

TITLE 18
PUBLIC UTILITIES

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Chapters:

- 18.01 Removal of utility from Indiana Utility Regulatory Commission
- 18.02 Water rates and charges
- 18.04 Fire hydrant fee
- 18.08 Connection and use of Sanitary Sewage System
- 18.09 Sewer service rates and charges
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Chapter 18.01

REMOVAL OF UTILITY FROM INDIANA UTILITY REGULATORY COMMISSION (IURC)

Sections:

- 18.01.010 Removal
- 18.01.020 Notice to public via news media
- 18.01.030 Vote
- 18.01.040 Written notice of withdrawal to IURC

18.01.010 Removal. That the Municipal Utility of the Town of Orleans should be removed from the jurisdiction of the Indiana Utility Regulatory Commission after sixty (60) days from the passage of this Ordinance. (Ord. 1990-5, S1, May 17, 1990)

18.01.020 Notice to public via news media. The Clerk-Treasurer is hereby directed to give notice of the passage of this Ordinance to the news media and to the Clerk of Orange County and to the Indiana Utility Regulatory Commission. (Ord. 1990-5, S2, May 17, 1990)

18.01.030 Vote. That this Ordinance is passed upon the vote of the following Town Council Members:

- | | | | |
|----|-----------------|-----|-------------------|
| 1. | Mike Richardson | AYE | <u> X </u> |
| | | NAY | <u> </u> |
| 2. | John Lindley | AYE | <u> X </u> |
| | | NAY | <u> </u> |
| 3. | Mike McCracken | AYE | <u> X </u> |
| | | NAY | <u> </u> |

(Ord. 1990-5, S3, May 17, 1990)

18.01.040 Written notice of withdrawal to the IURC. The Town Clerk-Treasurer is hereby directed to mail written notice of the withdrawal from the Indiana Utility Regulatory Commission jurisdiction to the Commission within thirty (30) days hereof. (Ord. 1990-5, S4, May 17, 1990)

Chapter 18.02

WATER RATES AND CHARGES

Sections:

- 18.02.010 Schedule of rates
- 18.02.060 Late payment charge
- 18.02.070 Reconnection charge
- 18.02.080 Deposit
- 18.02.085 Dishonored checks
- 18.02.090 Temporary users
- 18.02.200 Free service

18.02.010 Schedule of rates. That there shall be and there is hereby established for the use of and service rendered by the waterworks system of the Town of Orleans, Indiana, the following rates and charges based on the use of water supplied or made available by said waterworks system.

(1) Metered Rates Per Month

<u>Monthly Usage:</u>	<u>Rate per 1,000 Gallons</u>
First 3,000 Gallons	\$ 8.63
Over 3,000 Gallons	7.10

For those customers served by the City of Mitchell, there shall be an additional charge of \$2,00 per 1,000 gallons used.

(Ord. 2013-05, S1a, April 18, 2013) (Ord. 2008-14, S1, November 20, 2008) (Ord. 2005-5, S1a, February 17, 2005) (Ord. 2001-21, S1a, November 15, 2001) (Ord. 1999-7, S1a, April 15, 1999) (Ord. 1995-7, S1a, July 6, 1995) (Ord. 1992-5, S1a, July 16, 1992) (Ord. 1974-8, S1, Oct. 4, 1974)

(2) Monthly Service Charges:

<u>Meter Size</u>	<u>Per Month</u>
5/8 inch meter	\$ 4.09
3/4 inch meter	4.50
1 inch meter	5.72
1 1/2 inch meter	7.36
2 inch meter	11.87
3 inch meter	44.25
4 inch meter	57.24
6 inch meter	85.84

(Ord. 2013-05, S1b, April 18, 2013) (Ord. 2008-14, S1b, November 20, 2008) (Ord. 2005-5, S1b, February 17, 2005) (Ord. 2001-21, S1b, November 15, 2001) (Ord. 1999-7, S1b, April 15, 1999) (Ord. 1995-13, S1b, July 6, 1995) (Ord. 1995-7, S1b, July 6, 1995)

(3) Minimum Charge Per Month:

Each user shall pay a minimum charge in accordance with the size of meter installed, for which the user will be entitled to the quantity of water set out in the following schedule of rates.

<u>Monthly Minimum Charges</u>	<u>Per Month</u>
5/8 inch meter (3,000 gallons)	\$ 29.98
3/4 inch meter (3,490 gallons)	33.88
1 inch meter (8,880 gallons)	73.37
1 1/2 inch meter (21,190 gallons)	162.41
2 inch meter (35,200 gallons)	266.39
3 inch meter (100,880 gallons)	765.10
4 inch meter (166,560 gallons)	1,244.42
6 inch meter (224,250 gallons)	1,682.61

(Ord. 2013-05, S1c, April 18, 2013) (Ord. 2008-14, S1c, November 20, 2008) (Ord. 2005-5, S1c, February 17, 2005) (Ord. 2001-21, S1c, November 15, 2001) (Ord. 1999-7, S1c, April 15, 1999) (Ord. 1995-13, S1, July 6, 1995) (Ord. 1995-7, S1c, July 6, 1995) (Ord. 1992-5, S1b, July 16, 1992) (Ord. 1974-8, S1, Oct. 4, 1974)

(4) Municipal Fire Protection Service:

Applicable to any public fire hydrant on the Town of Orleans distribution system. The fire hydrant rent shall be the sum of \$355.00 per hydrant, each year.

(Ord. 2013-05, S1d, April 18, 2013) (Ord. 2008-14, S1d, November 20, 2008) (Ord. 2005-5, S1d, February 17, 2005) (Ord. 2001-21, S1d, November 15, 2001) (Ord. 1999-7, S1c, April 15, 1999) (Ord. 1995-13, S1d, July 6, 1995) (Ord. 1995-7, S1c, July 6, 1995) (Ord. 1992-5, S1c, July 16, 1992) (Ord. 1974-8, S1, Oct. 4, 1974)

(5) Private Fire Protection Service Lines:

Available for Private Fire Protection Service only. No other type of service will be supplied through these lines. Applicant must be located on the Town of Orleans distribution mains suitable for supplying the service requested:

<u>Automatic Sprinkler Connection</u>	<u>Per Annum</u>
2" connection	\$ 78.10
3" connection	177.50
4" connection	305.30
6" connection	681.60
8" connection	1,221.20
10" connection	1,902.80
12" connection	2,726.40

(Ord. 2013-05, S1e, April 18, 2013) (Ord. 2008-14, S1e, November 20, 2008) (Ord. 2005-5, S1e, February 17, 2005) (Ord. 2001-21, S1e, November 15, 2001) (Ord. 1999-7, S1d, April 15, 1999) (Ord. 1995-7, S1d, July 6, 1995) (Ord. 1992-5, S1d, July 16, 1992) (Ord. 1974-8, S1, Oct. 4, 1974)

(6) Tapping Fees

Each user, at the time said user is connected with the waterworks system, shall pay a charge to cover the cost of tapping the main, furnishing and laying service pipe, corporation and stop cocks, service and meter box and installing the meter.

5/8 - 3/4 inch meter	\$ 750.00
Larger meters	Actual cost, but not less than \$750.00

In addition to the above charge, a potential customer requesting service shall also be required to pay any costs which the Town incurs as a result of an agreement for extension of water mains and facilities applicable to the water main to which the potential customer proposes to connect. (Ord. 2013-05, S1f, April 18, 2013) (Ord. 2008-14, S1f, November 20, 2008) (Ord. 2005-5, S1f, February 17, 2005) (Ord. 2001-21, S1f, November 15, 2001) (Ord. 1999-7, S1f, April 15, 1999) (Ord. 1995-7, S1e, July 6, 1995) (Ord. 1993-2, S1, May 20, 1993) (Ord. 1992-5, S1e, July 16, 1992) (Ord. 1979-2, S1, May 24, 1979) (Ord. 1974-8, S1, Oct. 4, 1974)

18.02.060 Late Payment Charge. All bills for water services not paid within ten (10) days from the bill date thereof as stated in such bills shall be subject to a late payment charge of 10% on the first \$3.00, plus 3% on the excess of \$3.00. When the 10th day falls on Saturday, Sunday, or other legal holidays, the first business day thereafter shall be added to the 10th day period. (Ord. 2013-05, S2, April 18, 2013) (Ord. 2008-14, S2, November 20, 2008) (Ord. 2005-5, S2, February 17, 2005) (Ord. 2001-21, S2, November 15, 2001) (Ord. 1999-7, S2, April 15, 1999) (Ord. 1995-7, S2, July 6, 1995) (Ord. 1992-5, S2, July 16, 1992) (Ord. 1974-8, S1, Oct. 4, 1974)

18.02.070 Reconnection Charge. When the service is turned off for non-payment of the customer's account or for any other reason justifiable by the Town, and reconnection of service is required by the customer, a minimum charge of \$50.00 shall be charged to said customer, by the Town to cover the cost of disconnection and reconnection of service. If reconnection occurs after hours, the fee shall be \$75.00. The charge, together with any delinquent amounts due the Town, and any security deposit required by the Town shall be paid by the customer before service will be reconnected. (Ord. 2013-05, S3, April 18, 2013) (Ord. 2001-21, S3, November 15, 2001) (Ord. 1999-7, S3, April 15, 1999) (Ord. 1995-7, S3, July 6, 1995) (Ord. 1992-5, S3, July 16, 1992) (Ord. 1987-4, S1, June 4, 1987) (Ord. 1982-1, S1, March 18, 1982) (Ord. 1974-8, S1, Oct. 4, 1974)

18.02.080 Deposit. Each user shall pay a deposit of \$80.00 which shall be returned upon discontinuance of service after deduction of any unpaid statement or services. (Ord. 2013-05, S4, April 18, 2013) (Ord. 2001-21, S4, November 15, 2001) (Ord. 1999-7, S4, April 15, 1999) (Ord. 1995-7, S4, July 6, 1995) (Ord. 1992-5, S4, July 16, 1992) (Ord. 1982-1, S1, March 18, 1982) (Ord. 1974-8, S1, Oct. 4, 1974)

18.02.085 Dishonored Checks. Any check issued by customer that is returned for non-sufficient funds will be required to pay a charge of \$25.00. All returned checks must be redeemed by cash, cashier's check, certified check or money order.

All other orders, ordinances, resolutions or parts thereof not specifically amended by this ordinance shall remain in full force and effect. All other orders, ordinances, resolutions, or part thereof in conflict with the provisions and intent of this ordinance are hereby repealed. (Ord. 2013-05, S5, April 18, 2013)

18.02.090 Temporary Users. Water furnished to temporary users, such as, but not limited to, contractors, fairs, circuses, etc., shall be charged for the basis of the above quantity rates as estimated by the waterworks superintendent. (Ord. 2001-21, S5, November 15, 2001) (Ord. 1999-7, S5, April 15, 1999) (Ord. 1995-7, S5, July 6, 1995) (Ord. 1992-5, S5, July 16, 1992) (Ord. 1974-8, S1, Oct. 4, 1974)

18.02.200 Free Service. No free service of water system shall be permitted; and such residence, each commercial establishment and each industry shall be individually metered. (Ord. 2001-21, S6, November 15, 2001) (Ord. 1999-7, S6, April 15, 1999) (Ord. 1995-7, S6, July 6, 1995) (Ord. 1992-5, S6, July 16, 1992) (Ord. 1974-8, S2, Oct. 4, 1974)

Chapter 18.04

FIRE HYDRANT FEE

Sections:

18.04.010 Purpose

18.04.020 Establishment of rate for use and maintenance of fire hydrants

18.04.030 Rate

18.04.040 Payment of rate

18.04.010 Purpose. The purpose of this Ordinance is to assist in the protection of the citizens of, visitors to, and property within the Town of Orleans, Orange County, Indiana. (Ord. 1990-6, S1, Dec. 20, 1990)

18.04.020 Establishment of rate for use and maintenance of fire hydrants. It is the intention of the Town Council to establish a rate for use and maintenance of fire hydrants which is in keeping with the rates charged in other communities which are similar in size and location. (Ord. 1990-6, S2, Dec. 20, 1990)

18.04.030 Rate. The rate hereby established for each fire hydrant provided the Town of Orleans by the Orleans Water Department shall be Two Hundred Seventy Five Dollars (\$275.00) per hydrant per year. (Ord. 1990-6, S3, Dec. 20, 1990)

18.04.040 Payment of rate. The Clerk of the Town of Orleans is hereby authorized to budget and pay the rate so established from the general fund of the Town of Orleans. (Ord. 1990-6, S4, Dec. 20, 1990)

Chapter 18.08

CONNECTION AND USE OF SANITARY SEWAGE SYSTEM

Sections:

- 18.08.010 Definitions
- 18.08.020 Unlawful to deposit objectionable wastes in an unsanitary manner
- 18.08.030 Private sewage disposal system
- 18.08.040 Connection to sewer system
- 18.08.045 Check Valve Program
- 18.08.050 Discharges to sanitary sewer prohibited
- 18.08.060 Pretreatment of industrial wastes
- 18.08.070 Pretreatment plans and specifications
- 18.08.080 Disposal of unpolluted water
- 18.08.090 Industrial cooling water
- 18.08.100 Wastewater data
- 18.08.110 Determination of strength of wastewaters
- 18.08.120 Grease, oil and sand interceptors
- 18.08.125 Discharge of Fats, Oils, and Grease from Food Service Establishments
- 18.08.130 Unusual flows
- 18.08.140 Applicability of state and federal requirements
- 18.08.150 Damage violation
- 18.08.160 Only authorized employees can enter public and private properties
- 18.08.170 Notice of violation/penalties
- 18.08.180 Severability
- 18.08.190 Right to appeal

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

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

Building drain - Sanitary - A building 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.

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

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

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

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

- (5) "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).

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

- (7) "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.

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

- (9) "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.
- (10) "Incompatible pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.
- (11) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from employee wastes or wastes from sanitary conveniences.
- (12) "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.)
- (13) "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- (14) "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.)
- (15) "Inspector" shall mean the person or persons duly authorized by the Town, through its Town Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.
- (16) "Major contributing industry" shall mean an industry that:
 - A. has a flow of 50,000 gallons 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.
- (17) "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.

- (18) "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.
- (19) "Normal domestic sewage" shall have the same meaning as defined in the Sewage Rate Ordinance.
- (20) "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.
- (21) "Person" shall mean any individual, firm, company, association, society, corporation, group or other entity.
- (22) "Pretreatment" shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.
- (23) "Private sewer" shall mean a sewer which is not owned by a public authority.
- (24) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (25) "Public sewer" shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:
- Collector sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.
- Interceptor sewer shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
- Force Main shall mean a pipe in which wastewater is carried under pressure.
- Pumping station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.
- (26) "Sanitary sewer" shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.
- (27) "Sewage" shall mean the combination of 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.

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

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

- (28) "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.
- (29) "Sewer" shall mean a pipe or conduit for carrying sewage.
- (30) "Shall" is mandatory; "May" is permissive.
- (31) "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.
- (32) "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 Wastewater" prepared and published jointly by the American Public Health Association, The American Water Works Association and the Water Pollution Control Federation.
- (33) "Storm sewer" shall mean a sewer for conveying water, ground water, unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.
- (34) "Superintendent" shall mean the Superintendent of the municipal sewage works of the Town of Orleans, Indiana, or his authorized deputy, agent or representative.
- (35) "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.
- (36) "Total solids" shall mean the sum of suspended and dissolved solids.

- (37) "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.
- (38) "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.
- (39) "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.
- (40) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
- (41) "NH₃N" shall mean the same as Ammonia Nitrogen measured as Nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in paragraph (32). (Ord. 1990-3, S1, March 15, 1990) (Ord. 1963-3, S1, March 5, 1963) (Ord. 1941-1, #203, S1, Jan. 15, 1941)

18.08.020 Unlawful to deposit objectionable wastes in an unsanitary manner.

- (1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property with the Town or in any area under the jurisdiction of said Town any human or animal excrement, garbage, or other objectionable waste. (Ord. 1990-3, S2(a), March 15, 1990) (Ord. 1963-3, S2(a), March 5, 1963) (Ord. 1941-1, #203, S10, Jan. 15, 1941)
- (2) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwaters, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. The Town shall require the removal of unpolluted waters from any wastewater collection or treatment facility. (Ord. 1990-3, S2(b), March 15, 1990)
- (3) Stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the Town. No new connection shall be made to any sanitary or storm sewer unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including

- capacity for BOD and suspended solids. (Ord. 1990-3, S2(c), March 15, 1990)
- (4) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit. (Ord. 1990-3, S2(d), March 15, 1990)
 - (5) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit. (Ord. 1990-3, S2(e), March 15, 1990) (Ord. 1963-3, S2b, March 5, 1963)
 - (6) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (Ord. 1990-3, S2(f), March 15, 1990) (Ord. 1963-3, S2(c), March 5, 1963) (Ord. 1941-1, #203, Sec. 11, Jan. 15, 1941) (Ord. 1918-1, S3, 1918)
 - (7) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line. (Ord. 1990-3, S2(g), March 15, 1990) (Ord. 1963-3, S2(d), March 5, 1963) (Ord. 1941-1, #203, S11, Jan. 15, 1941)

18.08.030 Private sewage disposal system.

- (1) Where a public sanitary sewer is not available under the provisions of Section 18.08.020(7), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. (Ord. 1990-3, S3(a), March 15, 1990) (Ord. 1963-3, S3a, March 5, 1963) (Ord. 1941-1, #203, Sec. 12, Jan. 15, 1941)
- (2) 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-five dollars (\$25.00) shall be paid to the Town at the time the application is filed. (Ord. 1990-3, S3(b), March 15, 1990)
- (3) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent.

He shall be allowed to inspect the works at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent. (Ord. 1990-3, S3(c), March 15, 1990)

- (4) 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. 1990-3, S3(d), March 15, 1990)
- (5) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 18.08.030(4), a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Ord. 1990-3, S3(e), March 15, 1990) (Ord. 1963-3, S3b, March 5, 1963)
- (6) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town. (Ord. 1990-3, S3(f), March 15, 1990) (Ord. 1963-3, S3c, March 5, 1963)
- (7) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. 1990-3, S3(g), March 15, 1990)
- (8) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. (Ord. 1990-3, S3(h), March 15, 1990) (Ord. 1963-3, S3d, March 5, 1963) (Ord. 1941-1, #203, Sec. 12, Jan. 15, 1941)

18.08.040 Connection to sewer systems.

- (1) No unauthorized person shall uncover, make any connections with or opening into, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer. (Ord. 1990-3, S4a, March 15, 1990) (Ord. 1963-3, S4a, March 5, 1963) (Ord. 1941-1, #203, S4, Jan. 15, 1941)
- (2) 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 Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the inspector.

A permit and inspection fees of twenty-five dollars (\$25.00) for residential or commercial building sewer permit and fifty dollars (\$50.00) for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed. (Ord. 1990-3, S4b, March 15, 1990) (Ord. 1963-3, S4b, March 5, 1963)

- (3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 1990-3, S4c, March 15, 1990) (Ord. 1963-3, S4c, March 5, 1963)
- (4) 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. 1990-3, S4d, March 15, 1990) (Ord. 1963-3, S4d, March 5, 1963)
- (5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this ordinance. (Ord. 1990-3, S4e, March 15, 1990) (Ord. 1963-3, S4e, March 5, 1963)
- (6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C. Manual of Practice No. FD-5 shall apply. (Ord. 1990-3, S4f, March 15, 1990) (Ord. 1963-3, S4f, 4g, 4j, 4k, March 5, 1963)
- (7) 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. 1990-3, S4g, March 15, 1990) (Ord. 1963-3, S4h & 4i, March 5, 1963)

- (8) 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. 1990-3, S4h, March 15, 1990) (Ord. 1963-3, S5(a), March 5, 1963) (Ord. 1941-1, #203, Sec. 2, Jan. 15, 1941)
- (9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice in No. FD-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. 1990-3, S4i, March 15, 1990) (Ord. 1963-3, S4l, March 5, 1963) (Ord. 1941-1, #203, S6, Jan. 15, 1941)
- (10) The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the said Inspector or his representative. The applicant shall provide access to all structures (and areas of structures) to the Inspector for the purpose of establishing compliance with Section 18.08.040(8). (Ord. 1990-3, S4j, March 15, 1990) (Ord. 1963-3, S4m, March 5, 1963)
- (11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said Town. (Ord. 1990-3, S4k, March 15, 1990) (Ord. 1963-3, S4n, March 5, 1963) (Ord. 1941-1, #203, S8, Jan. 15, 1941)

18.08.045 Check Valve Program.

- (1) Objectives of Ordinance. The objective of this ordinance is to protect the sewer system of the Town of Orleans. This will be accomplished by requiring the use of appropriate check valves. The possibility of contamination will be minimized by customer's installing and maintaining a check valve assembly in their private sewer system where contaminants or pollutants could, under adverse conditions, backflow through the sewer system and into the homeowner's residence. (Ord. 2011-08, Article 1, Dec. 13, 2011)
- (2) Installation. All check valve assemblies shall be installed in accordance with the manufacturer's instructions and those furnished by the Town of Orleans. Only check valves approved by the Town of Orleans shall be installed.

All check valve assemblies required by this ordinance must be installed and maintained on the customer's premises as part of the customer's sewer system.

Ownership, testing and maintenance of the check valve assembly will be the responsibility of the customer. Each assembly required in this ordinance must be functioning properly at all times.

Testing of check valve assemblies shall be conducted by a certified tester, at the customer's expense. (Ord. 2011-08, Article 2, Dec. 13, 2011)

- (3) Responsibility of Customer. Any customer installing new sewer lines or repairing existing sewer lines shall maintain a check valve assembly attached to his sewer system within his premise in good operating condition, the customer shall correct any malfunction of the check valve which is revealed by periodic testing.

The customer shall be responsible for the payment of all fees for annual testing, re-testing in the case that the assembly fails to operate correctly, and repairs. (Ord. 2011-08, Article 3, Dec. 13, 2011)

- (4) Penalty. Any person convicted of a violation of any section violation of this ordinance shall upon conviction be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00). Each day any such violation is committed or permitted to continue may constitute a separate offense and shall be punishable as such hereunder. In addition, the Town, by appropriate action, may seek injunctive relief, requesting the court to enjoin or order the abatement of any violation of this ordinance. (Ord. 2011-08, Dec. 13, 2011)

18.08.050 Discharges to sanitary sewer prohibited.

- (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.
 - 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.
 - C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works or interfere with any treatment process.

- 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.
- 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 9.5.
- 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 effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 1990-3, S5a, March 15, 1990) (Ord. 1963-3, S5, March 5, 1963) (Ord. 1941-1, #203, Sec. 2, Jan. 15, 1941)

- (2) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 18.08.050(1) of this article, and which in 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 and characteristics and obtain prior approval for discharges.
 - B. Reject the wastes in whole or in part for any reason deemed appropriate by the Town.
 - 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. 1990-3, S5b, March 15, 1990)

- (3) 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. 1990-3, S5c, March 15, 1990) (Ord. 1963-3, S5g, March 5, 1963)
- (4) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained so as to be safe and accessible at all times. Agents of the Town, the State Water Pollution Control Agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and

testing. (Ord. 1990-3, S5d, March 15, 1990) (Ord. 1963-3, S5h, March 5, 1963)

- (5) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole, except for applications for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA (40 CFR Part 136). In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and Suspended Solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples. (Ord. 1990-3, S5e, March 15, 1990) (Ord. 1963-3, S5i, March 5, 1963)
- (6) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate ordinance. (Ord. 1990-3, S5f, March 15, 1990) (Ord. 1963-3, S5j, March 5, 1963) (Ord. 1941-1, #203, S9, Jan. 15, 1941)

18.08.060 Pretreatment of industrial wastes. Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the United States Environmental Protection Agency (USEPA) (40 CFR Part 403), and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), in addition to any more stringent requirements established by the Town and any subsequent State or Federal Guidelines and Rules and Regulations. (Ord. 1990-3, S6, March 15, 1990)

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

report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against Town monitoring records. (Ord. 1990-3, S7, March 15, 1990)

18.08.080 Disposal of unpolluted water. Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the Town. Where a storm sewer is not available, discharge may be to a natural outlet approved by the Town and by the State of Indiana. Where a storm sewer, combined sewer, or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the Town. (Ord. 1990-3, S8, March 15, 1990)

18.08.090 Industrial cooling water. Industrial cooling water, which may be, polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above Section 18.08.080. (Ord. 1990-3, S9, March 15, 1990)

18.08.100 Wastewater data. The Town may require users of the treatment works, other than residential users, to supply pertinent information on waste-water flows and characteristics. Such measurements, tests, and analysis shall be made at the users' expense. If made by the Town, an appropriate charge may be assessed to the user at the option of the Town. (Ord. 1990-3, S10, March 15, 1990)

18.08.110 Determination of strength of wastewaters. The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the Rate Ordinance, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the Town may elect, or, at any place mutually agreed upon between the user and the Town. Appropriate charges for sampling and analysis may be assessed to the user at the option of the Town. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the Town. (Ord. 1990-3, S11, March 15, 1990)

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

They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight, water tight, and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Ord. 1990-3, S12, March 15, 1990)

18.08.125 General Provisions for Food Service Establishments.

(1) **Definitions.**

- A. “Pass through” – Pass through shall mean 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 the Town’s NPDES permit, including an increase in the magnitude or duration of violation.
- B. “Interference” – Interference shall mean a discharge which, alone or in conjunction with a discharge or discharges from the other sources, which either:
 - 1. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; or
 - 2. Therefore is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(2) **Registration of FSEs.** No FSE shall discharge, or cause to be discharged any Wastewater from the FSE directly or indirectly into the Sewer system without first registering with the Town of Orleans.

(3) **Transfer of Ownership.** The current owner of the FSE shall notify the Town of Orleans when ownership of the FSE is transferred to another person or legal entity.

(4) **Change of Authorized Representative.** An FSE shall notify the Town of Orleans within 15 calendar days when the Authorized Representative of the FSE changes to another person. The new Authorized Representative shall notify the Utility within 15 calendar days after assuming responsibility as the Authorized Representative.

- (5) **Remodeling.** An FSE shall notify the Town of Orleans within 15 calendar days prior to undertaking any remodeling or improvements.
- A. Existing FSEs proposing remodeling shall be required to notify the Town of Orleans within 15 calendar days prior to the commencement of the work.
 - B. Any existing entity that expands or renovates its operations to include a New FSE shall be required to notify the Town of Orleans within 15 calendar days prior to the commencement of the work.
- (6) **Best Management Practices.** The following BMPs are required by the Town to help Food Service Establishment (FSE) avoid problems caused by fats, oils, and grease (FOG):
- A. Install an appropriate grease trap or grease interceptor.
 - B. Properly clean and maintain your grease trap and interceptor. Grease traps must be cleaned a minimum of once every 30 days or when the trap is 25% full of FOG or solids, whichever comes first. Grease interceptors must be cleaned a minimum of once every 90 days or when the interceptor is 25% full of FOG or solids, whichever comes first.
 - C. Properly dispose of or recycle used FOG. If FOG is disposed of in the garbage, place it in a sealed bucket with an absorbent material. Replacing waste back into a grease trap or interceptor from which it was removed is prohibited.
 - D. Keep a detailed maintenance log of grease interceptor and grease trap cleaning events which should include: The date and time of clean up, volume of waste removed, disposal site, and signature. Keep copies of logs onsite for a minimum of 2 years and make them available to the Town during inspections.
 - E. Copies of all grease interceptor pump out receipts must be submitted to the Town within 14 days of maintenance.
 - F. Scrape FOG and food off dishes into the trash and “dry wipe” all pots, pans and dishware before washing. Post “No Grease” signs and other visual FOG reminders above sinks and on the front of dishwashers.
 - G. Do not use chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, or other chemicals that may dissolve or purge grease from traps or interceptors.
 - H. DO NOT pour excess or used oil down the drain.

- I. DO NOT dispose of FOG waste illegally. This includes disposal in a sanitary drain or storm drain.
- (7) **FOG Spill Plan.** An FSEs shall develop a plan that outlines measures to be taken in the event of a FOG spill. This plan shall be used to prevent the accidental discharge of FOG into the POTW. Each FSE shall submit a FOG spill plan to the Town of Orleans.
- (8) **Confidential Information.** Information and data on an FSE obtained from questionnaires, applications, monitoring programs, inspections, and reports shall be available to the public or other governmental agency without restriction unless the FSE specifically requests in writing and is able to demonstrate to the satisfaction of the Town of Orleans that the information is not disclosable pursuant to Federal or State law. Wastewater quantities and Wastewater constituents and characteristics are subject to disclosure.

The EPA shall have immediate and unlimited access to all information compiled as part of the treatment program, including confidential documents.

- (9) **Specific Prohibitions and Limitations.** No FSE shall:
 - A. Discharge Wastewater containing FOG that cause or contributes to obstructions of the POTW;
 - B. Discharge Wastewater exceeding the Effluent Limitation of 200 mg/L of total Fats, Oils, and Grease to POTW;
 - C. Install Food Grinder(s) in the plumbing system of newly constructed FSEs. Any Existing FSE having a Food Grinder in place before the effective date of this Ordinance may continue use and maintain the Food Grinder until the FSE renovates the kitchen;
 - D. Introduce any additives into an FSE's Wastewater system for the purpose of emulsifying or chemically treating FOG;
 - E. Dispose of FOG into any internal or external drain;
 - F. Discharge Sanitary Wastewater from fixtures such as toilets and urinals into a FOG Control Device;
 - G. Discharge FOG to toilets, urinals, wash basins, and other fixtures intended for Sanitary Waste.
 - H. Discharge any Waste including FOG and solid materials removed from the FOG Control Device to the sewer system;

- I. Discharge any Waste including FOG and solid materials removed from floor mats and kitchen appliances directly to the POTW;
- J. Discharge water with temperatures in excess of 140° to a Grease Trap;
- K. Operate any FOG Control Device with FOG and solids accumulation exceeding 25% of the total operating depth of the FOG Control Device (25% Rule);
- L. Cause the POTW to violate any Effluent Limitation in the POTW's permit;
- M. Make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance;
- N. Falsify, tamper with, or render inaccurate any monitoring device or method required under this Ordinance.

(10) **FOG Pretreatment.**

A. **FOG Control Devices**

- 1. **New FSEs Established in a New Building.** All new FSEs established in a newly constructed building shall be required to install a FOG Control Device in accordance with state and local requirements.
- 2. **New FSEs Established in an Existing Building.** All new FSEs established in an existing building shall be required to have FOG Control Devices in accordance with state and local requirements.
- 3. **Existing FSEs.** Existing FSEs that have ongoing non-compliance issue may be required to install new or additional FOG Control Devices.

B. **Variance from FOG Control Device Requirements.** An FSE may apply to the Town of Orleans for a variance if the FSE:

- 1. Is unable to install a FOG Control Device as required by this Ordinance; or
- 2. Has an existing FOG Control Device that is proven to be effective in preventing the release of FOG in the POTW as determined by visual or analytical monitoring.

- C. **Control Manhole Requirements.** An FSE that makes a new connection or modifies an existing connection to the POTW shall install a Control Manhole, unless the Town of Orleans determines that a Control Manhole is not required.
- D. **Monitoring.** All FSEs may be subject to monitoring to determine compliance with the requirements of this Ordinance. Monitoring may be conducted by analytical monitoring or visual monitoring. In all cases, analytical monitoring is preferred, however, when analytical monitoring is not an option, visual monitoring may be employed.
 - 1. **Visual Monitoring.** The Town Superintendent may conduct visual monitoring at the sole expense of the FSE to observe the actual conditions of the FSE's Sewer Lateral or downstream Sewer.

(11) **Enforcement.**

- A. **Grease Mitigation.** Any FSE who voluntarily or involuntarily discharges any Waste which causes or contributes to any Sewer blockage or overflow, obstruction, interference, damage, or any other impairment to the POTW or to operation of those facilities shall be liable for all costs required to clean or repair the facilities together with expenses incurred by the Town to resume normal business.
- B. **Penalties.** When the Town finds that a user has violated, or continues to violate, any provisions of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Town Council may impose a fine of not more than \$2,500.00 per day, per violation for a first violation not more than \$7,500.00 per day, per violation for subsequent violations, in accordance with IC 36-1-3-8(a)(10)(B). Such fines shall 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.
- C. **Determination of Penalties.** In addition to the penalties provided herein, the Utility may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, and regulations issued hereunder. (Ord. 2018-04, June 21, 2018)

18.08.130 Unusual flows. Users of the treatment works shall immediately notify the Town of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system. (Ord. 1990-3, S13, March 15, 1990)

18.08.140 Applicability of state and federal requirements. All provisions of this ordinance and limits set herein shall comply with any applicable State and/or Federal Requirements now, or projected to be in effect. (Ord. 1990-3, S14, March 15, 1990)

18.08.150 Damage violation. No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 1990-3, S15, March 15, 1990) (Ord. 1963-3, S5j, March 5, 1963) (Ord. 1941-1, #203, Sec. 9, Jan. 15, 1941)

18.08.160 Only authorized employees can enter public and private properties.

- (1) The Superintendent, Inspector and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. 1990-3, S16(a), March 15, 1990) (Ord. 1963-3, S7, March 5, 1963)
- (2) While performing the necessary work on private properties referred to in Section 18.08.160(1) above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 18.08.050(5). (Ord. 1990-3, S16(b), March 15, 1990)
- (3) The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 1990-3, S16(c), March 15, 1990)

18.08.170 Notice of violation/penalties.

- (1) Any person found to be violating any provisions of this ordinance except Section 18.08.150 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ord. 1990-3, S17(a), March 15, 1990) (Ord. 1963-3, S8(a), March 5, 1963) (Ord. 1941-1, Sec. 14, Jan. 15, 1941)
- (2) Any person who shall continue any violation (other than a violation of Section 18.08.020(2) beyond the time limit provided for in Section 18.08.170 (1) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 1990-3, S17(b), March 15, 1990) (Ord. 1963-3, S8(b), March 5, 1963) (Ord. 1941-1, #203 Sec. 14, Jan. 15, 1941)
- (3) Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation. (Ord. 1990-3, S17(c), March 15, 1990) (Ord. 1963-3, S8(c), March 5, 1963)
- (4)
 - A. Any person violating or suspected of violating Section 18.08.020 (2), shall be subjected to a penalty of fifty (50) dollars per month (or fraction thereof in which the violation occurs).
 - B. A person may avoid payment of said penalty by consenting to an inspection described in Section 18.08.040 (10), for the purpose of establishing compliance with Section 18.08.020 (2).
 - C. A person consenting to such an inspection and found in violation shall be given 90 days to comply with Section 18.08.020 (2) without being subject penalty. (Ord. 1990-3, S17(d) i, i, iii, March 15, 1990)

18.08.180 Severability. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts. (Ord. 1990-3, S18, March 15, 1990) (Ord. 1963-3, S10, March 5, 1963) (Ord. 1941-1, S13, Jan. 15, 1941)

18.08.190 Right to appeal. That the rules and regulations promulgated by the Town, after approved by the Town Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system to the Town Council and that any decision concerning sewage system of the Town Council may be appealed to a court of competent jurisdiction under the appeal procedures provided for in the Indiana Administrative Adjudication Act. (Ord. 1990-3, S19, March 15, 1990)

Chapter 18.09

SEWER SERVICE RATES AND CHARGES

Sections:

- 18.09.010 Definitions
- 18.09.020 User classes
- 18.09.030 User rates and charges
- 18.09.040 Quantity of water discharged into the Sanitary Sewer System
- 18.09.050 Volume, strength and character of sewage
- 18.09.060 Connecting charge
- 18.09.061 Availability fee for owners, occupants and users
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- 18.09.090 Enforcement
- 18.09.100 Invalidity
- 18.09.110 Appeal procedure
- 18.09.120 Special contracts
- 18.09.130 No free service

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

- (1) "Council" shall mean the Town Council of the Town of Orleans, or any duly authorized officials acting on its behalf.
- (2) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance.
- (3) "Town" shall mean the Town of Orleans acting by and through the Council.
- (4) "Debt service costs" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.
- (5) "Excessive strength surcharges" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- (6) "Industrial wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- (7) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.

- (8) "HH₃N" (or ammonia nitrogen) shall have the same meaning as defined in the Use Ordinance.
- (9) "Normal domestic sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:
- BOD not more than 200 mg/l
S.S. not more than 240 mg/l
HH₃N not more than 20 mg/l
- (10) "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.)
- (11) "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.
- (12) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (13) "Replacement costs" shall mean the expenditures for obtaining and installing equipment, works to maintain the capacity and performance for which such works were designed and constructed.
- (14) "S.S." (or suspended solids) shall have the same meaning as defined in the Use Ordinance.
- (15) "Shall" is mandatory; "May" is permissive.
- (16) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.
- (17) "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.
- (18) "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.
- (19) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities

(i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System).

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

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

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

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

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works. (Ord. 2012-08, S1, Sept. 5, 2012) (Ord. 2001-22, S1, November 15, 2001) (Ord. 1998-9, S1, August 20, 1998) (Ord. 1990-1, S1, April 5, 1990) (Ord. 1963-2, S4, March 19, 1963)

18.09.020 User classes. Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude (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 service life of the sewage works equipment.
- (2) The various classes of users of the treatment works for the purposes of this Ordinance, shall be as follows:

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

(Ord. 2012-08, S2, Sept. 15, 2012) (Ord. 2001-22, S2, November 15, 2001)
(Ord. 1998-9, S2, August 20, 1998) (Ord. 1990-1, S2, April 5, 1990)

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

(1) Metered Water Users:

The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a base charge, except as herein otherwise provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which the amount of said rates and charges shall be determined is as follows:

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

	<u>Total</u>
All users	\$ 11.81

B. Base Rate - per month, as follows:

<u>Base Rate</u>	<u>Total</u>
Meter Size:	
5/8-3/4 inch	\$ 14.69
1 inch	28.81
1 1/2 inch	59.83
2 inch	99.18
3 inch	221.12
4 inch	383.53
6 inch	859.42

C. Minimum Rate Per Month - Each user shall pay a minimum charge in accordance with the size of meter installed as follows:

<u>Meter Size</u>	<u>Minimum Monthly Charges</u>
5/8 inch meter (2,000 gallons)	\$ 38.31
3/4 inch meter (3,490 gallons)	55.91
1 inch meter (8,880 gallons)	133.68
1 1/2 inch meter (21,190 gallons)	310.08

2 inch meter (35,200 gallons)	514.89
3 inch meter (100,880 gallons)	1,412.51
4 inch meter (166,560 gallons)	2,350.60
6 inch meter (224,250 gallons)	3,507.81

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

	<u>Monthly Rate</u>
	<u>Total</u>
Residential:	
Single family residence/unit	\$65.86

Unmetered non "Residential Single Family Dwelling Units" shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates to estimated usage and meter size.

- (3) For the service rendered to the Town of Orleans, said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.
- (4) In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual cost of monitoring but not less than \$125 per sample. This charge will be reviewed and revised on the same basis as all other rates and charges in this ordinance. (Ord. 2018-03, S3, June 21, 2018) (Ord. 2012-08, S3, Sept. 5, 2012) (Ord. 2011-3, S3, February 17, 2011) (Ord. 2005-4, S1, February 17, 2005) (Ord. 2001-22, S3, November 15, 2001) (Ord. 1998-9, S3, August 20, 1998) (Ord. 1990-1, S3, April 5, 1990) (Ord. 1986-2, S1, June 5, 1986) (Ord. 1980-4, S1, Nov. 6, 1980) (Ord. 1963-2, S1, March 19, 1963)

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

- (1) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial wastes, water or other liquids into the Town sanitary sewerage

system, either directly or indirectly, is not a user of water supplied by the water utility serving the Town and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the Town then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this ordinance, the owner or other interested party shall at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for determining of sewage discharge.

- (2) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids in the Town's sanitary sewerage system, either directly or indirectly, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (3) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to 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 building served through the single water meter.
- (4) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewerage system either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (5) In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are

provided. (Ord. 2012-08, S4, Sept. 5, 2012) (Ord. 2001-22, S4, November 15, 2001) (Ord. 1998-9, S4, August 20, 1998) (Ord. 1990-1, S4, April 5, 1990) (Ord. 1963-2, S2, March 19, 1963)

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

- (1) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid, suspended solids in excess of 240 milligrams per liter of fluid; or ammonia nitrogen in excess of 20 milligrams per liter of fluid. 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 0.35 cents per pound of suspended solids for suspended solids received in excess of 240 milligrams per liter of fluid.

- B. Rate Surcharge Based Upon BOD

There shall be an additional charge of 0.36 cents per pound of biochemical oxygen demand for BOD received in excess of 200 milligrams per liter of fluid.

- C. Rate Surcharge Based Upon NH₃N

There shall be an additional charge of 0.61 cents per pound of ammonia for NH₃N received in excess of 20 milligrams per liter of fluid.

- (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. 2012-08, S5, Sept. 5, 2012) (Ord. 2001-22, S5, November 15, 2001) (Ord. 1998-9, S5, August 20, 1998) (Ord. 1990-1, S5, April 5, 1990) (Ord. 1963-2, S3, March 19, 1963)

18.09.060 Connection charge. The owner of any lot, parcel of real estate or building connecting to the sewage works shall, prior to being permitted to make a connection, pay a connection charge in the amount of \$1,000.00 for each connection. The Town Council now finds such a connection charge to be a reasonable and equitable pro rata cost of construction of a local or lateral sewer adequate to serve the property so connecting and the cost of providing a connection to the sewer system. (Ord. 2012-08, S6, Sept. 5, 2012) (Ord. 2008-15, S1, November 20, 2008) (Ord. 2001-22, S6, November 15, 2001) (Ord. 1998-9, S6, August 20, 1998) (Ord. 1990-1, S6, April 5, 1990)

18.09.061 Availability fee for owners, occupants and users. The Board of Trustees finds, pursuant to Ind. Code 36-9-23-25, that the availability of municipal sewage service benefits every lot, parcel of real property, and building connected or to be connected with the municipal sewer works. Therefore, just and reasonable fees shall be billed and collected from the owner, occupant, and user of the premises of each lot, parcel of real estate, or building in the Town of Orleans, Indiana, whether or not connected to the municipal sewer system, in order to maintain the sewage works in a sound physical and financial condition necessary to render adequate and efficient service, unless exempted therefrom by municipal ordinance or state statute. (Ord. 1987-4, S1, June 4, 1987) (Ord. 1986-2, S6, 1986) (Ord. 1980-4, S5, Nov. 6, 1980)

18.09.070 Billing and collection procedures. Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- (1) The rates and charges for all users shall be prepared and billed monthly and at the end of each year each user shall be given notice, in conjunction with a regular bill, of the rates charged for operation, maintenance, and replacement for that user for the next year.
- (2) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.
- (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 paid is now fixed at fifteen (15) days after the date of mailing of the bill.
- (4) Every customer applying for sewer services shall pay a security deposit of \$80.00. This deposit will be returned and/or applied to the final bill following termination of service.

- (5) Each sewer customer with a pool may apply for one (1) pool adjustment per calendar year. The bill will be adjusted based on the average of the previous three (3) months' water usage as determined by utility personnel.
- (6) Each sewer customer may apply for one (1) water leak adjustment per calendar year if utility personnel determined the leakage did not enter the sewer system. The bill will be adjusted following repair of the leak by the customer and following inspection of the repair by the utility superintendent. The bill will be adjusted based on the average of the previous three (3) months' water usage as determined by utility personnel.
- (7) In the event a sewer customer presents a check to the Town for payment of charges, fees or services provided by the sewage works of the Town and the check is dishonored by the bank for any reason, then the customer shall also pay the "Dishonored Check Fee" in the amount of \$25.00. (Ord. 2012-08, S7, Sept. 5, 2012) (Ord. 2001-22, S7, November 15, 2001) (Ord. 1998-9, S7, August 20, 1998) (Ord. 1990-1, S7, April 5, 1990) (Ord. 1987-4, S1, June 4, 1987) (Ord. 1986-2, S4, June 5, 1986) (Ord. 1980-4, S3, Nov. 6, 1980)

18.09.071 Discontinuance of service. All sewage and water services may be discontinued without further notice if the rates or charges for such services are not paid within ten (10) days after rendition of the bill therefore. Services of sewage and water may only be recontinued at the premises, providing all charges and delinquencies therefore are paid in full by the owner, occupant or user requesting resumption of said services. (Ord. 1987-4, S1, June 4, 1987) (Ord. 1986-2, S6, June 5, 1986) (Ord. 1980-4, S5, Nov. 6, 1980)

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

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

proportionality and sufficiency of the rates. (Ord. 2012-08, S8, Sept. 5, 2012) (Ord. 2001-22, S8, November 15, 2001) (Ord. 1998-9, S8, August 20, 1998) (Ord. 1990-1, S8, April 5, 1990)

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

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the Town or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the Town of Orleans. (Ord. 2012-08, S9, Sept. 5, 2012) (Ord. 2001-22, S9, November 15, 2001) (Ord. 1998-9, S9, August 20, 1998) (Ord. 1990-1, S9, April 5, 1990) (Ord. 1963-2, S6, March 19, 1963)

18.09.100 Invalidity. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts. (Ord. 2012-08, S10, Sept. 5, 2012) (Ord. 2001-22, S10, November 15, 2001) (Ord. 1998-9, S10, August 20, 1998) (Ord. 1990-1, S10, April 5, 1990)

18.09.110 Appeal procedure. That the rules and regulations promulgated by the Town, after approval of the Town Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the Administrator of the user charge to the Town Council and that any decision concerning user charges of the Town Council may be appealed to a court of competent jurisdiction under the Appeal Procedures provided for in the Indiana Administrative Adjudication Act. (Ord. 2012-08, S11, Sept. 5, 2012) (Ord. 2001-22, S11, November 15, 2001) (Ord. 1998-9, S11, August 20, 1998) (Ord. 1990-1, S11, April 5, 1990)

18.09.120 Special contracts. The Council is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and such rate shall be limited to such costs. Said contract shall be in compliance with Public Law 92-500 and 95-217. (Ord. 2012-08, S12, Sept. 5, 2012) (Ord. 2001-22, S12, November 15, 2001) (Ord. 1998-9, S12, August 20, 1998) (Ord. 1990-1, S12, April 5, 1990)

18.09.130 No free service. The Council shall not grant free service or use of the sewage treatment system to any person, group or entity. It is not necessary for an area or parcel or real estate to be annexed to the Town to receive sewage treatment. (Ord. 2012-08, S13, Sept. 5, 2012) (Ord. 2001-22, S13, November 15, 2001) (Ord. 1998-9, S13, August 20, 1998) (Ord. 1990-1, S13, April 5, 1990)

Chapter 18.20

INSTALLATION, MAINTENANCE, AND REPAIR OF APPLIANCES USING NATURAL GAS

Sections:

- 18.20.010 Title
- 18.20.020 Purpose
- 18.20.030 Scope
- 18.20.040 Provisions
- 18.20.050 License Required
- 18.20.060 Revocation of Licenses
- 18.20.070 Qualifications and Bonding
- 18.20.080 Violations and Penalties
- 18.20.090 Non-Liability of town
- 18.20.100 Validity

18.20.010 Title. This ordinance shall be known as the "Gas Ordinance" of Orleans, Indiana, and may be cited as such. (Ord. 1960-1, Sec. 1, September 12, 1960)

18.20.020 Purpose. Purpose of this ordinance is to provide minimum standard provisions and requirements for safe installation of gas appliances and gas pipes. (Ord. 1960-1, Sec. 2, September 12, 1960)

18.20.030 Scope. All gas appliances and gas pipes hereinafter installed, maintained or repaired within the corporate limits of the town of Orleans shall conform to the requirements of this ordinance. (Ord. 1960-1, Sec. 3, September 12, 1960)

18.20.040 Provisions. All installations of gas piping and gas appliances hereinafter installed and placed in use in the Town of Orleans shall installed to comply with the minimum standards, provisions, and requirements of "American Standard Installation of Gas Piping and Gas Appliances in Buildings," 1954 as approved by the American Standard Association, Inc., November 29, 1954, and as from time to time amended, a copy of which is attached hereto as exhibit "A" and made a part of this ordinance and shall be on file in the office of the Clerk-Treasurer of the Town of Orleans at all times hereinafter. (Ord. 1960-1, Sec. 4, September 12, 1960)

18.20.050 License Required. No person except the owner shall engage in or work at the installation, extension, alteration, or repair of any gas appliance or piping pertaining to or in connection with gas service on consumers premises within the corporate limits of Orleans, Indiana, unless such person has first procured a license therefore, in accordance with the provisions of this ordinance. (Ord. 1960-1, Sec. 5, September 12, 1960)

18.20.060 Revocation of Licenses. No person, firm, or corporation shall lend his or their "Gas Fitter's" or "Master Plumber's" license, as the case may be, to any other person, nor

shall any such licensed person, firm or corporation apply for a permit in his or their name for use of any other person, and any such licensed person, firm or corporation so doing or refusing to comply with any other requirements of this ordinance shall have his or their "Gas Fitter's" or "Master Plumber's" license as the case may be, suspended or revoked by the Town Officials of Orleans, Indiana. (Ord. 1960-1, Sec. 6, September 12, 1960)

18.20.070 Qualifications and Bonding. No license shall be issued by the Town Clerk-Treasurer until after the Board of Trustees satisfies themselves that such applicant is qualified, and has filed surety bond in the sum of \$100.00 or more to cover any liability caused by the negligent acts or conduct of their workmen is said licenses. All licenses shall be automatically revoked upon failure to keep in force surety bonds herein provided for. (Ord. 1960-1, Sec. 7, September 12, 1960)

18.20.080 Violations and Penalties. It shall be unlawful to turn on valves, break seals or meter cocks, or do any other act the purpose of which is to cause or attempt to cause a resumption of the flow of gas through or in pipes which have been stopped or shut off by the utility supplying the same, and the existence of any by-pass pipe or any other device on or about the pipes or equipment installed or legally used by utility in furnishing gas to consumer or evidence of damage to meters, valves, seals, or other appurtenances preventing or interfering with proper use of such equipment for registering or measuring gas consumed, shall constitute prima facie evidence of knowledge on the part of the person or persons having custody or control of the premises where such devices are located of the existence thereof and the effect of such devices or persons to unlawfully take of steal gas from the equipment installed by or used by the utility furnishing or making gas available to consumers and shall bring such person or persons prima facie within the scope, meaning and penalties of this Ordinance.

- (1) Any person, firm or corporation that shall fail to comply with or violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$1.00, nor more than \$500.00 or thirty (30) days imprisonment or both, fine and imprisonment. (Ord. 1960-1, Sec. 8, September 12, 1960)

18.20.090 Non-Liability of Town. This ordinance shall not be construed as imposing upon the Town of Orleans, Indiana, any liability or responsibility for damages to any person injured by a defect in any gas piping or appliances mentioned herein, or by installation thereof, nor shall the town of Orleans, Indiana, or any official or employee thereof be held as assuming any such liability or responsibility by reason of this ordinance. (Ord. 1960-1, Sec. 9, September 12, 1960)

18.20.100 Validity. If any section, sub-section, sentence, clause, or phase of this ordinance is, for any reason, held to be unconstitutional, such decisions shall not affect the validity of the remaining portion of this ordinance. The Town of Orleans, Indiana, hereby declare that they would have passed this ordinance and each section, sub-section, sentence, clause, or phrase thereof, irrespective of the fact that any one unconstitutional. (Ord. 1960-1, Sec. 10, September 12, 1960)

Chapter 18.50

UTILITY DEPOSITS

Sections:

18.50.010 Unclaimed utility deposits

18.50.020 Notification of unclaimed utility deposit

18.50.030 Deposit of unclaimed utility deposit

18.50.010 Unclaimed utility deposits. Any utility deposit held by the Town of Orleans, Indiana, which remains unclaimed by the utility customer for more than six (6) months after the termination of the utility services is presumed abandoned and may be disposed of as set forth herein. (Ord. 1996-5, S1, June 20, 1996)

18.50.020 Notification of unclaimed utility deposit. The Clerk Treasurer is directed to notify the utility customer by reasonable means of his or her right to claim the utility deposit which has remained unclaimed for six (6) months or more. (Ord. 1996-5, S2, June 20, 1996)

18.50.030 Deposit of unclaimed utility deposit. In the event that the rightful owner(s) of the unclaimed utility deposit does not claim said utility deposit, the Clerk Treasurer is directed to deposit said unclaimed utility deposit in the cash operating fund of the Water Utility of the Town of Orleans, Indiana, and the right of ownership by any utility customer of such unclaimed utility deposit shall terminate and said utility deposit shall be deemed property of the Town of Orleans, Indiana. (Ord. 1996-5, S3, June 20, 1996)