless other procedures, methods, or specifications are specified in a city ordinance.
- (19) “2014 Whoderville Extension” means the extension of gas utility services to certain owners of property located outside the corporate limits of the City within areas known as Whoderville and depicted below:



- (20) “Original Extension Participant” means property owners eligible for the 2014 Whoderville Extension and who submitted their written Agreement to Extend Utility Service Outside City Limits (“Agreement”), postmarked on or before September 10, 2014, or whose Agreement was received in the Jasper Municipal Utility Office on or before 4:00 p.m. EST, September 12, 2014.
- (21) “Late Extension Participant” means a property owner eligible for the 2014 Whoderville Extension and who submitted a written Agreement after the established deadline defined as postmarked on or before September 10,

2014, or having been received in the Jasper Municipal Utility Office after 4:00 p.m. EST, September 12, 2014.

- (22) “Total Active Participants” means Original Extension Participants plus Late Extension Participants, but not any Extension Participant who is currently in default on any obligation owed pursuant to the Agreement. (Ord. 2014-22, S1, Sept. 17, 2014) (Ord. 2011-7, S2, July 20, 2011) (Ord. 1997-34, S1, 1997) (Ord. 417 (part), 1954)

**11.12.020 Procedure for service.**

- (1) GENERAL. Every person, firm, or corporation who can be served by the City efficiently will be served natural gas under the ordinances and the City’s rules, regulations, and rates. The size of the service and appurtenances used to serve each customer shall be such that will render efficient service to customers
- (2) TAP-IN CHARGE – AMOUNT. A tap-in charge will be made which will cover the installation of a gas main extension if necessary, meter, service line, and connection of service. The tap-in charge for all applicants shall be in accordance with the applicable Resolutions and Ordinances adopted by the Utility Service Board and/or the Common Council of the City of Jasper. If payment for such charges is not made in accordance with the terms of the gas application, service line equipment may be removed or locked out until payment is made in full
- (3) TAP-IN CHARGE – SERVICE PROVIDED. The tap-in charge shall include connections, pipe, equipment charges, and labor from the gas main to the meter location. The customer shall engage a Licensed Installer who shall construct the interior service line from the outlet of the meter to the appliances. Any subsequent change or any additional gas line required shall be paid for by the customer in accordance with the applicable Resolutions and Ordinances adopted by the Utility Service Board and/or the Common Council of the City of Jasper. Gas department employees shall have the right to enter upon the customer’s premises at all reasonable times for purposes of meter reading, maintaining, servicing or the removal of gas service. The gas line, meter and appurtenances shall remain accessible to the Gas Department at all times, twenty-four hours a day, seven days a week. If customer desires to fence off or gate their property, arrangements to the satisfaction of the Gas Manager must be made to allow access at all hours by the Gas Department. Obstructions to the gas line, meter or appurtenances including, but not limited to, decks, temporary or permanent buildings, and landscaping are not allowed and must be removed immediately. The Gas Department may discontinue service to the customer immediately upon the discovery of such an

obstruction or at anytime thereafter until such time as the obstruction is removed.

- (4) **INDUSTRIAL CUSTOMERS.** Notwithstanding any other provisions of the Ordinance, the City may, but is not required, to provide gas services to an industrial customer in a written contract which contains such terms, conditions, rates and schedules as the City, in its sole discretion, reasonably exercised, deems appropriate.
- (5) **APPLICATION FOR SERVICE.** Each prospective customer must complete an application for service for the type of service customer desires as a condition of receiving service. Each prospective customer, by their "Gas Service Application and Contract", grants the City an easement over the property where the service will be installed, permitting the City to use this property to lay the gas service and permitting the City ingress and egress to the property for purposes necessary for the operation thereof.
- (6) **CUSTOMER DEPOSITS.** Each Residential, Commercial, and Industrial prospective customer must make a deposit with the City at the time of signing an application for service in accordance with City Ordinances in effect at the time of said application. Such deposit will be refunded to the customer at the time service is discontinued or in compliance with the applicable Ordinances provided the customer has paid all amounts due the City. The Deposit may be applied to the customer's final bill.
- (7) **TEMPORARY INTERRUPTIONS.** From time to time it may be necessary or desirable that gas service be temporarily interrupted for maintenance, construction, repairs, emergencies, other purposes, or failure of the City's suppliers to deliver gas. During such periods, the Gas Utility assumes no responsibility for the resulting loss of heat, products, materials, plants, animals, or such other things which might be affected by the fact that gas service is interrupted for a period of time.
- (8) **INTOLERABLE TEMPORARY INTERRUPTIONS.** Any customer having a facility, operation, process, activity or residence which cannot under any or all conditions tolerate a temporary interruption of gas service shall provide an alternate source of on-site fuel or heat for utilization during such interruption. The responsibility for such alternative rests fully with the customer.
- (9) **ACTIVATION OF SERVICE.** Upon the installation of the service line and meter set, the normal monthly meter consumption rates and customer charges will be billed to the customer. If the meter is removed for any reason, the customer has twenty-four months to pay to have the meter reinstalled. If the meter is not reinstalled within twenty-four months, the customer will receive written notice from the utility that if a meter is not

immediately reinstalled the service line will be disconnected from the gas main and abandoned. The cost of the removal of the service line from the gas main will be charged to the customer in accordance with applicable Resolutions and Ordinances adopted by the Utility Service Board and/or the Common Council of the City of Jasper. If a customer wishes to be reconnected to the distribution system, the customer must reapply for service and pay for a new service line, meter and all other necessary equipment in accordance with the above-mentioned Resolutions and Ordinances.

- (10) **RATES FOR SERVICE.** All customers shall be charged and the customers will pay rates and charges in accordance with this Ordinance (Chapter). (Ord. 2011-7, S3, July 20, 2011) (Ord. 1997-34, 1997) (Ord. 998, 1980) (Ord. 878, 1977) (Ord. 764, 1974) (Ord. 417, 1954) (Ord. 1281, 1986) (Ord. 1278, 1986)

**11.12.030 Rates and Charges for service.** There shall be and there are hereby established for the use of retail use customers both inside and outside the corporate limits of the City of Jasper, and for wholesale customers, the following rates and charges for the Gas Utility of the City of Jasper, Indiana, which are hereby deemed to be reasonable, equitable, and based upon the cost of providing service. The rates shall be effective for billings which are due on and after October 10, 2011:

- (1) **CITY RATES.** There shall be and there are hereby established for the sale of gas to its retail customers **WITHIN** the corporate limits of the City of Jasper, Indiana, the following rates and charges to be known as **City Rates**:

	<u>Base Rates</u>
<u>Rate RS - Residential Service</u>	
Customer Charge	\$10.00
All Mcf	\$ 7.7806
 <u>Rate SGS - Small General Service</u>	
Customer Charge	\$18.00
All Mcf	\$ 7.7737
 <u>Rate MG - Medium General Service</u>	
Customer Charge	\$125.00
All Mcf	\$ 7.7424
 <u>Rate LGS – Large General Service</u>	
Customer Charge	\$650.00
All Mcf	\$ 7.6777
 <u>Rate IS – Interruptible Service</u>	
Customer Charge	\$350.00
All Mcf	\$ 7.5013

- (2) **RURAL RATES.** There shall be and there are hereby established for the sale of gas to its retail customers **OUTSIDE** the corporate limits of the City of Jasper, Indiana the following rates and charges to be known as **Rural Rates:**

	<u>Base Rates</u>
<u>Rate RS – Residential Service</u>	
Customer Charge	\$12.50
All Mcf	\$ 9.7258
 <u>Rate SGS – Small General Service</u>	
Customer Charge	\$22.50
All Mcf	\$ 9.7171
 <u>Rate MG – Medium General Service</u>	
Customer Charge	\$156.25
All Mcf	\$ 9.6780
 <u>Rate LGS – Large General Service</u>	
Customer Charge	\$812.50
All Mcf	\$ 9.5971
 <u>Rate IS – Interruptible Service</u>	
Customer Charge	\$437.50
All Mcf	\$ 9.3766

- (3) A Gas Cost Rate Tracking Factor, occasioned by changes in the cost of purchased gas, shall be applied to the above rates. This tracking factor is based upon a formula established by an outside accounting firm, and will be calculated and applied on a monthly basis by personnel in the Jasper Municipal Utility Business office. For purposes of establishing the Gas Cost Rate Tracking Factor, the base cost of gas shall be \$6.4183 per Mcf.
- (4) **Additional Unauthorized Usage Charges:** Interruptible Customers who fail to go to alternative sources after being requested to do so by the Gas Utility, may be charged an additional Fifty Dollars (\$50.00) per Mcf for all gas used by the Interruptible Customer after such request. In addition, the Gas Utility may disconnect said Customer if they fail to comply with the request of the Gas Utility to go to alternative sources.

- (5) There shall be and there are hereby established for the sale of gas to contractual wholesale customers of the City of Jasper, Indiana, the following rates and charges to be known as **Wholesale Rates**:

The unit price for all gas delivered to a wholesale customer shall be the average cost to the Jasper Gas Utility of all gas delivered through the appropriate pipeline company's interconnect with the City of Jasper (including, but not limited to, the commodity cost of gas, transportation, Gas Research Institute adjustment, accrued credit adjustment, fuel charges, etc.) calculated for contractually defined purchase/billing periods PLUS twenty-five percent (25%).

Quantities of gas delivered to a wholesale customer over and above contractually defined maximums shall be subject to the same rates and charges set forth above PLUS a \$10.00 per dekatherm penalty surcharge on the excess.

Wholesale customers are not subject to the Gas Cost Rate Tracking Factor.

- (6) All bills for gas service not paid by the due date, as stated on such bills, shall be subject to a deferred payment charge as set forth in the applicable Resolutions and Ordinances adopted by the Utility Service Board and/or Common Council of the City of Jasper.
- (7) Sales Reconciliation Rider

- (a) **Applicability.** The Sales Reconciliation Rider ("SRR") shall be applicable to all Customers served under the following Rate Classes:

Rate Class RS - Residential Service

Rate Class SGS - Small General Service

Rate Class MGS - Medium General Service

- (b) **Description.** The Sales Reconciliation Rider shall recover the differences between Actual Margins and Adjusted Approved margins for the applicable Rate Classes.

Actual Margins are defined as margins for each Rate Class, prior to the SRR adjustment. Adjusted Approved margins are defined as the approved margins for each Rate Class as approved in the Utility's most recent rate ordinance, as adjusted to reflect the change in number of customers from the approved levels. To reflect the change in number of customers, approved margin per customer is multiplied by the change in the number of customers from the approved level to the present level, with the product being added to the approved margins.



The calculated differences between Actual Margins and Adjusted Approved Margins shall be divided by projected sales volumes for each Rate Class to determine the applicable SRR. Annually, City shall reflect in a revised SRR the annual margin differences. Projected and actual recoveries by Rate Class under the SRR are reconciled, with any under or over recovery being recovered or returned over the next twelve month period.

- (c) Sales Reconciliation Rider Rate. The applicable Sales Reconciliation Rider shall be applied to each Mcf of metered gas usage each month to the applicable Rate Classes. (Ord. 2011-7, S4, July 20, 2011) (Ord. 2003-66, S1, Dec. 17, 2003) (Ord. 1994-35, S1-8, 1994) (Ord. 1993-30, S1, 2, 3, 4, 5, 6, 7, 1993) (Ord. 1993-27, S1-6, 1993) (Ord. 1992-10, 1992) (Ord. 1991-33, 1991) (Ord. 1991-15, S1, 1991) (Ord. 1115, S1, 1983) (Ord. 1100, S1, 1982) (Ord. 833, S1, 1975) (Ord. 824, S1, 1975) (Ord. 739, S1, 1973) (Ord. 731, S1, 1972) (Ord. 709, S1, 1971) (Ord. 703, S1, 1971) (Ord. 609, S1, 1967) (Ord. 478, 1968) (Ord. 417, S1, 1954)

#### **11.12.033 Rates and Charges for 2014 Whoderville Extension.**

- (1) Original Extension Participants shall pay a gas main extension Standard Pre-payment in the amount of One Thousand Dollars (\$1,000.00) to the City.
- (2) For use of and the services rendered by the gas utility to users of the 2014 Whoderville Extension, the Monthly Installation Fee shall be equal to the estimated installation cost including applicable taxes divided by the number of Original Extension Participants of the 2014 Whoderville Extension. Said cost shall be apportioned equally over a period of one hundred twenty (120) months regardless of the date of participation. The initial monthly Installation Fee shall be \$22.26, which shall be paid on a monthly basis until such Monthly Installation Fee is adjusted pursuant to the Agreement described in section 11.12.033(3) immediately below.
- (3) Each Extension Participant(s) shall have executed the “City of Jasper Agreement to Extend Utility Service Outside City Limits.”
- (4) The Extension Participant(s) shall pay all connection charges, service fees, etc. as prescribed by city ordinance when the service is applied for.
- (5) The Extension Participant(s) shall assist the city in taking the necessary steps to obtain easements required for installation of the utility mains and appurtenances.

- (6) The Extension Participant(s) agree(s) to execute an Annexation Waiver wherein they agree to forego remonstrance against, filing a declaratory judgment action, or assertion of any other challenge against any pending or future annexation to the City, which agreement to forego remonstrance and the owner(s) shall record the document and it shall constitute a covenant upon the land.
- (7) Each Extension Participant(s) must follow all the requirements of the City of Jasper ordinance in effect at that time with regards to connection, and must pay all fees associated therewith.
- (8) In the event the property owner(s) elect to defer their connection (“Late Extension Participant”), in addition to paying the Standard Pre-payment, referenced in section (1) above, he or she would be subject to the deferred Gas Main Extension Premium” in the amount of Five Hundred Dollars (\$500.00). The deferred connection fee shall be in addition to all other connection fees and other applicable charges of the City of Jasper. (Ord. 2014-22, S2, Sept. 17, 2014)

#### **11.12.040 Specifications for Mains and Service Lines.**

- (1) **MATERIAL.** All mains and service lines installed by the Gas Utility shall be approved in writing by the Gas Utility Manager and the General Manager of Utilities. Approval of alternate materials will be based on multiple factors, including, but not limited to, existing structures and pressure zones. All materials must comply with the Indiana Utility Regulatory Commission Office of Pipeline Safety rules and requirements.
- (2) **SIZE.** The size of the mains and services shall be determined by the Gas Utility. If a smaller size main will adequately serve the area and the Gas Utility determines that a larger main is necessary for future development, the Customer will be charged for the smaller sized pipe, with the Gas Utility to be responsible for the difference in the cost of the pipe only. The Customer will remain responsible for the cost of all installation. (Ord. 2013-32, S1, Oct. 23, 2013) (Ord. 2011-7, S5, July 20, 2011) (Ord. 1997-34, SIII H, 1997) (Ord. 998, S2, 1980) (Ord. 417, SIII H, 1954).

#### **11.12.050 Service lines and services.**

- (1) **TEE-WING COCK.** Each service line shall consist of a service tee welded to the main. The tee shall be of the same size as the service piping. A lubricated lock wing cock shall be installed on each service on the upstream side of the regulator and in a readily accessible place. The homeowner or business shall see that the accessibility to the meter set is not hindered by bushes or construction. The City can remove such

obstructions at the owner's expense. The size of the line, meter, and regulator shall be determined by the City.

- (2) **SERVICE LINES TO BUILDINGS WITHOUT BASEMENTS.** In order to prevent any accumulation of gas in unvented spaces under buildings without basements, gas service lines must be brought up above floor level on the outside of the building and then entered through the wall.
- (3) **METERS.** Meters shall be located in a readily accessible place and in a place where possible damage is least. No meter or regulator shall be located in a closed, unventilated place. Meters shall be installed in such a manner that they are easily available for reading and servicing. All meter settings shall be in accordance with a standard plan. Sketch of standard meter settings are available upon request from a Gas Inspector. Also tables for various type meters and their capacities are also available from a Gas Inspector. Gas meters should be located at a safe distance from equipment where there is an unguarded flame or the possibility of an electric spark. It is also desirable to avoid extreme temperatures and sudden extreme changes in temperature.
- (4) **DITCHES.** Gas service lines are not to be laid in the same ditch as water, sanitary sewer, storm sewer, or other lines. A separate ditch should be dug and a minimum cover of eighteen inches (18") secured and have a ten foot (10') separation from other utilities where possible. When crossing other utilities, the gas line should have a minimum separation of eighteen inches (18"). Service lines for gas shall be laid to grade-sloping from the point of entrance to the main.
- (5) **SERVICE LINE GROUND CONTACT.** The area where the service line exits the ground should be kept clear of asphalt, concrete, or other materials that would interfere with the service line. If such material must be used in this area, a collar of approved material and size as determined by the City shall be installed.
- (6) **HOUSE PIPING ENTERING BUILDINGS.** The area where the house piping enters the building shall not have any abrasive materials that come in contact with the piping. If the piping enters a building through concrete, brick, or other materials harmful to the piping, a sleeve of proper material and size as determined by the City shall be used.
- (7) **MAINTENANCE OF BURIED GAS PIPING.** The Gas Utility does not maintain buried gas lines on the customer's side of the meter set. The customer is responsible for periodically inspecting said buried lines for leaks and corrosion; and for their repair, if any unsafe condition is discovered. (Ord. 2011-7, S6, July 20, 2011) (Ord. 1997-34, 1997) (Ord. 417, 1954)

**11.12.060 Indiana Underground Plant Protection Service (“IUPPS”) Notifications.**

- (1) NOTIFICATION. All excavations require an IUPPS locate 48 hours in advance of any work being done. The Gas Utility will locate and mark the gas lines in the area of excavation at no charge to the requestor. All excavation, 2 feet either side of the mark, must be done manually. If the gas line is exposed, the Gas Utility must be contacted for an inspection before recovering the line. If necessary, small scrapes, nicks and holidays will be rewrapped at no charge to the requestor/notifier.
- (2) DAMAGES. Damages to the Gas System owned or serviced by the Gas Utility that are a result of failure to call IUPPS or follow IUPPS and/or City rules with regard to excavations shall be the responsibility of the excavator. The excavator will be charged for the repair. The excavator may be charged treble damages at the discretion of the Gas Utility.
- (3) DOCUMENTATION. The IUPPS locator request documentation must be in the possession of the excavator at all times while on the job. (Ord. 2011-7, S7, July 20, 2011)

**11.12.070 Inspection.**

- (1) GAS INSPECTOR - AUTHORITY. Employees of the Gas Department who meet and abide by the following requirements shall be automatically designated as Gas Inspector(s) and shall be authorized, empowered, and directed to inspect the installation, construction, and/or reconstruction of all piping, appliances, fittings, or any other item that will transport or use natural gas and the means for removal of the by-products caused by such use:
  - (a) Must have a minimum of two (2) years experience with the Gas Utility or have been a City of Jasper licensed gas installer.
  - (b) Must be a full-time employee of the City of Jasper.
  - (c) Must possess thorough knowledge of the standard materials and methods used in the installation of gas services, devices and equipment.
  - (d) Shall be required to pass the same tests that are required to be taken to become a licensed gas installer during the time of their employment with the Gas Utility and be Operator Qualified as defined by Indiana Utility Regulatory Commission Division of Pipeline Safety.

- (e) Shall not be required to purchase a gas installer's license or bond.
- (f) Shall be prohibited from engaging in the business of gas installations, either directly or indirectly, and shall have no interest in any concern engaged in such business in the City of Jasper at any time while holding such inspector's office whether compensated or not.
- (g) Shall have the right, with proper credentials, during reasonable hours to enter any building in the official discharge of duties or for the purpose of making an inspection or reinspection or test of the installation of gas piping, devices, appliances and equipment contained therein, and shall have the authority to cut or disconnect any such piping or service in case of emergency where necessary for safety to life and property or where such service may interfere with the work of the Fire Department or any other emergency workers. A Gas Inspector is empowered to disconnect or order the disconnection of any gas service to any gas devices, piping, appliances and equipment found to be dangerous to life or property because they are defective or defectively installed until such piping, devices, appliances, equipment and their use have been made safe as directed by the inspector(s).

(2) LICENSED INSTALLER.

- (a) No pipe or appliances installed to use natural gas from mains or service of the gas system shall be installed by any person, firm, or corporation unless such person, firm, or corporation shall be licensed by the City to do such work. Any applicant for a license who is experienced in this type of work, familiar with these rules and regulations, and who is a reliable and competent worker, shall take a written examination administered by the City's Gas Inspector(s) or their representative. If the applicant answers at least 70% of the questions on the examination correctly and all mandatory questions correctly, a license shall be issued to such person upon approval by the Common Council, payment of a fee of Twenty-Five Dollars (\$25.00) per year and upon providing the Clerk-Treasurer with a bond with approved surety in the sum of Five Thousand Dollars (\$5,000.00), conditioned that he/the company, company's subcontractor's, company's other employees will not violate any of the provisions of this chapter or do any work that is not according to specifications, which license and bond shall extend to all employees and subcontractors of said licensee. The license may be revoked immediately if any licensee shall violate any provisions of this chapter or shall do any work that is not according to specifications. The name of the person

who is tested and approved for license for a business shall appear on the renewal and employment of the individual by the business must be confirmed.

- (b) NOTIFICATION REQUIRED. If the approved individual should leave the employment of the business, the Clerk-Treasurer shall be notified within ten (10) days of said employee's final day of employment.
- (3) TESTING BY LICENSEE.
- (a) Every licensee shall test every installation with at least 20 PSI of air by an approved type gauge for a minimum of 2 hours or as directed by the Gas Inspector. This test shall include all house piping and appurtenances up to and including the shut-off cock.
  - (b) NOTIFICATION REQUIRED. No appliance shall be installed without the licensee notifying the Gas Inspector. The Gas Inspector shall witness such test and when test is satisfactory, the Gas Inspector and the plumber shall sign the inspection card that such test has been made according to specifications. Such inspection card shall be filed in the office of the Gas Utility before any gas is turned into the house piping.
- (4) INSPECTION FEE. An Inspection Fee shall be charged by the City to the licensee or owner for each house pipe inspection made and inspection card issued. Said Inspection Fee shall be in accordance with the applicable Ordinances in effect at the time the inspection is made. In the event the Gas Inspector finds the work done by the licensee unsatisfactory, the Gas Inspector shall so advise the licensee. The licensee shall then correct any improper work as ordered. Another inspection shall then be made, for which an additional Inspection Fee will be charged. If the work on the second inspection is not satisfactory, the work will be condemned in writing; and, the license of the licensee may be suspended or revoked by action of the Common Council.
- (5) AIR TESTING FOR LEAKS. In the event any test indicates a leak, soap suds at each fitting or connection shall be used to find the leak.
- (6) GAS TIGHT PIPE REQUIRED. No gas shall be turned into a service or house piping until it is tested and proved to be gas tight.
- (7) REMOVING AIR FROM PIPING. As gas is turned into a service or house piping, the air in the line shall be carefully bled out through the appliance burners or through the dead end of a pipe run. No air shall remain in any part of the piping, however small, at the time the piping

starts serving gas. (Ord. 2011-7, S8, July 20, 2011) (Ord. 1997-34, 1997) (Ord. 998, 1980) (Ord. 417, 1954).

#### **11.12.080 Appliances.**

- (1) **APPROVAL.** All gas appliances which use gas supplied by the City of Jasper through its distribution system, hereafter installed, shall be approved as to safety by the American Gas Association. Used appliances may be re-installed when, in the opinion of the Gas Inspector, they may be used without danger.
- (2) **SAFETY SHUT-OFF.** An automatic safety shut-off valve shall be installed on all appliances when such appliances burn gas in a concealed combustion chamber.
- (3) **FITTINGS.** Fittings used for house piping shall be black, all steel or malleable iron. No cast iron or copper piping or fittings will be allowed. All stops or cocks shall be American Gas Association approved. Where flexible tubing is used it shall be stainless steel, American Gas Association approved and, satisfactory to the Gas Inspector, and shall be used only where permitted by the Gas Inspector. Compression couplings or brazed joints must be used on flexible tubing.
- (4) **APPLIANCE DRIPS.** All appliances shall have a drip located in an accessible place after the shut off valve before each appliance. The drips shall be of a diameter equal to the appliance inlet and at least three inches (3") in length. (Ord. 2013-32, S2, Oct. 23, 2013) (Ord. 2011-7, S9, July 20, 2011) (Ord. 1997-34, 1997) (Ord. 417, 1954)

#### **11.12.090 Specifications for House Piping and Appliance Installations.**

- (1) **PIPE.** All piping used for house pipe shall be of good quality black wrought iron or steel, free from all defects. The use of second-hand or reconditioned pipe or copper pipe is forbidden. Black iron piping and corrugated stainless steel tubing (CSST) are permitted upon approval of the owner; provided however, the installation must be made according to the current Uniform Indiana Plumbing Code and the manufacturer's installation instructions.
- (2) **SIZE OF HOUSE PIPING TO GAS APPLIANCES.** Piping shall be of a size and so installed as to provide a supply of gas sufficient to meet the maximum demand with a pressure drop of not more than twenty percent (20%) between the source of supply and the appliance or appliances (See Table No. 1, Table No. 2, Table No. 3, Table No. 4, and Table No. 5 below). In no case should the branch or lead to any appliance be less than the size line indicated at the appliance inlet. Where necessary, a larger

size should be installed to avoid excessive pressure drop. The tables shown will give necessary information with reference to pipe sizes and gas inputs of various appliances. Consult manufacturers' catalogues with reference to special equipment. All house piping shall be a minimum of one inch (1") to the first appliance branch line.

- (3) FLOOR JOISTS. All house pipes shall be securely fastened to floor joists or sills with pipe straps or other approved devices.
- (4) EXTENSION OF PIPING. In the event it is necessary to extend house piping from one building to another, either over or underground, necessary steps should be taken to give the piping added protection. In case of overhead piping between buildings, rigid supports should be used. In case of underground house piping between buildings, protective coating and cathodic protection must be attached and confirmed to be working if steel pipe is used. Plastic pipe must have a locator wire installed in a proper manner to be able to facilitate future location and an anodeless riser where the piping exits the ground. In any case, work or piping must be approved by the gas inspector before piping is covered.
- (5) DRIPS. All house piping shall be graded to a drip located in an accessible place directly downstream or customers' meters, either directly inside the building or outside if necessary. The drips shall be of a diameter equal to the size piping entering the building and at least six inches (6") in length.
- (6) UNDERGROUND PIPING. All underground piping after the meter outlet shall be the responsibility of the Customer and shall be installed at a minimum depth of 18 inches, unless if approved by the Gas Inspector. After initial inspection, the Gas Utility shall not be responsible for ongoing maintenance and/or inspection of the piping.
- (7) OUTLETS. Any outlets installed, but with no appliance attached, shall be capped or plugged.

## TABLES

Table No. 1 Flow of gas in pipes in cubic feet per hour for pressure drop of 0.2 inches of water and specific gravity of .60:

Straight Pipe Length in Feet	Pipe Size							
	<u>1/2"</u>	<u>3/4"</u>	<u>1"</u>	<u>1 1/4"</u>	<u>1 1/2"</u>	<u>2"</u>	<u>3"</u>	<u>4"</u>
10'	70	172	345	760	1,180	2,380	7,080	14,800
20'	54	122	244	537	830	1,680	5,050	10,500
30'	43	99	199	438	675	1,370	4,090	8,560
40'	37	85	172	378	586	1,190	3,540	7,450



50'	33	76	154	340	525	1,060	3,160	6,650
60'	31	70	140	309	480	970	2,890	6,050
70'	28	65	130	286	445	900	2,670	5,600
80'	26	60	122	269	415	840	2,500	5,250
90'	25	57	114	253	390	790	2,360	4,950
100'	24	54	109	240	372	755	2,240	4,600
150'	20	45	89	196	293	615	1,830	3,820
200'	16	39	77	170	263	530	1,580	3,320

Table No. 2 Flow of gas in pipes in cubic feet per hour for pressure drop of 0.5 inches of water and specific gravity of .60:

<u>Straight Pipe</u> <u>Length in Feet</u>	<u>Pipe Size</u>							
	<u>½"</u>	<u>¾"</u>	<u>1"</u>	<u>1 ¼"</u>	<u>1 ½"</u>	<u>2"</u>	<u>3"</u>	<u>4"</u>
10'	110	276	545	1,200	1,850	3,760	11,200	23,500
20'	85	193	385	850	1,320	2,660	7,900	16,600
30'	68	156	315	690	1,070	2,180	6,450	13,500
40'	58	135	272	600	925	1,880	5,600	11,800
50'	52	122	244	535	830	1,680	5,000	10,500
60'	48	110	223	490	760	1,530	4,550	9,600
70'	44	102	206	450	705	1,420	4,250	8,900
80'	41	96	193	425	650	1,330	3,950	8,300
90'	39	91	182	400	620	1,260	3,720	7,850
100'	38	86	173	380	590	1,190	3,520	7,450
150'	31	70	140	310	480	970	2,900	6,100
200'	25	60	122	270	415	840	2,180	5,250

Table No. 3 Flow of gas in pipes in cubic feet per hour for pressure drop of 1.0 inches of water and specific gravity of .60:

<u>Straight Pipe</u> <u>Length in Feet</u>	<u>Pipe Size</u>							
	<u>½"</u>	<u>¾"</u>	<u>1"</u>	<u>1 ¼"</u>	<u>1 ½"</u>	<u>2"</u>	<u>3"</u>	<u>4"</u>
10'	150	365	735	1,620	2,520	5,520	15,100	32,500
20'	115	260	520	1,150	1,770	3,580	10,700	22,400
30'	92	210	425	935	1,440	2,840	8,700	18,500
40'	79	180	355	810	1,250	2,540	7,550	15,900
50'	70	160	328	725	1,120	2,260	6,750	14,200
60'	66	150	300	660	1,020	2,070	6,150	12,900
70'	60	138	280	610	950	1,920	5,700	11,900
80'	55	128	260	570	880	1,800	5,350	11,200
90'	53	122	240	540	830	1,680	5,000	10,500
100'	51	115	230	510	790	1,610	4,750	9,700
150'	42	96	190	420	625	1,310	3,900	8,150
200'	34	83	165	560	560	1,130	3,360	7,100

Table No. 4. Table of additional pipe to be added for each elbow or tee bend in line in computing pressure drop:

<u>Pipe Size</u>	<u>Additional Length in Feet</u>
½"	1 ft.
¾"	2 ft.
1"	2 ft.
1 ¼"	3 ft.
2"	5 ft.
3"	10 ft.
4"	15 ft.

Table No. 5. Table showing maximum demand required for some common gas appliances:

<u>Appliance</u>	<u>BTU Per Hour</u>	<u>Cu. Ft. Per Hour of 1,000 BTU Gas</u>
Domestic Gas range (4 burner top)	62,500	62.5
Domestic Gas range (6 burner top)	107,500	107.5
Domestic circulating water heater	25,000-37,500	25.0-40.0
Domestic hot plate or laundry stove, Per burner	12,500	12.5
Gas steam radiator, per section	2,000	2.0
Gas Log	2,500-25,000	12.5-25.0
Domestic room heater-radiant heaters, Per glower or radiant	2,000	2.0
Domestic room heater-luminous flame, Per tip	1,250	1.25
Automatic instantaneous water heater:		
4 gal. per minute capacity	150,000	150.0
6 gal. per minute capacity	225,000	225.0
8 gal. per minute capacity	300,000	300.0
Side arm heaters - 30-40 gal. tank	25,000	25.0
Storage water heaters: 20 gallon	21,000	21.0
30 gallon	24,500	24.5
35 gallon	27,000	27.0
40 gallon	35,000	35.0
45 gallon	42,500	42.5
60 gallon	56,500	56.5

(Ord. 2013-32, S3, Oct. 23, 2013) (Ord. 2011-7, S10, July 20, 2011) (Ord. 1997-34, 1997) (Ord. 417, 1954)

**11.12.100 Flue connections and venting.**

- (1) **FLUE REQUIRED.** Every gas appliance should be connected to an effective flue, excepting such minor appliances as laboratory equipment, etc., the construction of which will not permit. Exception is also made to

domestic gas ranges and other ventless gas appliances approved by and installed in accordance with American Gas Association methods.

- (2) **DRAFT HOODS.** Every flue connected appliance (except an incinerator) unless its construction serves the same purpose should be equipped with a draft hood. This hood should meet the requirements as outlined:
- (a) Insure the escape of products of combustion in the event of no draft or back draft to said appliance.
  - (b) Prevent a back draft entering the appliance.
  - (c) Neutralize the effect of varying stack draft upon the operation of said appliance.

Said draft hoods to be similar in design to those furnished by the manufacturers on gas fired boilers, water heaters, etc. For commercial and industrial installations the use of draft stabilizing devices such as the "Draft-O-Stat" is necessary. Proper draft control devices are to be used where necessary.

- (3) **DAMPERS.** The use of dampers is to be avoided on all side arm, instantaneous and storage type water heaters, as well as circulating room heaters. Draft hoods should be substituted. The use of dampers is to be avoided wherever possible in connection with converted furnaces and boilers, as well as in straight gas fired installations. A damper is not a draft stabilizer nor will it prevent down drafts. In certain installations the use of a damper may be found necessary and in all such instances a damper with center hole must be provided. On commercial and industrial installations where no center hole can readily be cut in dampers, positive provision must be made so that the damper cannot be entirely closed off. Where dampers are used, the control on the dampers must be of a rigid positive type so that the adjustment will not be changed by vibration or other unforeseen conditions.
- (4) **CHIMNEYS.** When any appliance is connected to a bracket chimney, a new opening shall be cut at least twelve inches (12") above the old one whenever possible and the old outlet used as a clean-out. A tight fitting vent cap should be provided. Before any gas fired appliance is connected to a chimney, the chimney must be carefully cleaned throughout its entire length and all accumulations of soot, mortar, etc., removed. Repairs must be made if necessary before gas is turned on.
- (5) **SIZE CONNECTION.** The vent pipe or connection for any appliance shall not be smaller than the size indicated by vent collar of the appliance. Where the appliance has more than one vent connection or where more

than one appliance is connected to the same vent, the vent pipe should equal the combined area of the vents for which it acts as a common carrier to the flue.

- (6) **CONNECT TO BRICK OR MASONRY FLUE.** Whenever possible the appliance vent shall be connected directly to a brick or masonry chimney or flue. The installation of individual appliance vents to the outside is to be avoided whenever possible. Such individual appliance vents should not run horizontally through the wall of the building into the atmosphere, but should rise vertically to the roof before coming in contact with the outside air. The vents on normal appliances should be brought to a point at least two feet (2') higher than the roof line. Vents terminating along the wall of a building after a vertical run of a few feet should not be installed. Vents for high efficiency appliances may be vented through a side wall if necessary. Installation, materials, slope and supports shall conform to manufacturer's specifications and be American Gas Association approved. Where high efficiency appliances are connected to a standard chimney, approved piping for the vent must extend through to the top of the chimney. No other gas appliances are to be vented into the chimney.
- (7) **CONCEALED VENTS.** Concealed vents shall not be constructed of sheet metal but shall be of "Transite" vent pipe or other material bearing the seal of approval of the "The Underwriters Laboratories." Even when these approved materials are used, provision must be made so that the clearance from combustible materials is not less than one inch (1") from the outer edge of venting pipe. Clearance must be obtained by the use of proper spaces and thimbles.
- (8) **VENTS THROUGH WALLS, CEILINGS OR ROOFS.** All vents passing through walls, ceilings, or roofs, shall be constructed of "Transite" or other materials bearing "The Underwriters Laboratories" seal of approval, and must have proper clearance of not less than one inch (1") provided by approved insulating or ventilating thimbles.
- (9) **HORIZONTAL RUNS AND SUPPORTS.** Horizontal runs shall not exceed twenty feet (20') in length and shall be graded up toward the flue not less than one quarter inch (1/4") to each foot of length. Every vent shall be supported and constructed so as to remain permanently in position under all conditions or ordinary use.
- (10) **BENDS.** The vent pipe should be so installed as to avoid sharp turns or other constructional features which would create resistance to flow of flue gases.
- (11) **CHIMNEY ENTRANCE.** In entering the flue or chimney, the connection should be above the extreme bottom to avoid stoppage from falling plaster,

etc. Where more than one vent pipe is connected to a chimney or flue connection, the connection shall be made at different levels. Care must be taken so that the vent pipe does not protrude sufficiently far into the chimney as to cause partial obstruction. Vent pipes shall be securely fastened to the chimney or flue to prevent the pipe from slipping from the chimney opening for any cause. When a vent from a gas appliance is connected to a chimney to which vents from coal or wood burning appliances are also connected, the opening for the gas appliance shall be above that for coal or wood burning appliances.

- (12) **VENTS IN CLOSED SPACES.** Vents from gas appliances should not be run through closets or other small unvented spaces where they may come in contact with combustible material, such as clothing, paper, boxes, etc. (Ord. 2011-7, S11, July 20, 2011) (Ord. 1997-34, 1997) (Ord. 417, 1954)

**11.12.110 Notice to cease violation.** Where appropriate and when time allows, the City will first serve the person, firm or corporation violating this ordinance (chapter) 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. 2011-7, S12, July 20, 2011)

**11.12.120 Violations.** Any person, firm or corporation violating this ordinance (chapter) may be fined by the Utility Service Board in an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) for each violation, in addition to taking any other action allowed by this ordinance (chapter). Each day in which any such violation shall continue shall be deemed a separate offense. The violator shall also become liable to the City for any expense, loss or damage occasioned the City by reason of such violation. The violator may appeal said fines to the Common Council of the City of Jasper within the time allowed by the fine. In the event that an offender has been fined, the time for appeal has passed, and the violator has not paid said fines and/or if the violation continues, the City Attorney may commence an action for appropriate legal and/or equitable relief in an appropriate court having jurisdiction of such matters. (Ord. 2011-7, S13, July 20, 2011) (Ord. 1997-34, 1997) (Ord. 417, 1954)

## Chapter 11.16

### WASTEWATER

#### Sections:

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- 11.16.010 Definitions
- 11.16.011 Abbreviations
- 11.16.014 Establishment
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- 11.16.030 Private disposal facilities
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### **11.16.005 General provisions.**

- (1) Purpose and policy. This Chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment systems for the City of Jasper, Indiana and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this Chapter are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and,
- (d) To provide for equitable distribution of the cost of the municipal wastewater system.

This Chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Chapter shall apply to the City of Jasper, Indiana, and to persons outside the City who are, by contract or agreement with the City, Users of the City Wastewater Treatment Facility. Except as otherwise provided herein, the Superintendent of the City Wastewater Treatment Facility shall administer, implement, and enforce the provisions of this Chapter. (Ord. 1185 S4, 1984; Ord. 1151 S1.1, 1984)

**11.16.010 Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall be as follows:



- (1) "Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq. (Ord. 1151 S1, 1984) (2)
- (2) Applicable Pretreatment Standard. Any pretreatment limit on prohibitive standard (Federal State and local) contained in the ordinance and considered to be the most restrictive with which non-domestic users will be required to comply. (Ord. 1151 S1, 1984)
- (3) Approval Authority. The director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment program. (Ord. 1151 S1, 1984)
- (4) Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (1) A principal executive of at least the level of vice-president, if the Industrial User is a corporation; (2) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates. (Ord. 1151 S1, 1984)
- (5) Average Monthly Discharge Limitation. The highest allowable average of "daily discharges" over a calendar month, calculated as the sums of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. (Ord. 1151 S1, 1984)
- (6) Biochemical Oxygen Demand (BOD). Shall have the same meaning as defined in the Pretreatment Ordinance, found in Chapter 11.22. (Ord. 1997-45, S1b, 1997; Ord. 1997-11, 1997; Ord. 1988-36 S1, 1988; Ord. 1185 S4, 1984; Ord. 1151 S1,2, 1984; Ord. 557 S4, 1964)
- (7) "Board" shall mean the Utility Service Board of the City of Jasper, Indiana, or any duly authorized officials acting in its behalf. (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1997-45, S1a, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)
- (8) "Building drain" or "Lateral line" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three (3) feet outside the building wall, extending to and including the wye connection to the main line and that portion of the main line that incorporates the wye if necessary in order to insure a watertight connection.

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

Building drain - Storm - A building drain which conveys storm water or other clearwater drainage, but no wastewater. (Ord. 2007-18, S1, July 18, 2007) (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)

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

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

Building sewer - Storm - A building sewer which conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage. (Ord. 1988-36 S1, 1988; Ord. 1185 S4, 1984; Ord. 1151 S1,2, 1984; Ord. 557 S4, 1964)

- (10) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard. (Ord. 1151 S1, 1984)

- (11) Chemical Oxygen Demand (COD) shall have the same meaning as defined in the Pretreatment Ordinance found in Chapter 11.22. (Ord. 1997-45, S1, 1997; Ord. 1997-11, 1997; Ord. 1991-41 S4, 1991)

- (12) "City" shall mean the City of Jasper, Indiana, acting by and through the Common Council. (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1997-45, S1 c, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)

- (13) "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)

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

- (a) chemical oxygen demand,
- (b) total organic carbon,

- (c) phosphorus and phosphorus compounds,
  - (d) nitrogen and nitrogen compounds, and
  - (e) fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works). (Ord. 1988-36 S1, 1988)
- (15) Composite Samples. A composite sample should contain a minimum of eight discrete samples taken at equal time intervals over the composite period or proportional to the flow rate over the composting period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable. (Ord. 1151 S1, 1984)
  - (16) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat. (Ord. 1151 S1, 1984)
  - (17) Control Authority. The term "Control Authority" shall refer to the Approval Authority", defined hereinabove; or the Superintendent if the City has an approved Pretreatment Program under the provisions of 40 CFR, 403.11 (Ord. 1151 S1, 1984)
  - (18) Daily Discharge. Discharge of a pollutant "measured during a calendar day or any 24 hour period that reasonably represents the calendar day for purposes of sampling. (Ord. 1151 S1, 1984)
  - (19) "Debt Service Costs" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt. (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)
  - (20) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Indiana. (Ord. 1151 S1, 1984)
  - (21) "Easement" shall mean an acquired legal right for the specific use of land owned by others. (Ord. 1988-36 S1, 1988)
  - (22) Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency. (Ord. 1151 S1, 1984)
  - (23) "Excessive Strength Surcharge" shall mean an additional charge billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage". (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)

- (24) "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. (Ord. 1988-36 S1, 1988)
- (25) "Floatable Oils" (Fats, Oils & Grease) shall have the same meaning as defined in the Sewer Use Ordinance. (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1988-36 S1, 1988)
- (26) "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. (Ord. 1988-36 S1, 1988; Ord. 1151 S1, 1984; Ord. 557 S4, 1964)
- (27) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time. (Ord. 1151 S1, 1984)
- (28) Ground (shredded) Garbage. Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one-half (1/2) inch in dimension. (Ord. 1151 S1, 1984)
- (29) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks. (Ord. 1151 S1, 1984)
- (30) "Incompatible pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids. (Ord. 1988-36 S1, 1988)
- (31) Indirect discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system). (Ord. 1151 S1, 1984)
- (32) Industrial User. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act. (33 U.S.C. 1342). (Ord. 1151 S1, 1984)
- (33) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences. (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988; Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)

- (34) Industrial Waste (Pretreatment) Permit. A permit to deposit or discharge industrial waste into any sanitary sewer as issued by the POTW. (Ord. 1151 S1, 1984)
- (35) "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.) (Ord. 1988-36 S1, 1988)
- (36) "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source. (Ord. 1988-36 S1, 1988)
- (37) "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.) (Ord. 1988-36 S1, 1988)
- (38) Influent. The water together with any wastes that may be present flowing into a drain, sewer, receptacle, or outlet. (Ord. 1151 S1, 1984)
- (39) "Inspector" shall mean the person or persons duly authorized by the City, through its Utility Service Board, to inspect and approve the installation of building sewers and their connection to the public sewer system. (Ord. 557 S4, 1964)
- (40) Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirements of the City's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW. (Ord. 1151 S1, 1984)
- (41) "Major contributing industry" shall mean an industry that:
- (a) has a flow of 6,675 cubic feet or more per average work day;

- (b) has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
  - (c) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) or PL 92-500; or
  - (d) has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works. (Ord. 1988-36 S1, 1988)
- (42) "Manager" shall mean the Manager of the Wastewater/Sanitary Sewer Department of the City of Jasper, Indiana, or his authorized deputy, agent or representative. (Ord. 2011-42, S4, Nov. 22, 2011) (Ord. 557 S4, 1964)
- (43) National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) or (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users. (Ord. 1151 S1, 1984)
- (44) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5. (Ord. 1151 S1, 1984)
- (45) "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)
- (46) New source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard. (Ord. 1151 S1, 1984)
- (47) "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 (77). (Ord. 1988-36, 1988)
- (48) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

COD not more than 600 mg/l  
BOD not more than 300 mg/l  
S.S. not more than 250 mg/l  
NH<sub>3</sub>N not more than 30 mg/l  
Floatable oils not more than 100 parts per million

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes. (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1993-4, S1, 1993; Ord. 1991-41 S6, 1991; Ord. 1988-37 S1, 1988)

- (49) "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. (Ord. 1988-36 S1, 1988; Ord. 1151 S1, 1984)
- (50) "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.) (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)
- (51) "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. (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)
- (52) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or corporation, association, society, institution, enterprise, governmental agency or other entity. (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988; Ord. 1988-36 S1, 1988; Ord. 1267 S2, 1986; Ord. 1185 S4, 1984; Ord. 1151 S1.2, 1984; Ord. 557 S4, 1964)
- (53) "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. (Ord. 1988-36 S1, 1988; Ord. 1151 S1, 1984; Ord. 557 S4, 1964)
- (54) Pollution. The man-made or man-induced alternation of the chemical, physical, biological, and radiological integrity of water. (Ord. 1151 S4, 1984)

- (55) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural, waste discharged into water. (Ord. 1151 S4, 1984)
- (56) "Pretreatment" shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works. (Ord. 1988-36 S1, 1988; Ord. 1151 S1, 1984)
- (57) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User. (Ord. 1151 S4, 1984)
- (58) "Private sewer" shall mean a sewer which is not owned by a public authority. (Ord. 1988-36 S1, 1988)
- (59) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)
- (60) Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW. (Ord. 1151 S1, 1984)
- (61) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater. (Ord. 1151 S1, 1984)
- (62) "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.

- (63) "Pumping station" shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level. (Ord. 1988-36 S, 1988; Ord. 557 S4, 1964)
- (64) Receiving Stream. The water course, stream or body of water receiving the waters finally discharged from the wastewater treatment plant. (Ord. 1151 S4, 1984)
- (65) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)
- (66) "Sanitary sewer" shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)
- (67) "Sewage" shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water. The three most common types of sewage are:

Sanitary sewage shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities. (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1988-36 S1, 1988; Ord. 518 S4(a), 1960)

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, storm water, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer. (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)

- (68) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage. (Ord. 557 S4, 1964)

- (69) "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. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)
- (70) "Sewer" shall mean a pipe or conduit for carrying sewage. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)
- (71) "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. (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)
- (72) Shall is mandatory: May is permissive. (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-36, 1988; Ord. 1151 S1.2, 1984; Ord. 557 S4, 1964)
- (73) Significant Industrial User. Any Industrial User of the City's wastewater disposal system who (i) has a discharge flow of 20,000 gallons or more per average work day, or (ii) has a flow greater than 2% of the flow in the City's wastewater treatment system, or (iii) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act of State statutes and rules or (iv) is found by the City, (State Control Agency) or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system. (Ord. 1151 S1, 1984)
- (74) Sludge. Any solid, semi-solid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Section 402 and 405 of the Federal Act and in the applicable requirements under Sections 3001, 3004, and 4004 of the Solid Waste Disposal Act PL 94-580. (Ord. 1151 S1, 1984)
- (75) "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. (Ord. 1988-36 S1, 1988)
- (76) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972. (Ord. 1151 S4, 1984)

- (77) "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. (Ord. 1988-36 S1, 1988; Ord. 1151 S4, 1984)
- (78) State. State of Indiana. (Ord. 1151 S4, 1984)
- (79) "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. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)
- (80) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom. (Ord. 1151 S4, 1984)
- (81) "Superintendent" shall mean the Superintendent of the municipal sewage works of the City of Jasper, Indiana, or his authorized deputy, agent or representative. (Ord. 1988-36 S1, 1988; Ord. 1151 S1, 1984; Ord. 557 S4, 1964)
- (82) "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. (Ord. 1988-36 S1, 1988; Ord. 1151 S1, 1984; Ord. 557, S4, 1964)
- (83) "Total solids" shall mean the sum of suspended and dissolved solids. (Ord. 1988-36 S1, 1988)
- (84) "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. (Ord. 1988-36 S1, 1988; Ord. 1151 S1, 1984)
- (85) "Unit" shall mean a water closet, toilet, sink, tub, lavatory, shower, combination shower and tub, dish washer, clothes washer, drinking fountain and any other unit using water which feeds into the Jasper sanitary system.
- (86) "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. (Ord. 1988 S1, 1988)

- (87) Upset. An exceptional incident, in which a discharger unintentionally and temporarily is in a state of noncompliance with the applicable standard due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation of the facilities. (Ord. 1151 S1, 1984)
- (88) User. Any person who contributes, causes or permits the contribution of wastewater into the City's POTW. (Ord. 1151 S1, 1984)
- (89) "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. (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)
- (90) "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, based on a determination by the City, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

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

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

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works. (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)

- (91) "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. (Ord. 1988-36, 1988)
- (92) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with such ground, surface, and storm waters as may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW. (Ord. 1151 S1, 1984)
- (93) Wastewater Constituents and Characteristics. The individual chemical, physical, bacteriological, and radiological parameters, including volume, flow rate, and other parameters that serve to define, classify, or measure the contents, quality, quantity, and strength of wastewater. (Ord. 1151 S1, 1984)
- (94) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies of accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof. (Ord. 1151 S1, 1984)
- (95) Wastewater Contribution Permit. As set forth in Section 11.16.420 of this Ordinance. (Ord. 1151 S1, 1984)
- (96) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 1988-36, 1988; Ord. 557 S4, 1964)
- (97) "2001 Extensions" shall mean the extension of sanitary sewage services to residents located within areas known as the Whoderville/Eastown Area and the Southwest Service Area. (Ord. 2008-10, S1, Apr. 23, 2008) (Ord. 2006-10, S1, Apr. 19, 2006) (Ord. 2002-12, S1, May 22, 2002) (Ord. 2001-24, S1, June 18, 2001)

**11.16.011 Abbreviations.** The following abbreviations shall have the designated meanings:

- (1) BOD - Biochemical Oxygen Demand.
- (2) CFR - Code of Federal Regulations.
- (3) COD - Chemical Oxygen Demand.
- (4) EPA - Environmental Protection Agency.
- (5) l - Liter.

- (6) IU - Industrial User.
- (7) mg - Milligrams
- (8) mg/l - Milligrams per Liter.
- (9) NH<sub>3</sub>N - Ammonia Nitrogen
- (10) NPDES - National Pollutant Discharge Elimination System.
- (11) O & M - Operation and Maintenance.
- (12) POTW - Publicly Owned Treatment Works.
- (13) SIC - Standard Industrial Classification.
- (14) S.S. - Suspended Solids
- (15) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- (16) TSS - Total Suspended Solids.
- (17) USC - United States Code.
- (18) WWTP - Wastewater Treatment Plant. (Ord. 2008-10, S2, Apr. 23, 2008)  
(Ord. 2006-10, S2, Apr. 19, 2006) (Ord. 1151 S1, 1984)

**11.16.014 Establishment.** That a Wastewater/Sanitary Sewer Department has been established in the City of Jasper for the purpose of operating and regulating the sanitary sewer system of the City of Jasper, Indiana. Said Department is under the jurisdiction of the Utility Service Board. Said Department shall have the control and be charged with the operation of all plumbing, whether on private property or elsewhere, which drains into the sanitary sewer system, all sanitary sewers and the sanitary sewage treatment plant and all of the appurtenances to such sewer system. (Ord. 2011-42, S1, Nov. 22, 2011) (Ord. 557 S1, 1964)

**11.16.017 Manager/Superintendent's Authority.** The Wastewater Manager/Superintendent of Sanitary Sewers shall be in charge of the sanitary sewer system of the City of Jasper and in addition to the operation of the sewage treatment plant shall have the authority to inspect all plumbing, drainage and sewers on private property or elsewhere; and shall have charge of the entire sanitary sewer system of the City of Jasper. (Ord. 2011-42, S3, Nov. 22, 2011) (Ord. 557 S3, 1964)

**11.16.020 Disposal of wastes - Connection with sewer.** The regulations are as follows:

- (1) **DEPOSIT OF WASTES.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste. (Ord. 1988-36 S2a, 1988; Ord. 557 S5, 1964)
- (2) **STORMWATER DISCHARGE.** No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwaters, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. The City

shall require the removal of unpolluted waters from any wastewater collection or treatment facility. (Ord 1988-36 S2b, 1988)

- (3) **CAPACITY.** Stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the City. No new connection shall be made to any sanitary or storm sewer unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids. (Ord. 1988-36 S2c, 1988)
- (4) **DISCHARGE OF POLLUTED WATERS.** No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the City any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit. (Ord. 1988-36 S2d, 1988; Ord. 1185 S1, 1984; Ord. 1151 S4.1, 1984)
- (5) **DISCHARGE TO NATURAL OUTLET.** No persons shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit. (Ord. 1988-36 S2e, 1988; Ord. 557 S5, 1964)
- (6) **PRIVATE DISPOSAL FACILITIES.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage. (Ord. 1988-36 S2f, 1988; Ord. 557 S5, 1964)
- (7) **CONNECTION WITH PUBLIC SEWER.** The owner of a house, commercial building, or and other building which:
  - (a) Is used for human occupancy, employment, or recreation;
  - (b) Has, or is required to have, one or more garbage disposals, toilets, baths, showers, or other similar facilities; and
  - (c) Is located on a lot or other parcel of property to which sanitary sewer is available,

shall, at his expense and within one hundred eighty (180) days of the date written notification is given that such sanitary sewer is available, connect such facilities to the sanitary sewer. Notification shall be sent by certified mail to the property owner at the address of the property. In the event the homeowner fails to accept said notification, personal service, or any other

form of service as allowed by Indiana law, of said notice may be attempted. A homeowner may be required to hook up prior to one hundred eighty (180) days if it is determined by the City of Jasper that the current wastewater treatment system is failing or has failed or it presents a health hazard. Sanitary sewer shall be deemed to be available to a property owner when a structure or improvement producing sanitary sewage or waste located on the property owner's real estate is located within three hundred (300) feet of any collection line maintained as part of a public sanitary sewer system. In the event an owner fails to so connect, the City has the following rights and remedies:

- (a) The City may charge the owner or occupant the rates and charges that the owner or occupant would pay as though the connection was accomplished;
- (b) The City may enter the owner's premises and effect the connection at the owner's expense;
- (c) The City may obtain a court order directing the owner to comply;
- (d) The City may assess the owner a civil penalty of not more than \$100.00 per day that the owner is not in compliance; and
- (e) Any and all other rights and remedies which it has or may have under federal, state, or local law or regulation.

The City's use of any one remedy shall not be deemed an election of that remedy to the exclusion of any others. The City may use any, a combination of, or all of the remedies at its disposal in such order and with such frequency as the City, in its sole discretion, shall determine. (Ord. 2001-28, S1, June 27, 2001) (Ord. 2001-5, S1, Feb. 21, 2001) (Ord. 1997-40, Nov. 19, 1997; Ord. 1988-36, S2g, 1988; Ord. 1185 S1, Dec. 12, 1984; Ord. 557 S5, 1964)

**11.16.030 Private disposal facilities.** The regulations are as follows:

- (1) **AUTHORIZED.** Where a public sanitary sewer is not available under the provisions of Section 11.16.020(7), the building sewer shall be connected to a private sewage disposal system complying with the recommendations of the provisions of this article. (Ord. 1988-36 S3a, 1988)
- (2) **PERMIT FOR CONSTRUCTION OF PRIVATE SEWAGE DISPOSAL SYSTEM.** Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of Twenty Dollars (\$20.00)



shall be paid to the City at the time the application is filed. (Ord. 1988-36 S3b, 1988)

- (3) **INSPECTION OF PRIVATE SEWAGE DISPOSAL SYSTEM.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent. (Ord. 1988-36 S3c, 1988)
- (4) **PRIVATE SYSTEM DESIGN.** The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 1988-36 S3d, 1988)
- (5) **ABANDONMENT.** At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Subsection (1) of this section, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Ord. 1988-36 S3e, 1988; Ord. 557 S6, 1964)
- (6) **OPERATION AND MAINTENANCE.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 1988-36 S3f, 1988; Ord. 557 S6, 1964)
- (7) **ADDITIONAL REQUIREMENTS.** No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health officer. (Ord. 1988-36 S3g, 1988; Ord. 557 S6, 1964).

**11.16.040 Permit to connect with public sewer.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer. (Ord. 1988-36 S4a, 1988; Ord. 557 S7(1), 1964).

**11.16.050 Application for permit.**

- (1) There shall be two (2) classes of building sewer permits:
  - (a) for residential and commercial service, and
  - (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the said City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fees of Twenty Dollars (\$20.00) for residential or commercial building sewer permit and Twenty Dollars (\$20.00) for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed. (Ord. 1988-36 S4b, 1988)

**11.16.051 Wastewater contribution permits.**

- (1) General permits. All significant users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant Users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this ordinance.
- (2) Permit application. Users required to obtain a Wastewater Contribution Permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by a fee of \$150.00. Proposed new Users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:
  - (a) Name, address, and location, (if different from the address);
  - (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1982, as amended;
  - (c) Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
  - (d) Time and duration of contribution;
  - (e) Average daily and 3 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;
- (i) If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)
2. No increment referred to in paragraph 1. shall exceed 9 months.
3. Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Superintendent.

- (j) Each product produced by type, amount, process or processes and rate or production;
- (k) Type and amount of raw materials processed (average and maximum per day);
- (l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (m) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

The City will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

- (3) Permit modifications. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted application for a Wastewater Contribution Permit as required by (2), the User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Superintendent within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Paragraphs (h) and (i) of Section (2).
- (4) Permit conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations User charges and fees established by the City. Permits may contain the following:
  - (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
  - (b) Limits on the average and maximum wastewater constituents and characteristics;
  - (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

- (d) Requirements for installation and maintenance of inspection and sampling facilities;
  - (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
  - (f) Compliance schedules;
  - (g) Requirements for submission of technical reports or discharge reports (see 11.16.052);
  - (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
  - (i) Requirements of notification of the City or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
  - (j) Requirements for notification of slug discharges.
  - (k) Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.
- (5) Permits duration. All Wastewater Discharge Permits shall be issued for perpetual duration, subject to amendment or revocation as provided in section 11.16.005 of this Chapter.
- (6) Limitations on permit transfer. Users shall be issued Wastewater Discharge Permits for specific operation and are not assignable to another Discharger without prior written approval of the City, or transferable to any other location. (Ord. 1151 S4.2, 1984)

**11.16.052 Confidential information.** Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public and other governmental agency without restriction unless the User specifically request and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES)

Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state Agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten-day notification is given to the User. (Ord. 1151 S4.6, 1984)

**11.16.060 Cost and expense of connections.** All costs and expenses incident to the installation and condition of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by said installation of the building sewer. (Ord. 1988-36 S4c, 1988; Ord. 557 S 7(c), 1964).

**11.16.070 Separate building sewer for each building - Exception.** A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. 1988-36 S4d, 1988; Ord. 1250 S1, May 14, 1986; Ord. 557 S 7(d), 1964).

**11.16.071 Drainage of fixtures located below the next upstream manhole or below the main sewer level.** Drainage piping serving fixtures which have flood level rims located below the elevation of the next upstream manhole cover of the public sewer serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve. (Ord. 1988-16 S1, 1988; Ord. 1266 S1, 1986)

**11.16.072 Check valve location.** The check valve or gage valve shall be installed in the sanitary sewer line in a location that is accessible and subject to inspection. (Ord. 1266 S2, 1986).

**11.16.073 Installation of check valves.** The check valve shall be installed in such a manner that the owner or occupant shall be able to inspect the valve and remove any foreign objects that would render the valve inoperative or ineffective. (Ord. 1266 S3, 1986).

**11.16.074 Responsibility for check valve.** The owner or occupant of the building or appurtenance shall be responsible for the proper and unencumbered operation of the check valve and the sanitary sewage department assumes no responsibility for any damage resulting from a valve that is inoperative or not operating correctly. (Ord. 1266 S4, 1986).

**11.16.080 Use of old building sewers.** Old building sewers may be used in connection with new buildings only when they are found on examination and test by said inspector to meet all requirements of this chapter. (Ord. 1988-36 S4e, 1988; Ord. 557 S7(e), 1964).

**11.16.090 Size, slope, alignment and materials of building sewers.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. FD-5 shall apply. (Ord. 1988-36 S4f, 1988; Ord. 557 7f & 9j, 1964)

**11.16.110 Location, depth and alignment of building sewers.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 1988-36 S4g, 1988)

**11.16.120 Connection of downspouts and drains.** No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 1988-36 S4h, 1988)

**11.16.180 Method of connection to public sewer.** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. FD-5. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installations. (Ord. 1988-36 S4i, 1988; Ord. 780 S4, 1974; Ord. 557 S7(m), 1964)

**11.16.190 Inspection of building sewer - Supervision of connection to public sewer.** The applicant for the building sewer permit shall notify the inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector or his representative. (Ord. 1988-36 S4j, 1988; Ord. 557 S 7(n), 1964); (Ord. 557 S7(1) (part), 1964).

**11.16.195 Inspection of building sewer after original connection to public sewer.** Except as hereinafter provided, prior to a change of ownership - or at anytime a new owner desires wastewater service if no inspection was completed by the previous owner - of every residential lot, parcel of real estate or building that discharges sanitary wastes into the sanitary sewer system of the City of Jasper, except for first-time transfers from the developer or builder, and at any other time that a potential problem is discovered by Wastewater personnel or the owner of the property, unless if, at the discretion of the Wastewater Manager, such improvement is to be razed within a reasonable amount of

time from the transfer of ownership and there will be no occupancy of the sewage-producing structure, said property shall be inspected for proper sanitary sewer connections, inflow and infiltration as follows:

- (1) The inspection required hereunder shall be completed by the City Wastewater Department at no cost to the property owner and shall include televising and recording the condition of the sewer lateral leading from the improvement that discharges sanitary wastes to the City's sewer main. The inspection shall also include entering onto the property to verify that no sump pump, foundation drains, down spouts, or other prohibited connections are connected to the sanitary sewer system. In order to facilitate the inspection, the home's sanitary sewer must be readily accessible through a clean-out from inside the home or outside of the home. Readily accessible shall be defined as a clean-out which is a minimum 4-inch size and from which the access cap can be easily removed. In the event a clean-out of such size does not exist, one must be installed at the property owner's expense before Wastewater personnel can proceed with their inspection. In the event the access cap cannot be easily removed, it shall be the property owner's responsibility to remove, or cause to be removed, the access cap before Wastewater personnel can proceed with their inspection.
- (2) Notice of any defects that are discovered in the course of said inspection shall be provided to the property owner. Because said defects may jeopardize the health and well-being of the citizens of Jasper, the defects must be corrected within ninety (90) days of receipt of said notice, or sooner if required by the Wastewater Manager. In addition, water service may be withheld or water service may be disconnected from such property until such time as the inspection required by this section is completed and any defects or improper connections found by such inspection have been corrected. Said corrections shall be at the owner's expense and to the satisfaction of the Wastewater Manager, or his designee. In the event that water service is disconnected, the reconnection fee may be waived by the City of Jasper if the defect is corrected within the ninety (90) day time frame.
- (3) Once inspected, and any defects corrected, the Wastewater Department shall issue a certificate of inspection for the property. Said property shall not be subject to reinspection under this section for a period of three (3) years after the issuance of a certificate of inspection.
- (4) The owner of any such property who fails or refuses to have said property inspected or to correct any defects found in the inspection, may be charged with an ordinance violation, and upon being found to have committed same, shall be liable for a fine in the sum of Twenty-Five Dollars (\$25.00). Each day a violation continues after written notice to the owner



for compliance with this section shall constitute a separate offense. Such ordinance violations may be filed in Court, and in such event, upon being found to have committed the ordinance violation, the violator shall be responsible for court costs and attorney fees, if applicable.

- (5) In the event that property has been inspected and the owner believes they have made satisfactory repairs, but the Wastewater Manager, or his designee, denies the issuance of a certificate of inspection, said denial may be appealed to the Utility Service Board for review. In addition, ordinance violations issued under this section may be appealed to the Utility Service Board, but only prior to the time they are filed in Court. The decision of the Utility Service Board shall be final.
- (6) The intent of this Ordinance is that the sanitary sewer inspection required under this Section be held and any repairs made prior to a change in ownership. However, if no inspection was done and the sewage-producing structure changes ownership, the Jasper Wastewater Department and the Jasper Municipal Utilities Business Office shall require the new owner to complete the inspection and repairs, if any, and the new owner shall be subject to the regulations outlined in this Section. (Ord. 2006-39, S1, Aug. 23, 2006) (Ord. 2005-9, S1, May 18, 2005)

**11.16.200 Guarding excavations.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (Ord. 1988-36 S4k, 1988; Ord. 557 S7(o), 1964).

**11.16.210 Storm water and other unpolluted waters prohibited in sanitary sewer.** No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. (Ord. 557 S8(a), 1964).

**11.16.215 Discharge of unpolluted waters.** Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the City. Where a storm sewer is not available, discharge may be to a natural outlet approved by the City and by the State of Indiana. Where a storm sewer, combined sewer, or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the City. (Ord. 1988-36 S8, 1988; Ord. 780 S1, 1974; Ord. 557 S8(b), 1964)

**11.16.220 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. 1988-36 S9, 1988)

### **11.16.230 Wastes prohibited in public sewers.**

- (1) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas. (Ord. 1988-36, S5a(1), 1988)
  - (b) 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. (Ord. 1988-36, S5a(2), 1988)
  - (c) Any waters or wastes having a pH lower than 5.0, 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. (Ord. 1988-36 S5a(3), 1988; Ord. 1239 S1, 1986; Ord. 1185 S1, 1984; Ord. 1133 S1, 1983)
  - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Ord. 1988-36, S5a(4), 1988)
  - (e) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction of such discharge to the receiving waters.
  - (f) Any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
  - (g) Any waters or wastes having pH in excess of 12.0.
  - (h) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (i) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 2004-67, S1, Jan. 3, 2005) (Ord. 1988-36 S5, 1988; Ord. 1185 S1, 1984; Ord. 1151 S2, 1984; Ord. 557 S8, 1964)

**11.16.231 Preliminary treatment facilities, when required.** If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substance or possess the characteristics enumerated in Section 11.16.230 of this article, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Require any industries to submit information on wastewater quantities characteristics and obtain prior approval for discharges.
- (b) Reject the wastes in whole or in part for any reason deemed appropriate by the City.
- (c) Require pretreatment of such wastes to within the limits of normal sewage as defined.
- (d) Require control or flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, or

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

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws. (Ord. 1988-36 S5, 1988; Ord. 1185 S1, 1984; Ord. 557 S8(f), 1964)

**11.16.232 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 City and any subsequent State or Federal Guidelines and Rules and Regulations.

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

**11.16.234 Wastewater flow information.** The City may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows and characteristics. Such measurements, tests, and analysis shall be made at the users' expense. If made by the City, an appropriate charge may be assessed to the user at the option of the City.

**11.16.235 Sampling wastewaters.** The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the Rate Ordinance, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the City may elect, or, at any place mutually agreed upon between the user and the City. Appropriate charges for sampling and analysis may be assessed to the user at the option of the City. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the City.

**11.26.240 Grease, oil and sand interceptors, requirements.** Grease, oil, and sand interceptors or traps shall be provided when, in the opinion of the City they are necessary

for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors or traps shall be of a type and capacity approved by the City and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight, water tight, and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Ord. 1988-36 S2, 1988 Ord. 557 S8, 1964)

**11.16.270 Maintenance of preliminary treatment facilities.** Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense. (Ord. 1988-36 S5, 1988; Ord. 1185 S1, December 12, 1984; Ord. 557 S8(g), 1964)

**11.16.280 Control Manholes.** When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole 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 City, the State Water Pollution Control Agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing. (Ord. 1988-36 S5, 1988; Ord. 1185 S1, December 12, 1984; Ord. 557 S8(h), 1964)

**11.16.290 Measurement, tests and analysis.** All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole, except for applications for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA (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 analysis 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 analysis are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples. (Ord. 1988-36 S5, 1988; Ord. 1185 S1, 1984; Ord. 557 S8(i), 1964)

**11.16.300 Special agreements or arrangements for industrial waste.** The special agreements and arrangements are listed below:

- (1) No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby compatible industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, at such rates as are compatible with the rate ordinance.
- (2) The City reserves the right to exclude, in whole or in part, any industrial waste from its collection system.

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

5.0 - 12.0 pH	1.80 mg/l zinc	.94 mg/l lead
.31 mg/l cadmium	.23 mg/l cyanide	1.00mg/l copper
2.50 mg/l chromium	1.50 mg/l nickel	.43 mg/l silver
.20 mg/l mercury		

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Manager may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

**SCHEDULED MONITORING.** Scheduled monitoring by sampling of each significant industrial user shall be a minimum of once annually. More frequent sampling will be made of those industries that discharge large volumes containing or potentially containing heavy metals, oil, grease or other potential harmful products. Scheduled sampling will include on-site inspection of pretreatment facilities and plant operations, collecting composite sample and monitoring and recording flow rates over a period of days as deemed necessary by the Manager of the Wastewater Treatment Facility.

**UNSCHEDULED MONITORING.** Unscheduled monitoring of all industrial customers may be made at any time as directed by the Manager of the Wastewater Treatment Facility.

**DEMAND MONITORING.** Monitoring will be conducted at any time on influx of industrial waste or a spill at any industrial customer's facility that affects the wastewater treatment system or causes a disruption or problem at the city's treatment plant. Emergency monitoring may be initiated at any time there is any indication that material and/or wastewater is being discharged into the sewer system that is in violation of the

NPDES Permit issued to the City of Jasper. The submission of all notices and self-monitoring reports from industrial significant users that are necessary to assess and assure compliance by I.U.'s with applicable pretreatment standards and requirements shall be required on a monthly basis. (Ord. 2017-23, S1, Sept. 20, 2018) (Ord. 2013-8, S1, Apr. 17, 2013) (Ord. 2004-66, S1, Jan. 3, 2005) (Ord. 1987-20, S1, 1987) (Ord. 1232 S1, 1985) (Ord. 1185, S1, S2, December 12, 1984) (Ord. 1132 S1, 1983) (Ord. 822, S1, 1975) (Ord. 557, 1964)

**11.16.301 City's right of revision.** The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objections presented in this chapter.

**11.16.302 Excessive discharge.** No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State. Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 11.16.020 e.g., the pH prohibition.

**11.16.303 Accidental discharges.** Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner's or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing Users shall complete such a plan if large quantities of chemicals as listed in 307(a) of the Clean Water Act are to be stored at the site. No User who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. Users of the treatment works shall immediately notify the City of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system. (Ord. 1988-36 S13, 1988)

Written Notice - With five (5) days following an accidental discharge the User shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liabilities which may be imposed by this article or other applicable law.

Notice to Employees - A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

**11.16.304 Record keeping.** All discharges subject to Local, State or Federal regulations must retain and preserve for at least three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of any enforcement of litigation activities brought by the Authority must be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation concerning any appeals have expired. (Ord. 1185 S2, 1984)

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

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

- Class I - Residential
  - Commercial
  - Governmental
  - Institutional
  - Industrial (Ord. 2008-10, S3, Apr. 23, 2008) (Ord. 2006-10, S3, Apr. 19, 2006) (Ord. 1997-45, S2, 1997; Ord. 1995-37, S2, 1995; Ord. 1988-37 S2, 1988)

**11.16.310 Rates and charges for sewage disposal service.** For the use of and the services rendered by the Sewage Works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with the City sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the City of Jasper (hereinafter referred to as “users”). Such rates and charges include user charges (consisting of treatment charges/surcharges and base rate), debt service costs, excessive



strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- (1) The sewage rates and charges for those users residing **inside** the corporate boundaries of the City of Jasper shall be based on the quantity of water entering the City sanitary system from the property or premises, as the same is measured by the water meter or flow meter there in use, plus a base charge based on the size of the water meter or flow meter installed, except as herein otherwise provided. Base charges shall begin at the time a new connection to the sanitary sewage system has satisfactorily passed inspection regardless of whether water usage has begun. For the purpose of billing and collecting the rates and charges for sewage service, the water meters or flow meters shall be read monthly and the users shall be billed monthly (or period equaling a month).
- (2) For users residing **inside** the corporate boundaries of the City of Jasper, served or to be served, by the Sewage Works of the City of Jasper, the schedule on which said rates and charges shall be determined is as follows:

**All Metered Users**

(a) Treatment Rate:	Per 100 cubic feet
	\$ 3.25

**Plus** (b) Base Rate - as follows:

<u>Meter Size</u>	<u>Monthly Base Rate</u>
5/8-3/4 inch	\$ 17.23
1 inch	42.21
1 1/2 inch	97.15
2 inch	167.08
3 inch	383.53
4 inch	666.58
6 inch	1,515.73

- (3) For single-family residential users of the Sewage Works that are un-metered or for whom accurate meter readings are not available and that reside **inside** the corporate limits of the City of Jasper, the monthly charge shall be determined as an average of single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined is as follows:

<u>Unmetered Users:</u>	<u>Monthly Base Rate</u>
Residential:	
Single-family residence/unit	\$ 38.36

All other unmetered users or users for whom accurate meter readings are not available shall be charged a rate to be determined by the City on an individual basis by applying the metered rates, stated in Section (2) immediately above, to estimated usage and meter size.

- (4) For the service rendered to the City of Jasper, said City shall be subject to the same rates and charges hereinabove provided for users inside the corporate limits of the City of Jasper, or to rates and charges established in harmony therewith.
- (5) In order to recover the cost of monitoring industrial wastes the City shall charge the user the actual cost of monitoring but not less than \$90.00 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in the ordinance.
- (6) All users residing **outside** the corporate boundaries of the City of Jasper, served or to be served, by the Sewage Works of the City of Jasper, shall be subject to all provisions, and the rate schedules, established by this Ordinance. In addition, a twenty-five percent (25%) surcharge shall be applied to the rates for those users outside the corporate boundaries of the City. The schedule for those users shall be as follows:

All Metered Users

(a) Treatment Rate:	Per 100 cubic feet
	\$ 4.06

**Plus** (b) Base Rate - as follows:

<u>Meter Size</u>	<u>Monthly Base Rate</u>
5/8-3/4 inch	\$ 21.54
1 inch	52.76
1 1/2 inch	121.44
2 inch	208.85
3 inch	479.41
4 inch	833.23
6 inch	1,894.66

- (7) For single-family residential users of the Sewage Works residing **outside** of the corporate boundaries of the City of Jasper, that are unmetered or for whom accurate meter readings are not available, the monthly charge shall be determined as an average of single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined is as follows:

<u>Unmetered Users:</u>	<u>Monthly Base Rate</u>
Residential:	
Single-family residence/unit	\$ 47.94

All other unmetered users or users for whom accurate meter readings are not available shall be charged a rate to be determined by the City on an individual basis by applying the metered rates, stated in Section (6) immediately above, to estimated usage and meter size.

- (8) In order that the residential and/or domestic users of sewage services shall not be penalized for sprinkling lawns and filling swimming pools during periods for which utility bills are due for payment in the months of July, August, September, and October, the billing for sewage services for residential and/or domestic users for said billing periods shall be based upon the average water usage during periods for which utility bills are due for payment for the previous months of January, February, and March (winter average usage).

The winter average usage shall be determined by taking the actual usage (in cubic feet) being billed on the bills due for payment in January, February, and March, and dividing by three.

If a residential user's actual water usage during the billing periods for which utility bills are due for payment in the months of July, August, September or October is 10% or more over the customer's winter average usage, the user shall receive a summer sewer credit. The amount of the summer sewer credit shall be based on the difference between the actual usage and 110% of the winter average usage. The amount of the summer sewer credit shall be applied against the rates and entered on the bill as a separate negative entry and identified as "Summer Sewer Discount".

Residential and/or domestic sewage services applicable to the Summer Sewer Discount shall apply to each lot, parcel of real estate, or building that is occupied and used as a residence. Said Summer Sewer Discount shall not apply to any premises which are partially used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes the owner shall have the privilege of separating the water services so that the residential portion of the premises is served through a separate water meter, and in such case, the water usage registered by the water meter serving such portion of the premises used for residential purposes would qualify for the Summer Sewer Discount.

- (9) In the event of unusual or extraordinary water usage during said previous billing periods with utility bills due for payment in the months of January, February, or March or if the residence is not occupied during a portion of these periods, the average winter usage may be adjusted to so compensate as determined by the Wastewater Manager.

- (10) Special Situation Rebates. Rebates shall be allowed in special situations where excess non-sewered water is used. Such special situations shall be limited to:
- (a) The installation of a new lawn or new landscaping,
  - (b) The filling of swimming pools, and
  - (c) Any other water usage situation that is, in the sole discretion of the Wastewater Manager, one in which the water usage:
    - 1. Is excessive,
    - 2. Is a non-recurring phenomenon,
    - 3. Is reasonable verifiable, and
    - 4. Does not result in the water's disposal in the sanitary sewer system.

“Excessive” means that the usage is equal to or greater than 400 cubic feet as compared to the user’s average monthly usage of the three previous months. To qualify, the user must submit a written request to the Wastewater Manager describing the special situation. The request must be filed with the Wastewater Manager no later than 60 days after the termination of the situation for which the request is made. The Wastewater Manager shall approve the request only if he, in his sole discretion, reasonably exercised, finds that the situation falls within any of those described above.

The amount of the rebate shall be determined by taking the highest monthly usage from three (3) months immediately preceding the month in which the special situation occurred and subtracting it from the usage of the special situation month. The difference in usage, over and above the 400 cubic feet, will be applied against the rate schedule and the user’s account will be adjusted accordingly. If the user has no prior history for comparison, the normal usage of a similar user will be used.

Rebates will not be allowed during the billing periods in which the Summer Sewer Discount, as previously defined in this ordinance, is in effect.

Disputes with respect to qualification, calculation, or usage, shall be resolved by the Wastewater Manager, in his sole discretion, reasonably exercised. Any such decision of the Wastewater Manager shall be final and reviewable only for abuse of discretion. (Ord. 2019-18, S1, Aug. 21, 2019) (Ord. 2017-4, S1, Apr. 19, 2017) (Ord. 2014-30, S1, Jan. 21, 2015) (Ord. 2012-31, S1, Dec. 19, 2012) (Ord. 2012-18, July 18, 2012) (Ord. 2010-27, S1, Nov. 17, 2010) (Ord. 2008-10, S4, Apr. 23, 2008) (Ord. 2006-10, S4, Apr. 19, 2006) (Ord. 1999-13, S1, April 21,

1999) (Ord. 1999-12, S1, 1999) (Ord. 1997-45, S3, 1997) (Ord. 1997-11, 1997) (Ord. 1995-37, 1995) (Ord. 1993-14, S1, 1993) (Ord. 1993-4, 1993) (Ord. 1988-37, S3, 1988) (Ord. 1988-7, S1, 2, 3, 1988) (Ord. 1987-10, S1, 2, 1987) (Ord. 1286, S1, 2, 3, 1987) (Ord. 1209, S1, 1985) (Ord. 1185, 1984) (Ord. 1168, S1, 1984) (Ord. 1134, S1, 1983) (Ord. 1099, S1, 1982) (Ord. 1056, S1, 1981) (Ord. 929, S1, 1978) (Ord. 821, S1, 2, 1975) (Ord. 779, S1, 1974) (Ord. 556, S1, 1964) (Ord. 518, S1, S2, 1960)

**11.16.313 Rates and charges for 2001 Extensions.**

- (1) For use of and for the services rendered by the Sewage Works to users of the 2001 Extensions, the monthly Debt Service Fee is hereby set as follows:

<u>Meter Size</u>	<u>Rate per Month</u>
5/8-3/4 inch	\$ 21.50
1 inch	53.75
1 1/2 inch	122.55
2 inch	215.00
3 inch	494.50
4 inch	860.00
6 inch	1,956.50

The monthly debt service fees set out above shall be in addition to all other applicable sewage rates and charges of the City of Jasper.

- (2) The City and Dubois County, Indiana, have both adopted ordinances requiring connection to a public sanitary sewer system if one becomes available. In the event that the residents currently located within the area to be serviced by the 2001 Extensions meet the requirements for connection under both ordinances, they will be notified once the system is available and must follow all the requirements of the City of Jasper ordinance in effect at that time with regard to mandatory connection, and pay all fees associated therewith. (Ord. 2019-18, S2, Aug. 21, 2019) (Ord. 2017-4, S2, Apr. 19, 2017) (Ord. 2014-30, S2, Jan. 21, 2015) (Ord. 2012-31, S2, Dec. 19, 2012) (Ord. 2010-25, S1, Oct. 20, 2010) (Ord. 2008-10, S5, Apr. 23, 2008) (Ord. 2006-10, S5, Apr. 19, 2006) (Ord. 2002-12, S2, May 22, 2002) (Ord. 2001-24, S2, 2001)

**11.16.314 Rates and charges for 2019 Sewer Extension Project.**

- (1) For use of and for the services rendered by the Sewage Works to users of the 2019 Sewer Extension Project, the monthly debt service fee is hereby set as follows:

<u>Meter Size</u>	<u>Rate per Month</u>
5/8-3/4 inch	\$ 67.80
1 inch	67.80

The monthly debt service fees set out above shall be in addition to all other applicable sewage rates and charges of the City of Jasper.

- (2) The City has adopted an ordinance requiring connection to a public sanitary sewer system of which one is now available (see Section 11.16.020(7)). Residents currently located within the area to be serviced by the 2019 Sewer Extension Project (Rolling Hills Subdivision) meet the requirements for connection and are required to connect. (Ord. 2019-18, S3, Aug. 21, 2019)

**11.16.315 Rates and charges for contractual users.** Transportation and/or treatment rates and charges shall be established for each qualifying user who has contracted with or is intending to contract with the City for transportation and/or treatment of sewage. Each contractual user shall have a rate specifically designed by the Jasper Municipal Sewage Works based upon each contractual user's flow and treatment characteristics. The City reserves the right to amend the transportation and/or treatment rates and charges in the event a substantial or material change in the contractual user's flow and treatment characteristics is identified after passage of this ordinance. The qualified users who are currently contracted for transportation and/or treatment of sewage are:

- (1) Ireland-Madison Township Conservancy District. The Ireland-Madison Township Conservancy District shall be considered a user outside the corporate boundaries of the City and shall pay a base charge each month regardless of flow. In addition to the monthly base charge, the Ireland-Madison Township Conservancy District shall pay a treatment rate based on actual flow metered at each point where the Ireland-Madison Township Conservancy District is connected to the Jasper Municipal Sewage Works. The schedule on which said rates and charges shall be determined is as follows:

(a) Base Rate:	\$ 0.00
(b) Treatment Rate per 100 cubic feet	\$ 3.94

(Ord. 2019-18, S4, Aug. 21, 2019) (Ord. 2017-4, S3, Apr. 19, 2017) (Ord. 2014-30, S3, Jan. 21, 2015) (Ord. 2012-31, S3, Dec. 19, 2012) (Ord. 2008-10, S6, Apr. 23, 2008) (Ord. 200-10, S6, Apr. 23, 2008) (Ord. 2006-10, S6, Apr. 19, 2006) (Ord. 1997-45, S4, 1997)

**11.16.320 Water entering the Sanitary Sewage System from sources other than the City.**

- (1) The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the City shall be determined by the City in such manner as the City shall reasonably elect (to include, but not be limited to, water meters, flow meters, etc.) and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section, the City may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the City that such quantities do not enter the sanitary sewage system. (Ord. 2006-10, S7, Apr. 19, 2006) (Ord. 1997-45, S5, 1997) (Ord. 1995-37, S4, 1995) (Ord. 1993-4, S4, 1993) (Ord. 1988-37, S4, 1988) (Ord. 518, S2(a), 1960)
- (2) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the City and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the City then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rate or charge provided in this ordinance, the owner or other interested party shall at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determining of sewage discharge. (Ord. 2006-10, S7, Apr. 19, 2006) (Ord. 1997-45, S5(a), 1997) (Ord. 1995-37, S4(a), 1995) (Ord. 1993-4, S4(a), 1993) (Ord. 1988-37, S4, 1988) (Ord. 518, S2(b), 1960)
- (3) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the City, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge. (Ord. 2006-10, S7, Apr. 19, 2006) (Ord. 1997-45, S5(b), 1997) (Ord. 1995-37, S4(b), 1995) (Ord. 1993-4, S4(b), 1993) (Ord. 1988-37, S4, 1988) (Ord. 518, S2(c), 1960)
- (4) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the City's 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 purpose, 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. (Ord. 2006-10, S7, Apr. 19, 2006) (Ord. 1997-45, S5(c), 1997) (Ord. 1995-37, S4(e), 1995) (Ord. 1993-4, S4(c), 1993) (Ord. 1988-37, S4, 1988) (Ord. 518, S2(e), 1960)

- (5) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the City's sanitary sewage system, either directly or indirectly, and uses water in excess of 1,335 cubic feet per month, and it can be shown to the satisfaction of the City that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge. (Ord. 2008-10, S7, Apr. 23, 2008) (Ord. 2006-10, S7, Apr. 19, 2006) (Ord. 1997-45, S5(d), 1997) (Ord. 1995-37, S4(d), 1995) (Ord. 1993-4, S4(d), 1993) (Ord. 1988-37, 4, 1988) (Ord. 1185, S1, 1984) (Ord. 510, S2(d), 1960)

**11.16.350 Adjusting charge for fire protection.** Where a metered water supply is used for fire protection as well as for other uses, the City may, in its discretion, make adjustments in the user charge as may be equitable. (Ord. 2008-10, S8, Apr. 23, 2008) (Ord. 2006-10, S8, Apr. 19, 2006) (Ord. 1997-45, S5(e), 1997) (Ord. 1995-37, S4(e), 1995) (Ord. 1993-4, S4(e), 1993) (Ord. 1988-37, S4, 1988) (Ord. 518, S2(g), 1960)

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

- (1) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 300 milligrams per liter of fluid, suspended solids in excess of 250 milligrams per liter of fluid, a chemical oxygen demand in excess of 600 milligrams per liter of fluid, ammonia nitrogen in excess of 30 milligrams per liter of fluid, or floatable oils in excess of 100 parts per million. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:



- (a) Rate Surcharge Based Upon Suspended Solids. There shall be an additional charge of 20 cents per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid.
  - (b) Rate Surcharge Based Upon BOD. There shall be an additional charge of 20 cents per pound of biochemical oxygen demand for BOD received in excess of 300 milligrams per liter of fluid.
  - (c) Rate Surcharge Based Upon NH<sub>3</sub>N. There shall be an additional charge of 70 cents per pound of nitrogen for NH<sub>3</sub>N received in excess of 30 milligrams per liter of fluid.
  - (d) Rate Surcharge for COD. There shall be an additional charge of twenty 20 cents per pound of Chemical Oxygen Demand for COD received in excess of 600 milligrams per liter of fluid. (Ord. 1991-41, S3, 1991)
  - (e) Rate Surcharge for Floatable Oils. There shall be an additional charge of 20 cents per pound of floatable oils for floatable oils in excess of 100 parts per million.
- (2) The determination of Suspended Solids, five-day Biochemical Oxygen Demand and Ammonia Nitrogen contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", Regulation CFR Part 136, published in the Federal Register on October 16, 1973. (Ord. 2008-10, S9, Apr. 23, 2008) (Ord. 2006-10, S9, Apr. 19, 2006) (Ord. 1997-45, S6, 1997) (Ord. 1995-37, S5, 1995) (Ord. 1993-4, S5, 1993) (Ord. 1991-41, S1,2,3,4, 1991) (Ord. 1988-37, S5, 1988) (Ord. 1239, S2, April 9, 1986) (Ord. 1225, S3, August 14, 1985) (Ord. 1185, S1, December 12, 1984) (Ord. 823, S1 (part), 1975) (Ord. 518, S3 (part), 1960)

**11.16.370 Billing - payment - inspection of records by owner.** Such rates and charges shall be prepared, billed and collected by the City in the manner provided by law and ordinance.

- (1) The rates and charges for all users shall be prepared and billed monthly. Users may request a notice of the rates charged for operation, maintenance and replacement for that user at any time from the Utility Business Office.

- (2) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve, the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the City for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.
- (3) As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be due is the date as stated on the bill. (Ord. 2008-10, S10, Apr. 23, 2008) (Ord. 2006-10, S10, Apr. 19, 2006) (Ord. 1997-45, S7, 1997) (Ord. 1995-37, S6, 1995) (Ord. 1993-4, S6, 1993) (Ord. 1988-37, S6, 1988) (Ord. 823, S2, 1975) (Ord. 518, S5&6, 1960)

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

The City is hereby authorized to prohibit dumping of wastes into the City's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the City, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works. (Ord. 2006-10, S12, Apr. 19, 2006) (Ord. 1997-45, S9, 1997) (Ord. 1995-37, S8, 1995) (Ord. 1993-4, S8, 1993) (Ord. 1988-37, S8, 1988) (Ord. 823, S2, 1975) (Ord. 518 S6, 1960)

**11.16.390 Special rate contracts.** The Board is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs. (Ord. 2008-10, S13, Apr. 23, 2008) (Ord. 2006-10, S13, Apr. 19, 2006) (Ord. 1997-45, S11, 1997) (Ord. 1995-37, S10, 1995) (Ord. 1993-4, S10, 1993) (Ord. 1988-37, S10, 1988)

**11.16.391 Surcharge.** A surcharge of Twenty Dollars (\$20.00) per month, per billing account, shall be imposed in addition to all other charges heretofore authorized and

imposed beginning the month immediately following passage and adoption of this ordinance by the Common Council of the City of Jasper. (Ord. 1267, S3, 1986)

**11.16.392 Payment requirements.** There shall be a moratorium upon the requirement for payment by any persons for a period of two (2) months from the time of imposition of said surcharge as set forth in Section 11.16.391 above. Further, any person who has, pursuant to Section 11.16.393 below, consented to the inspection of their respective premises within one hundred twenty (120) days of the date of adoption of this ordinance, shall not be liable for payment until such inspection has been accomplished and the person given the opportunity to bring said premises into compliance within the time frame set out in said Section 11.16.393. (Ord. 1267, S4, 1986)

**11.16.393 Payment liability for sewer surcharge.** A person may avoid liability for payment of the surcharge established in Section 11.16.391 above upon a showing that he is in compliance with all provisions of Sections 11.16.210 and 11.16.230 of the Code and any amendments thereof of the City of Jasper, Indiana, which showing shall consist of the following procedures and conditions as to each building or appurtenance connected to the sanitary sewer:

- (1) Each such person shall, as to each such building or appurtenance so connected to the sanitary sewer, execute a "Grant of Permission" to the City of Jasper, to come upon the property and within the premises thereon, of such persons to inspect and/or perform sewer tests as may be deemed necessary by the City of Jasper to verify the compliance hereinbefore referred to;
- (2) The Grant of Permission set forth in Section (1) shall be deemed to include periodic inspections and/or tests as may be determined to be necessary to insure compliance with Sections 11.16.210 and 11.16.230 of the Jasper Code;
- (3) The term "City of Jasper" as used herein, shall mean and include such employees, or designees of the City of Jasper, Indiana, as it shall, from time to time utilize in making the inspections and/or test heretofore referred to. Such persons shall have on their person, identification to verify the fact that they in fact represent said City for said purposes.
- (4) The inspections shall be made upon reasonable notice of at least forty-eight (48) hours. There shall be no fee charged for said inspections.
- (5) If, upon the initial inspection contemplated by section (1) above to verify compliance, a person is in fact not found to be in compliance, said person shall be given fourteen (14) days from the date of said inspection to so comply. (Ord. 1267, S5, 1986)

**11.16.394 Compliance and non-compliance upon inspection.** In the event a person is found to be in compliance upon the initial inspection contemplated by Section (1) or complies within fourteen (14) days as provided in Section (5), as heretofore set forth and, upon subsequent inspection is found not be in compliance, said person shall be liable for payment of an amount equal to the sum of the months since adoption of this Ordinance, multiplied by the monthly surcharge in effect during such periods as the case may be; provided that, such liability shall be reduced to fifty percentum (50%) of said amount if said person complies within a period of ten (10) days after notice by the City of Jasper of his non-compliance. In the event a person is found to be in a state of non-compliance a second or subsequent time, then said person shall be liable for a sum equal to One Thousand Dollars (\$1,000.00) plus an amount equal to the sum of the months since adoption of this Ordinance multiplied by the monthly surcharge in effect during such periods as the case may be. (Ord. 1267, S6, 1986)

**11.16.395 Reasonable measures of ensuring compliance with 11.16.210 and 11.16.230.** The Common Council has determined that the measures heretofore set out are a reasonable means of ensuring compliance with Sections 11.16.210 and 11.16.230 of the Jasper Code and are further necessary to protect and ensure the health, safety and welfare of the Citizens of Jasper, Indiana, and surrounding areas. (Ord. 1267, S7, 1986)

**11.16.396 State and/or 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. 1988-36, S14, 1988)

**11.16.397 Damaging sewer system.** 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 section shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 1988-36, S15, 1988) (Ord. 557, S9, 1964)

**11.16.400 Right of entry for inspections.** The Superintendent, Inspector, and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this chapter. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. 1988-36, S16(a), 1988) (Ord. 1185, S1, December 12, 1984) (Ord. 557, S10, 1964)

**11.16.401 Safety precautions.** While performing the necessary work on private properties referred to in Section 11.16.400 above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury

or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 11.16.290. (Ord. 1988-36, S16(b), 1988)

**11.16.402 Easements.** The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 1988-36, S16(c), 1988)

**11.16.410 Notice to cease violations.** Any person found to be violating any provision of this chapter, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ord. 1988-36, S17(a), 1988) (Ord. 1225, S1, 1985) (Ord. 557, S11(a), 1964)

**11.16.420 Penalty for continuing violation after notice.** Any person who shall continue any violation beyond the time limit provided for in Section 11.16.410 shall be guilty of a misdemeanor and in conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 1989-32, S1, 1989) (Ord. 1988-36, S17(b), 1988) (Ord. 1225, S2, August 14, 1985) (Ord. 1185, S1, December 12, 1984) (Ord. 1133, S2, 1983) (Ord. 557, S11(b), 1964)

**11.16.430 Liability for expense caused by violation.** Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation. (Ord. 1988-36, S17(c), 1988) (Ord. 557, S11(c), 1964)

**11.16.500 Show cause hearing.**

- (1) The City may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the Utility Service Board why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Utility Service Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Utility Service Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipts requested) at least fourteen (14) days before the hearing. Service may be made on any agent or officer of a corporation.

- (2) The Utility Service Board may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the assigned department to:
  - (a) Issue in the name of the Utility Service Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - (b) Take the evidence;
  - (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Utility Service Board for action thereon.
- (3) At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (4) After the Utility Service Board has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be disconnected unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further order and directives as are necessary and appropriate may be issued.

**11.16.501 Legal action.** If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the City. The City Attorney may commence an action for appropriate legal and/or equitable relief in the Court of this County.

**11.16.502 Civil Penalties.** Any User who is found to have violated an Order of the Utility Service Board or who willfully or negligently failed to comply with any provision of this Ordinance, and the order, rules, regulations and permits issued hereunder, shall be fined not less than \$500.00 and not more than \$2,500.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations and permits issued hereunder.

**11.16.503 Cost recovery.** Any person violating any ordinance provision or who discharges or causes a discharge that produces a deposit or obstruction, or causes damage to the Authority's wastewater disposal system will be liable to the Authority for any expense, loss, or damage caused by the violation or discharge. The Authority will bill the discharger for the costs incurred for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed cost would constitute a violation enforceable under ordinance provisions.

**11.16.504 Falsifying information.** Any person who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both.

**11.16.505 Right of appeal.** That the rules and regulations promulgated by the City, after approved by the Utility Service Board 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 Utility Service Board and that any decision concerning user charges of the Utility Service Board may be appealed to the Circuit Court of the County under the appeal procedures provided for in the Indiana Administrative Adjudication Act. (Ord. 2008-10, S14, Apr. 23, 2008) (Ord. 2006-10, S14, Apr. 19, 2006) (Ord. 1997-45, S12, 1997) (Ord. 1995-37, S11, 1995) (Ord. 1993-4, S11, 1993) (Ord. 1988-37, S11, 1988) (Ord. 1988-36, S19, 1988)

## Chapter 11.18

### SPECIAL SEWER ASSESSMENTS

#### Sections:

- 11.18.010 Nondevelopment area.**
- 11.18.020 Building adjacent to interceptor.**
- 11.18.030 Private collection system owners.**

**11.18.010 Nondevelopment area.** The owners of lots or parcels of lots within the corporate limits of the city who have not paid or have deferred payment of the assessments because of nondevelopment of that area shall pay six dollars per foot assessment as originally levied by the utility service board and city council at the time the sewers were in the progress of construction. (Ord. 971 S1, 1979).

**11.18.020 Building adjacent to interceptor.** Those owners of lots or parcels of land who have paid no prior assessment, who build adjacent to an interceptor sanitary sewer, who elect to use the interceptor sewer as a local sewer (tapping direct to said sewer) shall pay six dollars per foot for each foot lying adjacent to the sanitary sewer. (Ord. 971 S2, 1979).

**11.18.030 Private collection system owners.** Owner or owners of land developing their own local sanitary sewer collection system on land on which an assessment has not been paid shall pay the sum of one hundred dollars for each tap made on the interceptor sanitary sewer. (Ord. 971 S3, 1979).



## Chapter 11.20

### CONTRIBUTION REQUIREMENTS FOR DEVELOPERS AND NEW USERS OF THE JASPER SEWAGE WORKS

#### Sections:

<b>11.20.010</b>	<b>Availability Fees.</b>
<b>11.20.020</b>	<b>Connection Fees.</b>
<b>11.20.030</b>	<b>Administrative and Inspection Fees.</b>
<b>11.20.040</b>	<b>Applicable Fees and Manner of Payment.</b>
<b>11.20.050</b>	<b>Interceptor Sewerage.</b>
<b>11.20.060</b>	<b>Ownership of System.</b>
<b>11.20.070</b>	<b>Inspection Costs and Approval of Local Sewers.</b>
<b>11.20.080</b>	<b>Fines.</b>
<b>11.20.090</b>	<b>Definitions.</b>

#### **11.20.010 Availability Fees.**

- (1) No connection to any City-owned interceptor sanitary sewer shall be allowed until a permit is obtained and payment as a contribution to aid in construction has been made into the City of Jasper Interceptor Improvement and Betterment Fund, which is a depository of such contributions and designated funds.
  - (a) Project costs, designated as Availability Fees shall be fixed by the City of Jasper as hereinafter provided. Such Availability Fees shall be and are hereby fixed and established as explained in Section 11.20.040.

Project costs, in all cases, shall expressly include construction costs, legal costs, engineering costs, construction inspection costs, project administrative costs and easement acquisition costs. Easements in each case, as may be required by the Utility Service Board, must be obtained by the owner of the real estate. Projects which shall be funded from the Interceptor Improvement and Betterment Fund shall include new interceptor sewers, improvements to existing interceptor sewers and such sewage collection improvements projects as determined by the Utility Service Board of the City of Jasper.

In the event external sources (Bonds, Notes, etc.) are required for the funding of existing and/or new projects, the Interceptor Improvement and Betterment Fund may be used for the purpose of repaying said debt.

The applicant-owners of real estate applying for sewerage service shall make payments to the Utility Service Board in accordance with fees set forth in Section 11.20.040. Payments are due and shall be made in accordance with Section 11.20.040 hereafter set forth.

Plans and specifications for specific interceptor sewerage extensions, and for all local, lateral and sub-interceptor sewers, shall be submitted to, and receive approval from the said City of Jasper and all applicable regulatory agencies prior to actual start of construction (a copy of all such approvals shall be filed with the City of Jasper within ten days after receipt of approval).

Payment of the Availability Fee shall be made in cash. The Availability Fee shall be strictly non-refundable.

- (b) When requested in writing by the Wastewater Manager to do so, the real estate owner shall construct the sewerage extension to larger specifications than would be necessary to accommodate the immediate requirements of the project. In this situation, the City of Jasper through its Utility Service Board will reimburse to the real estate owner, the negotiated difference between the original cost projection and the larger specification.
- (c) If an owner of real estate applies for sewer connection within an area where an annexation process has started, but before the annexation into the corporate boundaries of the City of Jasper has become effective, the Availability Fee shall be waived. Said waiver shall begin on the next business day following the date of the first reading of the annexation ordinance for said annexation area and would continue until the date the annexation becomes effective, the Common Council votes to not adopt the annexation ordinance, or a court has ordered that the annexation fails, whichever occurs first.
- (d) If the annexation of any real estate on which the Availability Fee was waived fails for any reason, the landowner shall be liable for the payment of the availability fee to the Jasper Municipal Utilities. That in order for the Jasper Municipal Utilities to waive the fee, the property owner must sign agreeing to be responsible for the fee if the annexation does not become effective. In the event any said annexation fails, the City of Jasper shall notify the landowner that the Availability Fee is owed and said payment shall be made to the Jasper Municipal Utilities within twenty-one (21) days of the date of the notice from the City of Jasper. (Ord. 2005-39, SI (11.20.010), Oct. 19, 2005) (Ord. 2004-36, SI, Aug. 18, 2004) (Ord. 1997-8, S1, 1997; Ord. 1995-35, S1, 1995)

**11.20.020 Connection Fees.** Where an individual connection is sought for acreage or developed areas inside or outside the corporate limits of the City of Jasper, the sewer users shall pay a Connection Fee based on the number of drains contained within the facility being connected to the City of Jasper Sewerage System. Such Connection Fees are hereby fixed and established as explained in Section 11.20.040.

Should the size and/or design of the facility being connected to the City of Jasper Sewerage System require multiple connections to the System, as determined by the Wastewater Manager, multiple Connection Permits with appropriate Connection Fees shall also be required.

Funds collected shall be deposited into the City of Jasper Plant Expansion and Improvement Fund. Funds collected shall be used for the expansion and improvement of non-conveyance facilities and for the construction of High Pressure Forced Mains as determined by the Utility Service Board of the City of Jasper.

In the event external sources (Bonds, Notes, etc.) are required for the funding of said projects, the Plant Expansion and Improvement Fund may be used for the purpose of repaying said debt.

The applicant-owners of real estate applying for sewerage service shall make payments to the Utility Service Board in accordance with fees set forth in Section 11.20.040. Payments are due and shall be made in accordance with Section 11.20.040 hereafter set forth. Users shall also be billed a monthly rate in accordance with current sewer use rates and charges. (Ord. 2005-39, SII (11.20.020), Oct. 19, 2005) (Ord. 2004-36, SII, Aug. 18, 2004) (Ord. 1997-8, SII, 1997; Ord. 1995-35, SII, 1995)

**11.20.030 Administrative and Inspection Fees.** Where an individual connection is sought for acreage or developed areas inside or outside the corporate limits of the City of Jasper, the sewer users shall pay an Administrative and Inspection Fee. The Administrative and Inspection Fee is hereby fixed and established as explained in Section 11.20.040. Funds collected shall be deposited into the Operation and Maintenance Fund. Funds collected shall be used to offset the cost of permit administration and inspection of the connection to the City of Jasper Sewerage System.

The applicant-owners of real estate applying for sewerage service shall make payments to the Utility Service Board in accordance with fees set forth in Section 11.20.040. Payments are due and shall be made in accordance with Section 11.20.040 hereafter set forth. (Ord. 2005-39, SIII (11.20.030), Oct. 19, 2005) (Ord. 2004-36, SIII, Aug. 18, 2004) (Ord. 1997-8, SIII, 1997; Ord. 1995-35, SIII, 1995)

**11.20.040 Applicable Fees and Manner of Payment.**

(1) Availability, Connection, and Administrative & Inspection Fees are hereby established and the manner of payment shall be made in the following amounts, at the following times, and in the following manner:

(a) AVAILABILITY FEES

1. Availability Fees are due and payable at the time Connection Permits are issued.
2. Availability Fees are hereby established at \$2,000.00 per Connection Permit.
3. Availability Fees shall be allocated to the Interceptor Improvement and Betterment Fund.
4. Property within the City's Corporate Boundaries, as said boundaries exist on the date the Connection Permit is issued, shall be EXEMPT from the Availability Fee.
5. Property outside the City's Corporate Boundaries which are in the process of annexation shall be subject to Section 11.20.010(c) & (d) of this Chapter.
6. Availability Fees, for property outside the City's Corporate Boundaries which contains multiple Platted Lots, but is governed as a separate legal entity, such as, for example, a sanitary sewer conservancy district, a town, a city, or a township, and is to be connected to the City of Jasper Sewerage System by a single interconnect where flow will be measured by a single metering device, may be negotiated based upon individual circumstances and set forth in a mutually acceptable contract for the treatment of sewerage.

(b) CONNECTION FEES

1. Connection Fees are due and payable at the issuance of a Connection Permit.
2. Connection Fees are hereby established for each Connection Permit as follows:

First 10 Drains (1 thru 10)	\$ 750.00 plus
Next 10 Drains (11 thru 20)	25.00 Each, plus

Next 10 Drains (21 thru 30)	20.00 Each, plus
Next 10 Drains (31 thru 40)	15.00 Each, plus
Next 10 Drains (41 thru 50)	10.00 Each, plus
Over 50 Drains	5.00 Each

3. Connection Fees shall be allocated to the Plant Expansion and Improvement Fund.
4. Connection Fees shall apply to the following situations as they exist on the effective date of this Ordinance:
  - a. Any Connection Permit issued on or after the effective date of this Ordinance.
  - b. Connection Permits shall not be issued prior to the issuance of a Building Permit and will expire in accordance with the applicable Building Permit expiration.

(c) ADMINISTRATIVE AND INSPECTION FEES

1. Administrative and Inspection Fees are due and payable at the issuance of a Connection Permit.
2. Administrative and Inspection Fees are hereby established at \$50.00 per Connection Permit.
3. Administrative and Inspection Fees shall be allocated to the Operating and Maintenance Fund. (Ord. 2005-39, SIV, Oct. 19, 2005) (Ord. 2004-36, SIV, Aug. 18, 2004) (Ord. 1997-8, SIV, 1997; Ord. 1995-35, SIV, 1995)

**11.20.050 Interceptor Sewerage.** The owners of real estate obtaining a permit for sewer extensions shall submit plans for said sewers, including interceptor sewers and lift stations to be constructed within the development, to the City of Jasper Wastewater Manager for review and approval prior to the start of construction. All Interceptor Sewer Lines, Private Lateral Lines, Local Sewer Lines and/or Lift Stations to be maintained by the Jasper Municipal Wastewater Utility, must be approved and installed according to utility standards and specifications; and, all costs associated with said installation shall be the responsibility of the person or persons requesting the service. Sewer mains must be installed in a public right-of-way or a dedicated easement granted to the City of Jasper. All easements shall be to the City of Jasper and shall be obtained prior to design of the project. Easements shall be in a form approved by the City of Jasper. (Ord. 2005-39, SV (11.20.050), Oct. 19, 2005) (Ord. 2005-28, S1, Aug. 17, 2005) (Ord. 2004-36, SV, Aug. 18, 2004) (Ord. 1997-8, SV, 1997) (Ord. 1995-35, SV, 1995)

**11.20.060 Ownership of System.** Requests for Sanitary Sewer Extensions or connection to the City's Sanitary Sewer System from outside the corporate limits of the City of Jasper must follow the City's procedure with regards to said out-of-city connections or extensions and must be accompanied by a signed agreement not to remonstrate against annexation. Said agreement must be recorded with the Dubois County Recorder's Office.

The sanitary sewer collection facilities shall be turned over and dedicated to the City at no cost to the City. It is in the discretion of the Manager of the Wastewater Department as to whether said lines and lift stations will be accepted as dedicated or whether repairs or changes must be made to said lines or lift stations before acceptance by the Wastewater Department. At the time of dedication and acceptance, the sewer lines and lift stations shall be free and clear of all liens and encumbrances and the owners of said real estate, if requested, shall provide an Affidavit that they have paid contractors and material suppliers the full cost of said extension or extensions.

Said dedication shall be accompanied by a one-year guarantee of the materials and workmanship on the lines and lift stations by the owner. The owner shall be responsible and shall assume the cost for any repairs required on the lines and lift stations during the first year after acceptance by the Wastewater Department. The sewer lines/lift stations are considered accepted by the Department when a properly completed Development Owner's Certification of Donated Sewer Lines/Lift Stations form has been received and approved by the City. (Ord. 2005-39, SVI (11.20.060), Oct. 19, 2005) (Ord. 2005-28, S2, Aug. 17, 2005) (Ord. 2004-36, SVI, Aug. 18, 2004) (Ord. 1997-8, SVI, 1997) (Ord. 1995-35, SVI, 1995)

**11.20.070 Inspection Costs and Approval of Local Sewers.** During construction of sewers and lift stations, the owners of the real estate shall pay the expense of an inspector approved by the City of Jasper to insure that the construction of the facilities are in compliance with current standards and specifications established by the Utility Service Board or Wastewater Department. Upon completion of construction, the owners of the real estate shall provide certified record construction drawings to the City within 30 days. In no event will a Performance Bond on the Wastewater portion of a development be released in full by the Wastewater Manager before said construction drawings have been provided to the City. If certified record construction drawings are not provided as required, the City may prepare these at the expense of said owner of real estate. No potential reimbursable expenses of oversizing and/or interceptor sewer construction will be allowed until record drawings are provided and approved. (Ord. 2005-39, SVII (11.20.070), Oct. 19, 2005) (Ord. 2005-28, S3, Aug. 17, 2005) (Ord. 2004-36, SVII, Aug. 18, 2004) (Ord. 1997-8, SVII, 1997) (Ord. 1995-35, SVII, 1995)

**11.20.080 Fines.** If a connection is made to any interceptor or local sewer without obtaining a permit and paying the required Availability, Connection, and Administrative & Inspection Fees, such act shall constitute a violation of this ordinance, and the individual or owners of real estate making such connection will be subject to a fine of \$100.00 per day for each day after the connection was unlawfully installed, and may be

required to remove the connection until the requirements of the ordinance are complied with. Each day such unlawful connection exists may be considered a separate offense. (Ord. 2005-39, SVIII (11.20.080), Oct. 19, 2005) (Ord. 2004-36, SVIII, Aug. 18, 2004) (Ord. 1997-8, SVIII, 1997) (Ord. 1995-35, SVIII, 1995)

**11.20.090 Definitions.** The various terms as used in this ordinance shall be defined as follows:

- (1) Administrative and Inspection Fee - Those fees designated for the purpose of offsetting the cost of Permitting and Connection Inspection.
- (2) Availability Fee - Those fees designated and set aside for the purpose of construction of new Interceptor Sewers and Lift Stations, improvements to existing Interceptor Sewers and Lift Stations, or other sewage collection improvement projects as determined by the Utility Service Board.
- (3) Connection Fee - Those fees designated and set aside for the purpose of constructing expanding, or improving Wastewater Treatment Facilities and High Pressure Forced Mains.
- (4) Fund or Account - The terms "Fund" or "Account" shall not mean a separate bank account, but rather separate accounting funds or accounts.
- (5) High Pressure Forced Mains - Sewer Mains under pressures of 61 PSI or greater.
- (6) Interceptor Sewer - Sewers not under pressure external to a development being served.
- (7) Lateral Line - Sewer Lines connecting a facility to a Low Pressure Forced Main, an Interceptor Sewer, or a Local Sewer, which are considered part of the facility and therefore, owned by the property owner.
- (8) Local Sewer - Sewers not under pressure within a development being served.
- (9) Low Pressure Forced Mains - Sewer Mains under pressures of less than 61 PSI.

(Ord. 2005-39, SIX (11.20.090), Oct. 19, 2005) (Ord. 2004-36, SIX, Aug. 18, 2004)  
(Ord. 1997-8, SIX, 1997) (Ord. 1995-35, SIX, 1995)



## Chapter 11.22

### WASTEWATER PRETREATMENT

#### Sections:

<b>11.22.010</b>	<b>General Provisions.</b>
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<b>11.22.050</b>	<b>Wastewater Discharge Permit Issuance.</b>
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<b>11.22.080</b>	<b>Confidential Information.</b>
<b>11.22.090</b>	<b>Publication of Users in Significant Noncompliance.</b>
<b>11.22.100</b>	<b>Administrative Enforcement Remedies.</b>
<b>11.22.110</b>	<b>Judicial Enforcement Remedies.</b>
<b>11.22.120</b>	<b>Supplemental Enforcement Action.</b>
<b>11.22.130</b>	<b>Affirmative Defenses to Discharge Violations.</b>
<b>11.22.140</b>	<b>Wastewater Treatment Rates.</b>
<b>11.22.150</b>	<b>Prior Ordinances, Separability, Effective Date.</b>

#### **11.22.010 General Provisions.**

- (1) Purpose and Policy. This Chapter (Ordinance) sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of Jasper (Jasper) and enables Jasper to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code Code §1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations (CFR) Part 403). The objectives of this Chapter (Ordinance) are:
  - (a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
  - (b) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
  - (c) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

- (d) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (f) To enable Jasper to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This Chapter (Ordinance) shall apply to all Users of the Publicly Owned Treatment Works. The Chapter (Ordinance) authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ord. 2010-7, S1.1, April 21, 2010) (Ord. 2004-65, S1.1, Jan. 3, 2005) (Ord. 1998-31, S1.1, 1998) (Ord. 1994-11, S1.1, 1994)

- (2) Administration. Except as otherwise provided herein, the Manager shall administer, implement, and enforce the provisions herein. Any powers granted to or duties imposed upon the Manager may be delegated by the Manager to other Wastewater Treatment Facilities personnel. (Ord. 2010-7, S1.2, April 21, 2010) (Ord. 2004-65, S1.2, Jan. 3, 2005) (Ord. 1998-31, S1.2, 1998) (Ord. 1994-11, S1.2, 1994)
- (3) Abbreviations. The following abbreviations, when used herein, shall have the designated meanings:

BOD - Biochemical Oxygen Demand

BMP - Best Management Practice

BMR - Baseline Monitoring Report

CFR - Code of Federal Regulations

CIU - Categorical Industrial User

COD - Chemical Oxygen Demand

EPA - U.S. Environmental Protection Agency

gpd - gallons per day

IU - Industrial User

mg/l - milligrams per liter

NPDES - National Pollutant Discharge Elimination System

NSCIU - Non-Significant Categorical Industrial User

POTW - Publicly Owned Treatment Works

RCRA - Resource Conservation and Recovery Act

SIU - Significant Industrial User

SNC - Significant Noncompliance

TSS - Total Suspended Solids

U.S.C. - United States Code (Ord. 2010-7, S1.3, April 21, 2010) (Ord. 2004-65, S1.3, Jan. 3, 2005) (Ord. 1998-31, S1.3, 1998) (Ord. 1994-11, S1.3, 1994)

(4) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used herein, shall have the meanings hereinafter designated.

(a) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq.

(b) Approval Authority. Regional Administrator of EPA Region 5.

(c) Authorized or Duly Authorized Representative of the User.

1. If the User is a corporation:

A. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

B. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather

complete and accurate information for wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  3. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  4. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Jasper.
- (d) Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).
- (e) Best Management Practices or BMPs. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (f) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (g) Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

- (h) Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- (i) City. The City of Jasper, Indiana.
- (j) Control Authority. The City of Jasper.
- (k) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (l) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (m) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- (n) Existing Source. Any source of discharge that is not a “New Source”.
- (o) Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (p) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source.
- (q) Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (r) Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources does one (1) of the following:

1. Inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods.
  2. Causes a violation of any requirement of POTW's NPDES permit, including an increase in the magnitude or duration of a violation.
  3. Prevents the use of the POTW's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent state or local regulations:
    - A. Section 405 of the Clean Water Act (33 U.S.C. 1345).
    - B. The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including:
      - (i) Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and
      - (ii) the rules contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941).
    - C. The Clean Air Act(42 U.S.C. 7401).
    - D. The Toxic Substances Control Act (15 U.S.C. 2601)
- (s) Local Limit. Specific discharge limits developed and enforced by Jasper upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- (t) Manager. The person designated by the City of Jasper to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter (ordinance), or a duly authorized representative.
- (u) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

- (v) Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- (w) Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- (x) New Source.
  1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
    - A. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    - B. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
    - C. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
  2. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(B) or (C) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
  - (a) Begun, or caused to begin, as part of a continuous on-site construction program
    - (i) any placement, assembly, or installation of facilities or equipment; or
    - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (y) Non-Contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (z) Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of City of Jaspers' NPDES permit, including an increase in the magnitude or duration of a violation.
- (aa) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- (bb) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.



- (cc) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (dd) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- (ee) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a Pretreatment Standard.
- (ff) Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- (gg) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 11.22.020(1) herein.
- (hh) Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by Jasper. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- (ii) Receiving Stream. The water course, stream or body of water receiving the waters finally discharged from the wastewater treatment plant.
- (jj) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (kk) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

(II) Significant Industrial User.

1. An Industrial User subject to categorical Pretreatment Standards; or
2. An Industrial User that:
  - A. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
  - B. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - C. Is designated as such by the City of Jasper on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
3. The City of Jasper may determine that an Industrial User subject to categorical Pretreatment Standards under §403.6 and 40 CFR chapter I, subchapter N, is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - A. The Industrial User, prior to the City of Jasper's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
  - B. The Industrial User annually submits the certification statement required in 40 CFR §403.12(q) together with any additional information necessary to support the certification statement; and
  - C. The Industrial User never discharges any untreated concentrated wastewater.

4. Upon a finding that an Industrial User meeting the criteria in paragraph (v)(1)(ii) of 40 CFR §403.3, has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the City of Jasper may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR §403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.
- (mm) Slug Load or Slug Discharge. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 11.22.021(1) herein. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit Conditions.
- (nn) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (oo) Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (pp) User or Industrial User. A source of indirect discharge.
- (qq) Utility Service Board (USB). As used in Title 11, Chapter 11.22 of the Jasper Municipal Code, the "Utility Service Board" for the City of Jasper, Indiana, ("USB"), shall mean that body, established by Jasper Municipal Code §1.08.010, whose membership is consistent with §1.08.020, and comprises of appointed representatives from various segments of the community, and that has jurisdiction for overseeing the management and operation of the City's Electric, Water, Natural Gas, and Sanitary Sewerage (Wastewater) Utilities.
- (rr) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

- (ss) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. (Ord. 2014-20, S1, S2, Sept. 17, 2014) (Ord. 2011-11, S1, July 20, 2011) (Ord. 2010-7, S1.4, April 21, 2010) (Ord. 2004-65, S1.4, Jan. 3, 2005) (Ord. 1998-31, S1.4, 1998) (Ord. 1997-12, S1.4, 1997) (Ord. 1994-11, S1.4, 1994)

#### **11.22.020 General Sewer Use Requirements.**

##### (1) Prohibited Discharge Standards

- (a) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- (b) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21;
  2. Wastewater having a pH less than 5.0 or more than 12.0, or otherwise causing corrosive structural damage to the POTW or equipment;
  3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference, but in no case solids greater than one inch (1”) in any dimension;
  4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
  5. Wastewater having a temperature greater than 150° F, or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40°C);

6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the Manager in accordance with Section 11.22.030(4) herein;
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating Jasper's NPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, Non-contact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Manager;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Medical Wastes, except as specifically authorized by the Manager in a wastewater discharge permit;
15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
16. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

- 17. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l; or
- 18. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than four percent (4%) or any single reading over eight percent (8%) of the Lower Explosive Limit of the meter.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. 2010-7, S2.1, April 21, 2010) (Ord. 2004-65, S2.1, Jan. 3, 2005) (Ord. 1998-31, S2.1, 1998) (Ord. 1997-12, S2.1, 1997) (Ord. 1994-11, S2.1, 1994)

- (2) National Categorical Pretreatment Standards. The categorical Pretreatment Standards found at 40 CFR Chapter I, Sub-chapter N, Parts 405-471 are incorporated herein and must be complied with.
  - (a) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
  - (b) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e). (Ord. 2010-7, S2.2, April 21, 2010) (Ord. 2004-65, S2.2, Jan. 3, 2005) (Ord. 1998-31, S2.2, 1998) (Ord. 1997-12, S2.2, 1997) (Ord. 1994-11, S2.2, 1994)
- (3) State Pretreatment Standards. Users must comply with Indiana Pretreatment Standards codified at 327 IAC 5-16 through 327 IAC 5-21. (Ord. 2010-7, S2.3, April 21, 2010)
- (4) Local Limits.
  - (a) The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following Daily Maximum Limit:

5.0 - 12.0 pH	.94 mg/l lead	1.80 mg/l zinc
.31 mg/l cadmium	.23 mg/l cyanide	1.00 mg/l copper

2.50 mg/l chromium      1.50 mg/l nickel      .43 mg/l silver  
.20 mg/l mercury

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Manager may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

- (b) The Manager may develop Best Management Practices (BMP's), by ordinance or in wastewater discharge permits, to implement Local Limits, the requirements of Section 11.22.020 (2.1) herein, and 40 CFR §403.3(c)(1) and (2). Such BMP's shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307(d) of the Act. (Ord. 2014-20, S3, Sept. 17, 2014) (Ord. 2013-7, S1, Apr. 17, 2013) (Ord. 2010-7, S2.4, April 21, 2010) (Ord. 2004-65, S2.3, Jan. 3, 2005) (Ord. 1998-31, S2.3, 1998) (Ord. 1997-12, S2.3, 1997) (Ord. 1994-11, S2.3, 1994)
- (5) City's Right of Revision. The City of Jasper reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this ordinance. (Ord. 2017-22, S1, Sept. 21, 2017) (Ord. 2010-7, S2.5, April 21, 2010) (Ord. 2004-65, S2.4, Jan. 3, 2005) (Ord. 1998-31, S2.4, 1998) (Ord. 1997-12, S2.4, 1997) (Ord. 1994-11, S2.4, 1994)
- (6) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Manager may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. 2017-22, S1, Sept. 22, 2017) (Ord. 2010-7, S2.6, April 21, 2010) (Ord. 2004-65, S2.5, Jan. 3, 2005) (Ord. 1998-31, S2.5, 1998) (Ord. 1997-12, S2.5, 1997) (Ord. 1994-11, S2.5, 1994)

### **11.22.030 Pretreatment of Wastewater.**

- (1) Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 11.22.020(1) herein within the time limitations specified by EPA, the State, or the Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided,

operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Manager for review, and shall be acceptable to the Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City of Jasper under the provisions herein. (Ord. 2010-7, S3.1, April 21, 2010) (Ord. 2004-65, S3.1, Jan. 3, 2005) (Ord. 1998-31, S3.1, 1998) (Ord. 1997-12, S3.1, 1997) (Ord. 1994-11, S3.1, 1994)

(2) Additional Pretreatment Measures.

- (a) Whenever deemed necessary, the Manager may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- (b) The Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at their expense.
- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. 2010-7, S3.2, April 21, 2010) (Ord. 2004-65, S3.2, Jan. 3, 2005) (Ord. 1998-31, S3.2, 1998) (Ord. 1997-12, S3.2, 1997) (Ord. 1994-11, S3.2, 1994)

(3) Accidental Discharge/Slug Control Plans. The Manager shall evaluate whether each Significant Industrial User needs an accidental discharge/slug control plan. The Manager may require any user to



develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Manager may develop such a plan for any User. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including non-routine batch discharges;
  - (b) Description of stored chemicals;
  - (c) Procedures for immediately notifying the Manager of any accidental or slug discharge, as required by Section 11.22.060(6) herein; and
  - (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (Ord. 2010-7, S3.3, April 21, 2010) (Ord. 2004-65, S3.3, Jan. 3, 2005) (Ord. 1998-31, S3.3, 1998) (Ord. 1997-12, S3.3, 1997) (Ord. 1994-11, S3.3., 1994)
- (4) Hauled Wastewater.
- (a) Septic tank waste may be introduced into the POTW only at locations designated by the Manager, and at such times as may be established by the Manager. Such waste shall not violate Section 11.22.020 herein or any other requirements established by the City of Jasper. The Manager may require septic tank waste haulers to obtain wastewater discharge permits.
  - (b) The Manager may require haulers of industrial waste to obtain wastewater discharge permits. The Manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The Manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
  - (c) Industrial waste haulers may discharge loads only at locations designated by the Manager. No load may be discharged without prior consent of the Manager. The Manager may collect samples of each hauled load to ensure compliance with applicable

Standards. The Manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. (Ord. 2010-7, S3.4, April 21, 2010) (Ord. 2004-65, S3.4, Jan. 3, 2005) (Ord. 1998-31, S3.4, 1998) (Ord. 1997-12, S3.4, 1997) (Ord. 1994-11, S3.4, 1994)

#### **11.22.040 Wastewater Discharge Permit Application.**

- (1) Wastewater Analysis. When requested by the Manager, a User must submit information on the nature and characteristics of its wastewater within 14 days of the request. The Manager is authorized to prepare a form for this purpose and may periodically require Users to update this information. (Ord. 2010-7, S4.1, April 21, 2010) (Ord. 2004-65, S4.1, Jan. 3, 2005) (Ord. 1998-31, S4.1, 1998) (Ord. 1997-12, S4.1, 1997) (Ord. 1994-11, S4.1, 1994)
- (2) Wastewater Discharge Permit Requirement.
  - (a) No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Manager, except that a Significant Industrial User that has filed a timely application pursuant to Section 11.22.040(4.3) herein may continue to discharge for the time period specified therein.
  - (b) The Manager may require other users to obtain wastewater discharge permits as necessary to carry out the purposes herein.
  - (c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Chapter (ordinance) and subjects the wastewater discharge permittee to the sanctions set out in Section 11.22.100 through 11.22.120 herein. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law. (Ord. 2010-7, S4.2, April 21, 2010) (Ord. 2004-65, S4.2, Jan. 3, 2005) (Ord. 1998-31, S4.2, 1998) (Ord. 1997-12, S4.2, 1997) (Ord. 1994-11, S4.2, 1994)

- (3) Wastewater Discharge Permitting: Existing Connections. Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to the Manager for a wastewater discharge permit in accordance with Section 11.22.040(4.5) herein, and shall not cause or allow discharges to the POTW to continue after 120 days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Manager. (Ord. 2010-7, S4.3, April 21, 2010) (Ord. 2004-65, S4.3, Jan. 3, 2005) (Ord. 1998-31, S4.3, 1998) (Ord. 1997-12, S4.3, 1997) (Ord. 1994-11, S4.3, 1994)
- (4) Wastewater Discharge Permitting: New Connections. Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 11.22.040(4.5) herein, must be filed at least 60 days prior to the date upon which any discharge will begin or recommence. (Ord. 2010-7, S4.4, April 21, 2010) (Ord. 2004-65, S4.4, Jan. 3, 2005) (Ord. 1998-31, S4.4, 1998) (Ord. 1997-12, S4.4, 1997) (Ord. 1994-11, S4.4, 1994)
- (5) Wastewater Discharge Permit Application Contents.
- (a) All Users required to obtain a wastewater discharge permit must submit a permit application. The Manager may require Users to submit all or some of the following information as part of an application:
1. Identifying Information.
    - a. The name and address of the facility, including the name of the operator and owner.
    - b. Contact information, description of activities, facilities, and plant production processes on the premises.
  2. Environmental Permits. A list of any environmental control permits held by or for the facility.
  3. Description of Operations.
    - a. Brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production),

and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicated points of discharge to the POTW from the regulated processes.

- b. Types of waste generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
  - c. Number and type of employees, hours of operation, and proposed or actual hours of operation.
  - d. Type and amount of raw materials processed (average and maximum per day).
  - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
4. Time and duration of discharges.
5. The location for monitoring all wastes covered by the permit.
6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 11.22.020 (2.2) B (40 CFR 403.6(e)).
7. Measurement of Pollutants.
- a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
  - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Manager, of

regulated pollutants in the discharge from each regulated process.

- c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
- d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 11.22.060(6.10) herein. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Manger or the applicable Standards to determine compliance with the Standard.
- e. Sampling must be performed in accordance with procedures set out in Section 11.22.060(6.11) herein.

8. Any other information as may be deemed necessary by the Manager to evaluate the wastewater discharge permit application.

- (b) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. (Ord. 2010-7, S4.5, April 21, 2010) (Ord. 2004-65, S4.5, Jan. 3, 2005) (ord. 1998-31, S4.5, 1998) (Ord. 1997-12, S4.5, 1997) (Ord. 1994-11, S4.5, 1994)

(6) Application Signatories and Certification.

- (a) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Manager prior to or together with any reports to be signed by an Authorized Representative. (Ord. 2010-7, S4.6, April 21, 2010) (Ord. 2004-65, S4.6, Jan. 3, 2005) (Ord. 1998-31, S4.6, 1998) (Ord. 1997-12, S4.6, 1997) (Ord. 1994-11, S4.6, 1994)
  
- (7) Wastewater Discharge Permit Decisions. The Manager will evaluate the data furnished by the User and may require additional information. Within 15 days of receipt of a complete wastewater discharge permit application, the Manager will determine whether or not to issue a wastewater discharge permit. The Manager may deny any application for a wastewater discharge permit. (Ord. 2010-7, S4.7, April 21, 2010) (Ord. 2004-65, S4.7, Jan. 3, 2005) (Ord. 1998-31, S4.7, 1998) (Ord. 1997-12, S4.7, 1997) (Ord. 1994-11, S4.7, 1994)

**11.22.050 Wastewater Discharge Permit Issuance.**

- (1) Wastewater Discharge Permit Duration. A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire. A fee of no more than \$250.00 will be assessed for each Discharge Permit and renewal issued by the City. (Ord. 2010-7, S5.1, April 21, 2010) (Ord. 2004-65, S5.1, Jan. 3, 2005) (Ord. 1998-31, S5.1, 1998) (Ord. 1997-12, S5.1, 1997) (Ord. 1994-11, S5.1, 1994)
  
- (2) Wastewater Discharge Permit Contents. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
  - (a) Wastewater discharge permits must contain:
    - 1. A statement that indicates wastewater discharge permit issuance date, duration which in no event shall exceed 5 years, and effective date.

2. A statement that the wastewater discharge permit is nontransferable without prior notification to the City of Jasper in accordance with Section 11.22.050(5.5) herein, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  3. Effluent limits including Best Management Practices based on applicable pretreatment standards;
  4. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or Best Management Practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
  5. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
  6. Requirements to control Slug Discharge, if determined by the Manager to be necessary.
- (b) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
  4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit; and
8. Other conditions as deemed appropriate by the Manager to ensure compliance herein, State and Federal laws, rules, and regulations. (Ord. 2010-7, S5.2, April 21, 2010) (Ord. 2004-65, S5.2, Jan. 3, 2005) (Ord. 1998-31, S5.2, 1998) (Ord. 1997-12, S5.2, 1997) (Ord. 1994-11, S5.2, 1994)

(3) Permit Issuance Process.

- (a) Permit Appeals. The Manager shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Manager to reconsider the terms of a wastewater discharge permit within 30 days of notice of its issuance.
  1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
  2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
  3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
  4. If the Manager fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify



a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

5. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Dubois Circuit or Superior Court within thirty (30) days after the date of the permit decision. (Ord. 2010-7, S5.3, April 21, 2010) (Ord. 2004-65, S5.3, Jan. 3, 2005) (Ord. 1998-31, S5.3, 1998) (Ord. 1997-12, S5.3, 1997) (Ord. 1994-11, S5.3, 1994)

(4) Permit Modification.

- (a) The Manager may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
  1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
  2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
  3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  4. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
  5. Violation of any terms or conditions of the wastewater discharge permit;
  6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
  8. To correct typographical or other errors in the wastewater discharge permit; or
  9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance

with Section 11.22.050(5.5). (Ord. 2010-7, S5.4, April 21, 2010) (Ord. 2004-65, S5.4, Jan. 3, 2005) (Ord. 1998-31, S5.4, 1998) (Ord. 1997-12, S5.4, 1997) (Ord. 1994-11, S5.4, 1994)

- (5) Wastewater Discharge Permit Transfer. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Manager and the Manager approves the wastewater discharge permit transfer. The notice to the Manager must include a written certification by the new owner or operator which:
- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  - (b) Identifies the specific date on which the transfer is to occur, and
  - (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. (Ord. 2010-7, S5.5, April 21, 2010) (Ord. 2004-65, S5.5, Jan. 3, 2005) (Ord. 1998-31, S5.5, 1998) (Ord. 1997-12, S5.5, 1997) (Ord. 1994-11, S5.5, 1994)

- (6) Wastewater Discharge Permit Revocation. The Manager may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (a) Failure to notify the Manager of significant changes to the wastewater prior to the changed discharge;
  - (b) Failure to provide prior notification to the Manager of changed conditions pursuant to Section 11.22.060(6.5) herein;
  - (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
  - (d) Falsifying self-monitoring reports and certification statements;
  - (e) Tampering with monitoring equipment;
  - (f) Refusing to allow the Manager timely access to the facility premises and records;
  - (g) Failure to meet effluent limitations;

- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that User. (Ord. 2010-7, S5.6, April 21, 2010) (Ord. 2004-65, S5.6, Jan. 3, 2005) (Ord. 1998-31, S5.6, 1998) (Ord. 1997-12, S5.6, 1997) (Ord. 1994-11, S5.6, 1994)

- (7) Wastewater Discharge Permit Reissuance. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 11.22.040(4.5) herein, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. (Ord. 2010-7, S5.7, April 21, 2010) (Ord. 2004-65, S5.7, Jan. 3, 2005) (Ord. 1998-31, S5.7, 1998) (Ord. 1997-12, S5.7, 1997) (Ord. 1994-11, S5.7, 1994)
- (8) Regulation of Waste Received from Other Jurisdictions.
  - (a) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Manager shall enter into an intermunicipal agreement with the contributing municipality.
  - (b) Prior to entering into an agreement required by paragraph (a), above, the Manager shall request the following information from the contributing municipality.
    - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  3. Such other information as the Manager may deem necessary.
- (c) An intermunicipal agreement, as required by paragraph (a), above, shall contain the following conditions:
1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 11.22.020(2.4) herein. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits;
  2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
  3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Manager; and which of these activities will be conducted jointly by the contributing municipality and the Manager;
  4. A requirement for the contributing municipality to provide the Manager with access to all information that the contributing municipality obtains as part of its pretreatment activities;
  5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
  6. Requirements for monitoring the contributing municipality's discharge;
  7. A provision ensuring the Manager access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Manager; and

8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.
9. Alternative limits may be granted to Industrial Users by issuance of an Industrial User Wastewater Discharge Permit provided the City has determined that no adverse effect on the City's facilities will occur from the alternative limits and the Industrial User can justify to the City's satisfaction the above listed limits cannot be reasonably or cost effectively achieved. In addition, the total allocation of the pollutants shall not exceed the calculated "Maximum Allowable Industrial Load." (Ord. 2013-7, S2, Apr. 17, 2013) (Ord. 2010-7, S5.8, April 21, 2010) (Ord. 2004-65, S5.8, Jan. 3, 2005) (Ord. 1998-31, S5.8, 1998) (Ord. 1997-12, S5.8, 1997) (Ord. 1994-11, S5.8, 1994)

#### **11.22.060 Reporting Requirements.**

- (1) Baseline Monitoring Reports:
  - (a) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Manager a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Manager a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
  - (b) Users described above shall submit the information set forth below.
    1. All information required in Section 11.22.040(4.5)A(1)a, (2), (3)a, and (6).
    2. Measurement of Pollutants.

- A. The User shall provide the information required in Section 11.22.040(4.5)A(7)a. through d. herein.
  - B. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
  - C. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority.
  - D. Sampling and analysis shall be performed in accordance with procedures set out in Section 11.22.060(6.10) of this Chapter.
  - E. The Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
  - F. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
3. Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 11.22.010(1.4) herein, and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

4. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 11.22.060(6.2) herein.
  5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 11.22.040(6.14)A herein and signed by an Authorized Representative as defined in Section 11.22.010(1.4)C herein. (Ord. 2010-7, S6.1, April 21, 2010) (Ord. 2004-65, S6.1, Jan. 3, 2005) (Ord. 1998-31, S6.1, 1998) (Ord. 1997-12, S6.1, 1997) (Ord. 1994-11, S6.1, 1994)
- (2) Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by Section 11.22.060(6.1)(b)4 herein:
- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
  - (b) No increment referred to above shall exceed nine (9) months;
  - (c) The User shall submit a progress report to the Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
  - (d) In no event shall more than nine (9) months elapse between such progress reports to the Manager. (Ord. 2010-7, S6.2, April 21, 2010) (Ord. 2004-65, S6.2, Jan. 3, 2005) (Ord. 1998-31, S6.2, 1998) (Ord. 1997-12, S6.2, 1997) (Ord. 1994-11, S6.2, 1994)

- (3) Reports on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Manager a report containing the information described in Section 11.22.040(4.5)(a)6 and 7 and 11.22.060 (6.1)(b)2 herein. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in (Section) 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 11.22.060(6.14)(a) herein. All sampling will be done in conformance with Section 11.22.060 (6.11) herein. (Ord. 2010-7, S6.3, April 21, 2010) (Ord. 2004-65, S6.3, Jan. 3, 2005) (Ord. 1998-31, S6.3, 1998) (Ord. 1997-12, S6.3, 1997) (Ord. 1994-11, S6.3, 1994)
- (4) Periodic Compliance Reports
  - (a) All Users must at a frequency determined by the Manager submit no less than twice per year (June and December [or dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and a maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution presentation alternative, the User must submit documentation required by the Manager or the Pretreatment Standard necessary to determine the compliance status of the User.
  - (b) All periodic compliance reports must be signed and certified in accordance with Section 11.22.060(6.14)(a) herein.
  - (c) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.



- (d) If a User subject to the reporting requirement in this section monitors any pollutant at the appropriate sampling location more frequently than required by the Manager, using the procedures prescribed in Section 11.02.060(6.11) herein, the results of this monitoring shall be included in the report. (Ord. 2010-7, S6.4, April 21, 2010) (Ord. 2004-65, S6.4, Jan. 3, 2005) (Ord. 1998-31, S6.4, 1998) (Ord. 1997-12, S6.4, 1997) (Ord. 1994-11, S6.4, 1994)
- (5) Reports of Changed Conditions. Each user must notify the Manager of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.
  - (a) The Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 11.22.040(4.5) herein.
  - (b) The Manager may issue a wastewater discharge permit under Section 11.22.050(5.7) herein or modify an existing wastewater discharge permit under Section 11.22.050(5.4) herein in response to changed conditions or anticipated changed conditions.
  - (c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants. (Ord. 2010-7, S6.5, April 21, 2010) (Ord. 2004-65, S6.5, Jan. 3, 2005) (Ord. 1998-31, S6.5, 1998) (Ord. 1997-12, S6.5, 1997) (Ord. 1994-11, S6.5, 1994)
- (6) Reports of Potential Problems.
  - (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or a Slug Load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
  - (b) Within five (5) days following such discharge, the User shall, unless waived by the Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss,

damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

- (c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
  - (d) Significant Industrial Users are required to notify the Manager immediately of any changes at its facility affecting the potential for a Slug Discharge. (Ord. 2010-7, S6.6, April 21, 2010) (Ord. 2004-65, S6.6, Jan. 3, 2005) (Ord. 1998-31, S6.6, 1998) (Ord. 1997-12, S6.6, 1997) (Ord. 1994-11, S6.6, 1994)
- (7) Reports from Unpermitted Users. All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Manager as the Manager may require. (Ord. 2010-7, S6.7, April 21, 2010) (Ord. 2004-65, S6.7, Jan. 3, 2005) (Ord. 1998-31, S6.7, 1998) (Ord. 1997-12, S6.7, 1997) (Ord. 1994-11, S6.7, 1994)
- (8) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a User indicates a violation, the User must notify the Manager within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Manager within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User receives the results of this sampling or if the City has performed the sampling and analysis in lieu of the Industrial User. (Ord. 2010-7, S6.8, April 21, 2010) (Ord. 2004-65, S6.8, Jan. 3, 2005) (Ord. 1998-31, S6.8, 1998) (Ord. 1997-12, S6.8, 1997) (Ord. 1994-11, S6.8, 1994)
- (9) Notification of the Discharge of Hazardous Waste.
- (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as

set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 11.22.060(6.5) herein. The notification requirement in this section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 11.22.060(6.1), 11.22.060(6.3) and 11.22.060(6.4) herein.

- (b) Discharges are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Manager, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

- (e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law. (Ord. 2010-7, S6.9, April 21, 2010) (Ord. 2004-65, S6.9, Jan. 3, 2005) (Ord. 1998-31, S6.9, 1998) (Ord. 1997-12, S6.9, 1997) (Ord. 1994-11, S6.9, 1994)
  
- (10) Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendment thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate to the pollutant in question, sampling and analyses must be performed by using validated analytical methods or any other applicable sampling and analytical procedures including procedures suggested by the Manager or other parties approved by EPA. (Ord. 2010-7, S6.10, April 21, 2010) (Ord. 2004-65, S6.10, Jan. 3, 2005) (Ord. 1998-31, S6.10, 1998) (Ord. 1997-12, S6.10, 1997) (Ord. 1994-11, S6.10, 1994)
  
- (11) Sample Collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
  - (a) Except as indicated in Section (b) and (c), below, the User must collect wastewater samples using 24 hour flow proportional composite collection techniques unless time-proportional composite sampling or grab sampling is authorized by the Manager. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the composting procedures as documented in approved EOA methodologies may be authorized by the City as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

- (b) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
  - (c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 11.22.060(6.1) and (6.3) [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Manager may authorize a lower minimum. For the reports required by paragraphs Section 11.22.060(6.4) [40CFR 403.12(e) and 403.12(h)], the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements. (Ord. 2010-7, S6.11, April 21, 2010) (Ord. 1998-31, S6.11, 1998) (Ord. 1997-12, S6.11, 1997) (Ord. 1994-11, S6.11, 1994)
- (12) Date of Receipt of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (Ord. 2010-7, S6.12, April 21, 2010) (Ord. 2004-65, S6.12, Jan. 3, 2005) (Ord. 1998-31, S6.12, 1998) (Ord. 1997-12, S6.12, 1997) (Ord. 1994-12, S6.12, 1994)
- (13) Record Keeping. Users subject to the reporting requirements of this Chapter (ordinance) shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required herein and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements and documentation associated with Best Management Practices established under Section 2.4(b). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City of Jasper, or where the User has been specifically notified of a longer retention period by the Manager. (Ord. 2010-7, S6.13, April 21, 2010) (Ord. 2004-65, S6.13, Jan. 3, 2005) (Ord. 1998-31, S6.13, 1998) (Ord. 1997-12, S6.13, 1997) (Ord. 1994-11, S6.13, 1994)
- (14) Certification Statements.

- (a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver. The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 11.22.040(4.6); Users submitting baseline monitoring reports under Section 11.22.060(6.1)(b)5; Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 11.22.060(6.3); and Users submitting periodic compliance reports required by Section 11.22.060(6.4)(a) and (b). The following certification statement must be signed by an Authorized Representative as defined in Section 11.22.010(1.4)(c):

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

#### **11.22.070 Compliance Monitoring.**

- (1) Right of Entry: Inspection and Sampling. The Manager shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
  - (a) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Manager will be permitted to enter without delay for the purposes of performing specific responsibilities.
  - (b) The Manager shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

- (c) The Manager may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
  - (d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Manager and shall not be replaced. The costs of clearing such access shall be born by the User.
  - (e) Unreasonable delays in allowing the Manager access to the User's premises shall be a violation of this ordinance. (Ord. 2010-7, S7.1, April 21, 2010) (Ord. 2004-65, S7.1, Jan. 3, 2005) (Ord. 1998-31, S7.1, 1998) (Ord. 1997-12, S7.1, 1997) (Ord. 1994-11, S7.1, 1994)
- (2) Search Warrants. If the Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Chapter (ordinance), or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City of Jasper designed to verify compliance with this Chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Manager may seek issuance of a search warrant from the Dubois County Circuit or Superior Court. (Ord. 2010-7, S7.2, April 21, 2010) (Ord. 2004-65, S7.2, Jan. 3, 2005) (Ord. 1998-31, S7.2, 1998) (Ord. 1997-12, S7.2, 1997) (Ord. 1994-11, S7.2, 1994)

**11.22.080 Confidential Information.** Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Manager's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. 2010-7, S9, April 21, 2010) (Ord. 2004-

65, S8, Jan. 3, 2005) (Ord. 1998-31, S8, 1998) (Ord. 1997-12, S8, 1997) (Ord. 1994-11, S8, 1994)

#### **11.22.090 Publication of Users in Significant Noncompliance.**

- (1) The Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (c), (d), or (h) of this Section) and shall mean:
  - (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 11.22.020(2) herein;
  - (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 11.22.020(2) herein multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
  - (c) Any other violation of a Pretreatment Standard or Requirement as defined by Section 11.22.020(2) herein (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
  - (d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Manager's exercise of its emergency authority to halt or prevent such a discharge;
  - (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater



discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

- (f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s) which may include a violation of Best Management Practices, which the Manager determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 2010-7, S10, April 21, 2010) (Ord. 2004-65, S9, Jan. 3, 2005) (Ord. 1998-31, S9, 1998) (Ord. 1997-12, S9, 1997) (Ord. 1994-11, S9, 1994)

#### **11.22.100 Administrative Enforcement Remedies.**

- (1) **Informal Notice.** When the Manger finds that a User has a minor violation of any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may notify the User by either a documented phone call, written warning, or a meeting of the minor incidences that have occurred and that need to be corrected. Repeat performance of the same incidence or escalation of the incidence will result in escalated enforcement action. (Ord. 2010-7, S10.1, April 21, 2010)
- (2) **Notification of Violation.** When the Manager finds that a user has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may serve upon that user a written Notice of Violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Manager. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Manager and/or the Utility Service Board to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. Issuance of a Notice of Violation shall not be a bar against, or a prerequisite for, taking any other action against the User. (Ord. 2010-7, S10.2, April 21, 2010) (Ord. 2004-65, S10.1, Jan. 3, 2005) (Ord. 1998-31, S10.1, 1998) (Ord. 1997-12, S10.1, 1997) (Ord. 1994-11, S10.1, 1994)

- (3) **Administrative Order.** An Administrative Order may be issued by the Manager to a User notifying the User to undertake or to cease specified activities by a specified deadline. An Administrative Order is the first formal response to significant noncompliance, unless if factors necessitate escalated enforcement actions. An Administrative Order may contain compliance schedules, administrative fines, termination of service and show cause orders. In addition, it will specify the name of the parties involved, statement of facts, the requirement to ensure compliance and the enforcement associated with any future non-compliance. Issuance of an Administrative Order shall not be a bar against, or a prerequisite for, taking any other action against the User. (Ord. 2010-7, S10.3, April 21, 2010)
- (4) **Consent Orders.** The Manager may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 11.22.100(10.3), (10.6) and 11.22.100(10.7) herein and shall be judicially enforceable. Issuance of a Consent Order shall not be a bar against, or a prerequisite for, taking any other action against the User. (Ord. 2010-7, S10.4, April 21, 2010) (Ord. 2004-65, S10.2, Jan. 3, 2005) (Ord. 1998-31, S10.2, 1998) (Ord. 1997-12, S10.2, 1997) (Ord. 1994-11, S10.2, 1994)
- (5) **Show Cause Hearing.** The Manager may order a User which has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Utility Service Board and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 11.22.010(1.4)(c) herein and required by Section 11.22.040 (47.7(a) herein. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User. (Ord. 2010-7, S10.5, April 21, 2010) (Ord. 2004-65, S10.3, Jan. 3, 2005) (Ord. 1998-31, S10.3, 1998) (Ord. 1997-12, S10.3, 1997) (Ord. 1994-11, S10.3, 1994)

(6) Compliance Orders. When the Manager finds that a User has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be ordered discontinued by the Utility Service Board unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User. (Ord. 2010-7, S10.6, April 21, 2010) (Ord. 2004-65, S10.4, Jan. 3, 2005) (Ord. 1998-31, S10.4, 1998) (Ord. 1997-12, S10.4, 1997) (Ord. 1994-11, S10.4, 1994)

(7) Cease and Desist Orders. When the Manager finds that a User has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User. (Ord. 2010-7, S10.7, April 21, 2010) (Ord. 2004-65, S10.5, Jan. 3, 2005) (Ord. 1998-31, S10.5, 1998) (Ord. 1997-12, S10.5, 1997) (Ord. 1994-11, S10.5, 1994)

(8) Administrative Fines

- (a) When the Manager finds that a User has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may fine such User in an amount not to exceed \$2,500.00. Such fines may be assessed on a

per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

- (b) Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of eighteen percent (18%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent (1.5%) per month. A lien against the User's property will be sought for unpaid charges, fines, and penalties.
  - (c) Users desiring to dispute such fines must file a written request for the Utility Service Board to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Where a request has merit, the Utility Service Board may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Utility Service Board may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
  - (d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User. (Ord. 2010-7, S10.8, April 21, 2010) (Ord. 2004-65, S10.6, Jan. 3, 2005) (Ord. 1998-31, S10.6, 1998) (Ord. 1997-12, S10.6, 1997) (Ord. 1994-11, S10.6, 1994)
- (9) Cost Recovery. In addition to administrative fines imposed by the Manager, the User shall be responsible for paying the following (but not limited to) costs incurred by the City of Jasper for the User's failure to comply:
- (a) Cost of mileage and labor incurred in detecting and correcting the violation;
  - (b) Laboratory analysis costs associated with detecting and correcting the violation;
  - (c) Additional treatment costs caused by the violation or associated with detecting and correcting the violation;
  - (d) Costs of any additional equipment acquired or expended by the City of Jasper for detecting or correcting the violation;
  - (e) Repair and/or replacement of any part of the sewerage system damaged by the violation;

- (f) Any liability, damages, fines or penalties incurred by the City of Jasper as a result of the violation;
- (g) Any and all expenses of outside professionals incurred by the City of Jasper as a result of a violation; and
- (h) Other costs associated with the detection and correction of violations.

Cost Recovery shall not be a bar against, or a prerequisite for, taking any other action against the User. (Ord. 2010-7, S10.9, April 21, 2010) (Ord. 2004-65, S10.6, Jan. 3, 2005) (Ord. 1998-31, S10.6, 1998) (Ord. 1997-12, S10.6, 1997) (Ord. 1994-11, S10.6, 1994)

- (10) Emergency Suspensions. The Manager may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Manager may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
  - (a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Wastewater Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Manager that the period of endangerment has passed, unless the termination proceedings in Section 11.22.100(10.11) herein are initiated against the User.
  - (b) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Manager prior to the date of any show cause or termination hearing under Sections 11.22.100(10.5) or 11.22.100(10.11) herein.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. Emergency Suspensions shall not be a bar against, or a prerequisite for, taking any other action

against the User. (Ord. 2010-7, S10.10, April 21, 2010) (Ord. 2004-65, S10.7, Jan. 3, 2005) (Ord. 1998-31, S10.7, 1998) (Ord. 1997-12, S10.7, 1997) (Ord. 1994-11, S10.7, 1994)

- (11) Termination of Discharge. In addition to the provisions in Section 11.22.050(5.6) herein, any user who violates the following conditions is subject to discharge termination:
- (a) Violation of wastewater discharge permit conditions;
  - (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
  - (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
  - (d) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
  - (e) Violation of the pretreatment standards in Section 11.22.020(2) herein.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 11.22.100(10.5) herein why the proposed action should not be taken. Exercise of this option shall not be a bar to, or a prerequisite for, taking any other action against the User. (Ord. 2010-7, S10.11, April 21, 2010) (Ord. 2004-65, S10.8, Jan. 3, 2005) (Ord. 1998-31, S10.8, 1998) (Ord. 1997-12, S10.8, 1997) (Ord. 1994-11, S10.8, 1994)

#### **11.22.110 Judicial Enforcement Remedies.**

- (1) Injunctive Relief. When the Manager finds that a user has violated, or continues to violate, any provision of this Chapter (ordinance), a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Utility Service Board may petition the Dubois Circuit or Superior Court through the City of Jasper's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Chapter on activities of the User. The Utility Service Board may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User. (Ord. 2010-7,

S11.1, April 21, 2010) (Ord. 2004-65, S11.1, Jan. 3, 2005) (Ord. 1998-31, S11.1, 1998) (Ord. 1997-12, S11.1, 1997) (Ord. 1994-11, S11.1, 1994)

(2) Civil Penalties.

- (a) A User who has violated, or continues to violate, any provision of this Chapter (ordinance), a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to Jasper for a maximum civil penalty of \$2,500.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (b) The Utility Service Board may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by Jasper, which includes, but is not limited to the cost of disposal of sludge if contamination prohibits its normal means of disposal.
- (c) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- (d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User. (Ord. 2010-7, S11.2, April 21, 2010) (Ord. 2004-65, S11.2, Jan. 3, 2005) (Ord. 1998-31, S11.2, 1998) (Ord. 1997-12, S11.2, 1997) (Ord. 1994-11, S11.2, 1994)

(3) Ordinance Violation.

- (a) A User who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon a finding or admission of guilt, be guilty of an ordinance violation, punishable by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) per violation, per day.
- (b) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall,

upon a finding or admission of guilt, be guilty of an ordinance violation, punishable by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) per violation, per day. This fine shall be in addition to any other cause of action for personal injury or property damage available under State law.

- (c) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsified, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon a finding or admission of guilt, be guilty of an ordinance violation, punishable by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) per violation, per day.
  - (d) In the event of a second or subsequent finding or admission of guilt, a User shall be punished by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) per violation, per day.
  - (e) The issuance of an Ordinance Violation shall not be a bar against, or a prerequisite for, taking any other action against the User. (Ord. 2010-7, S11.3, April 21, 2010)
- (4) Referral to EPA or the State (IDEM). The Manager and/or Utility Service Board may refer the violation to the State or EPA for criminal prosecution. Circumstances that trigger EPA or State referrals include, but are not limited to, evidence of willfulness, evidence of negligence, and/or bad faith shown by the User. Referral to EPA or the State shall not be a bar against, or a prerequisite for, taking any other action against the User. (Ord. 2010-7, S11.4, April 21, 2010)
- (5) Remedies Nonexclusive. The remedies provided for in this Chapter (ordinance) are not exclusive. The Manager may take any, all, or any combination of these actions against a non-compliant User. Enforcement of pretreatment violations will generally be in accordance with Jasper's enforcement response plan. However, the Manager may take other action against any User when the circumstances warrant. Further, the Manager is empowered to take more than one enforcement action against any non-complaint User. (Ord. 2010-7, S11.5, April 21, 2010) (Ord. 2004-65, S11.4, Jan. 3, 2005) (Ord. 1998-31, S11.4, 1998) (Ord. 1997-12, S11.4, 1997) (Ord. 1994-11, S11.4, 1994)

#### **11.22.120 Supplemental Enforcement Action.**



- (1) Performance Bonds. The Manager may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this Chapter, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to Jasper, in a sum not to exceed a value determined by the Manager to achieve consistent compliance. (Ord. 2010-7, S12.1, April 21, 2010) (Ord. 2004-65, S12.1, Jan. 3, 2005) (Ord. 1998-31, S12.1, 1998) (Ord. 1997-12, S12.1, 1997) (Ord. 1994-11, S12.1, 1994)
- (2) Payment of Outstanding Fees and Penalties. The Manger may decline to issue or reissue a wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder. (Ord. 2010-7, S12.2, April 21, 2010)
- (3) Water Supply Severance. Whenever a User has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard of Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply. (Ord. 2010-7, S12.3, April 21, 2010)
- (4) Public Nuisances. A violation of any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard of Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Manger. Any person(s) creating a public nuisance shall be subject to the provisions of Chapter 7.24 of the Jasper Code of Municipal Ordinances governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, ore remedying said nuisance. (Ord. 2010-7, S12.4, April 21, 2010)

#### **11.22.130 Affirmative Defenses to Discharge Violations.**

- (1) Upset
  - (a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- (b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c) below, are met.
- (c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through property signed, contemporaneous operating logs, or other relevant evidence that:
  - 1. An upset occurred and the User can identify the cause(s) of the upset;
  - 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - 3. The User has submitted the following information to the Manager within twenty-four (24) hours of becoming aware of the upset. [If this information is provided orally, a written submission must be provided within five (5) days]:
    - A. A description of the indirect discharge and cause of noncompliance;
    - B. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - C. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (d) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- (e) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- (f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails. (Ord. 2010-7, S13.1, April 21, 2010)

(Ord. 2004-65, S13.1, Jan. 3, 2005) (Ord. 1998-31, S13.1, 1998)  
(Ord. 1997-12, S13.1, 1997) (Ord. 1994-11, S13.1, 1994)

(2) Prohibited Discharge Standards. A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 11.22.020(2.1)(a) herein or the specific prohibitions in Section 11.22.020(b)1 through 18 herein, if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

(a) A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

(b) No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when Jasper was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements. (Ord. 2010-7, S13.2, April 21, 2010) (Ord. 2004-65, S13.2, Jan. 3, 2005) (Ord. 1998-31, S13.2, 1998) (Ord. 1997-12, S13.2, 1997) (Ord. 1994-11, S13.2, 1994)

(3) Bypass

(a) For the purposes of this Section,

1. "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.

2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs(c) and (d) of this Section.

(c) Bypass Notifications:

1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Manager, at least ten (10) days before the date of the bypass, if possible.
2. A User shall submit oral notice to the Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass.

A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Bypass:

1. Bypass is prohibited, and the Manager may take an enforcement action against a user for a bypass, unless
  - A. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - B. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; AND
  - C. The User submitted notices as required under paragraph (c) of this section.
2. The Manger may approve an anticipated bypass, after considering its adverse effects, if the Manager determines that it will meet the three conditions listed in paragraph

(d)1 of this section. (Ord. 2010-7, S13.3, April 21, 2010) (Ord. 2004-65, S13.3, Jan. 3, 2005) (Ord. 1998-31, S13.3, 1998) (Ord. 1997-12, S13.3, 1997) (Ord. 1994-11, S13.3, 1994)

#### **11.22.140 Wastewater Treatment Rates.**

- (1) Pretreatment Charges and Fees. The City of Jasper may adopt reasonable fees for reimbursement of costs of setting up and operating Jasper's Pretreatment Program which may include:
  - (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
  - (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users and certification statements submitted by Users;
  - (c) Fees for reviewing and responding to accidental discharge procedures and construction;
  - (d) Fees for filing appeals;
  - (e) Fees to recover administrative and legal costs (not included in Section 11.22.140(14.1)(b) associated with the enforcement activity taken by the Manager to address IU noncompliance; and
  - (f) Other fees as Jasper may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Chapter (ordinance) and are separate from all other fees, fines, and penalties chargeable by the City of Jasper. (Ord. 2010-7, S14.1, April 21, 2010) (Ord. 2004-65, S14.1, Jan. 3, 2005) (Ord. 1998-31, S14.1, 1998) (Ord. 1997-12, S14.1, 1997) (Ord. 1994-11, S14.1, 1994)

#### **11.22.150 Prior Ordinances, Separability, Effective Date.**

- (1) Prior Ordinance. Ordinance Number 2004-65 and any other Ordinances and/or parts of Ordinances in conflict herewith are hereby repealed. (Ord. 2010-7, S16, April 21, 2010) (Ord. 2004-65, S15.1, Jan. 3, 2005) (Ord. 1998-31, S15, 1998) (Ord. 1997-12, S15, 1997) (Ord. 1994-11, S15, 1994)
- (2) Separability. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall

be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereunder. (Ord. 2010-7, S17, April 21, 2010)

- (3) Effective Date. This Ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and completion of any other legal requirements, all in the manner as provided by law. (Ord. 2010-7, S18, April 21, 2010).

## Chapter 11.24

### READING UTILITY METERS

#### Sections:

#### 11.24.010 Procedure of reading utility meters.

#### 11.24.010 Procedure of reading utility meters.

- (1) Utility meters will be read at regular intervals for preparation of the monthly utility bills. Charges for utility service by the Municipal Utilities shall be billed and collected monthly.
- (2) If for any reason the Utility's meter reader cannot gain access to the meter, the following alternatives may be available to the utility customer.
  - (a) Customers having utility meters located inside dwellings or other structures that desire a regular monthly reading in lieu of an average will be required to sign a waiver granting permission for meter readers to enter the premises in the customer's absence holding the City of Jasper and its employee's harmless in the event of damage or loss to the customer's property. It shall be the customer's responsibility to provide a safe ingress and egress to the meter reading locations so as to avoid injury or damage to the Utility's employees and equipment.
  - (b) If, for any reason, the customer does not wish to sign a waiver, then remote reading devices shall be installed or meters will be relocated outside of the dwelling or structure at the customer's expense; or,
  - (c) Customers, as an alternate, may desire to read their own meters and call the Utility to report the current meter reading or to post the meter reading on the access door on the date the meters are to be read. Where customers elect to have their bills averaged monthly or read their own meters, they shall have their meters read by a meter reader not less frequently than annually and it shall be the customer's responsibility to agree to such reading by the Utility employee at a time between 8:00 A.M. and 5:00 P.M., Monday through Friday. Failure to provide for an annual reading by the Utility meter reader shall be deemed sufficient cause for a disconnection of that utility service by the Utility Department of the City of Jasper, Indiana. (Ord. 1989-12 S1, 1989)