

**TITLE 6**  
**UTILITIES**

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### **UTILITIES**

#### **Chapters:**

- 6.02**      **Natural Gas Provider**
- 6.03**      **Standards for installation of gas pipes and appliances**
- 6.06**      **Connection and use of sewer system**
- 6.08**      **Sewer service rates and charges**

## Chapter 6.02

### Natural Gas Provider

#### Sections:

6.02.010	Operation of natural gas works
6.02.020	The construction of gas lines not to interfere with existing public or private works
6.02.030	Report stating the proposed gas locations
6.02.040	Right to temporarily shut off gas for the purpose of repairs and extensions
6.02.050	Hold harmless clause
6.02.060	Extension of gas lines
6.02.070	Adequate supply of gas
6.02.080	Collection of revenues/management of business
6.02.090	Validity
6.02.100	Feasibility/Franchise/Termination

**6.02.010 Operation of natural gas works.** That subject to the terms, conditions and provisions hereinafter stated and set forth, there is hereby granted to H.H. Ross & Associates, their successors and assigns, the right to construct, erect, maintain and operate a gas works and storage facilities within the corporate limits of the Town of West Baden Springs, Indiana, for the purpose of supplying gas to the said Town and the inhabitants thereof, and territory in the vicinity of said Town and is hereby granted the right-of-way along, through and under the streets, avenues, alleys, lanes, sidewalks, public squares and public places in said incorporated Town of West Baden Springs, Indiana, for the purpose of laying constructing, maintaining, removing, using and operating one or more lines of gas main and branch pipe with the necessary feeders, service pipes, valves, regulators and other devices necessary or convenient to the successful operation of such lines and pipes in the supplying, storing, conducting and delivering of gas to the Town of West Baden Springs, Indiana, and inhabitants thereof and territory in the vicinity of said Town. (Ord. 1959-1, S1, April 15, 1959)

**6.02.020 The construction of gas lines not to interfere with existing public or private works.** In the work of laying, removing, changing airing, or replacing its pipes, amins, feeders, equipment, or appurtenances, the said H.H. Ross & Associates shall not unnecessarily obstruct or interfere with nor change any existing arrangements such as sewers, water mains, or other public or private works in said incorporated Town. (Ord. 1959-1, S2, April 15, 1959)

**6.02.030 Report stating the proposed gas locations.** That the said H.H. Ross & Associates, their successors and assigns, shall before beginning the laying of any pipes, mains or conduits, make a report to the Town Clerk or the Superintendent of Streets for the Town of West Baden Springs, Indiana, stating the locations within the Town limits where such pipes, mains and conducts are proposed to be laid. Said H.H. Ross & Associates after doing any excavating shall replace all materials,

excepting surfacing materials or pavement which have been removed and shall leave the fill in a neatly graded condition. After said excavations have been sufficiently settled, filled and are ready for repaving and resurfacing, said H.H. Ross & Associates will so notify the Town authorities. Upon receipt of notice as aforesaid that excavations made hereunder have been refilled and are ready for resurfacing, or repaving, the Town shall thereupon undertake such resurfacing or repaving, and shall do the same in a proper manner. All expenses properly incident to the cost of repaving or resurfacing shall be borne by said H.H. Ross & Associates and the amount thereof shall be paid promptly to the said Town within a reasonable time after receipt by the said H.H. Ross & Associates of invoice covering same. (Ord. 1959-1, S3, April 15, 1959)

**6.02.040 Right to temporarily shut off gas for the purpose of repairs and extensions.** Said H.H. Ross & Associates shall have the right to temporarily shut off gas, to be supplied hereunder for any of the purposes by this ordinance permitted, from its main and service pipes, or any part thereof, provided, however, that such actions shall in each case be taken for the sole and express purpose of making repairs or extensions to works or mains or service pipes or for safety reasons and said H.H. Ross & Associates shall not be liable to the said Town or to any customer or consumer of gas for any damage caused by each temporary suspension of the supply of gas; provided, however, that said repairs and extensions are made with due diligence by the said H.H. Ross & Associates. (Ord. 1959-1, S4, April 15, 1959)

**6.02.050 Hold harmless clause.** That the said H.H. Ross & Associates, their successors and assigns, shall at all time hold and save the incorporated Town of West Baden Springs, Indiana, harmless from any and all liability, loss, cost, damage, or expenses which may accrue to said incorporated Town of West Baden Springs by reason of the neglect, default or misconduct of the H.H. Ross & Associates in the construction, operation, or maintenance of its facilities hereunder. (Ord. 1959-1, S5, April 15, 1959)

**6.02.060 Extension of gas lines.** H.H. Ross & Associates, successors, and assigns, shall be required to extend their lines to take care of any consumer in the incorporated Town of West Baden Springs who desires to use gas at any time, provided, however, that said H.H. Ross & Associates shall not be required to extend its lines beyond the curb immediately adjacent to the abutting properties or to the property line of customers, nor more than one hundred (100) feet of main for each customer to be served. (Ord. 1959-1, S6, April 15, 1959)

**6.02.070 Adequate supply of gas.** That H.H. Ross & Associates, their successors, assigns, hereby agree to make available to the Town of West Baden Springs, Indiana, and its inhabitants an adequate supply of gas for normal purposes, except that the H.H. Ross & Associates shall not be responsible or liable for delay of failure in the performance of the premises and agreement on their part to be performed hereunder, if such delay or failure be due to any cause beyond their control, such as but not limited to strikes, fires, floods, storms, accidents, acts of public enemies, mobs or rioters, and acts of God, or inability of H.H. Ross & Associates to obtain adequate gas from its pipe line suppliers. (Ord. 1959-1, S7, April 15, 1959)

**6.02.080 Collection of revenues/management of business.** Said H.H. Ross & Associates shall have the power to make all needful rules and regulations for the collection of its revenues, the prevention of waste of its property and gas supply, and the conduct and management of business as they may, from time to time, deem necessary. (Ord. 1959-1, S8, April 15, 1959)

**6.02.090 Validity.** In the event that the Public Service Commission of Indiana or any other body, board, commission or court of competent jurisdiction shall adjudge any provision or provisions of this ordinance invalid or illegal, or direct a change by H.H. Ross & Associates in any matter or thing therein contained, such invalidity or illegality or change shall in no way affect the remaining provisions of this ordinance, or their validity or legality, and this ordinance, in all other respects shall continue in full force and effect, as if said provision or provisions had not been so adjudged invalid or illegal or such change directed. (Ord. 1959-1, S9, April 15, 1959)

**6.02.100 Feasibility/Franchise/Termination.** This ordinance shall take effect and be in force from and after its passage and publication in accordance with law and shall there after continue in effect as an indeterminate permit pursuant to statute and under and upon such terms and conditions as prescribed by the Public Service Commission of the State of Indiana. Said H.H. Ross & Associates agree that within six (6) months from the date of this franchise that they will furnish to the Town of West Baden Springs a report showing whether it is or is not feasible to furnish natural gas service as provided herein. If in the opinion of said H.H. Ross & Associates it is not feasible to furnish Natural gas service as provided herein they will forthwith surrender this franchise. If in their opinion it is feasible to furnish natural gas service as provided herein they shall proceed with due diligence to that end. If, however, Natural gas service is not available as herein provided at the end of two (2) years from the date of acceptance of this franchise the Town of West Baden Springs MAY terminate said franchise provided such failure is not due to the unavailability of Natural gas. (Ord. 1959-1, S10, April 15, 1959)

## Chapter 6.03

### Standards for installation of gas pipes and appliances

#### Sections:

<b>6.03.010</b>	<b>Title</b>
<b>6.03.020</b>	<b>Purpose</b>
<b>6.03.030</b>	<b>Scope</b>
<b>6.03.040</b>	<b>Provisions</b>
<b>6.03.050</b>	<b>License required</b>
<b>6.03.060</b>	<b>Revocation of licenses</b>
<b>6.03.070</b>	<b>Fees</b>
<b>6.03.080</b>	<b>Violations and Penalties</b>
<b>6.03.090</b>	<b>Non-liability of Town</b>
<b>6.03.100</b>	<b>Validity</b>

**6.03.010 Title.** This ordinance shall be known as the "Gas Ordinance" of the Town of West Baden Springs, Indiana, and may be cited as such. (Ord. 66-4, S1, April 6, 1966)

**6.03.020 Purpose.** Purpose of this ordinance is to provide minimum standard provisions and requirements for safe installation of gas appliances and gas pipes. (Ord. 66-4, S2, April 6, 1966)

**6.03.030 Scope.** All gas appliances and gas pipes hereinafter installed, maintained or repaired within the corporate limits of the Town of West Baden Springs, Indiana shall conform to the requirements of this ordinance. (Ord. 66-4, S2, April 6, 1966)

**6.03.040 Provisions.** All installations of gas piping and gas appliances hereinafter installed and placed in use in the Town of West Baden Springs, Indiana, shall be installed to comply with the minimum standards, provisions, and requirements of "American Standard Installation of Gas Piping and Gas Appliances in Buildings", 1964 as approved by the American Standard Association, Inc. September 18, 1964 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 West Baden Springs, Indiana, at all times hereinafter. (Ord. 66-4, S2, April 6, 1966)

**6.03.050 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 or consumers premises within the corporate limits of West Baden Springs, Indiana, unless such person has first procured a license therefore in accordance with the provisions of this ordinance. (Ord. 66-4, S5, April 6, 1966)

**6.03.060 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 West Baden Springs, Indiana. (Ord. 66-4, S6, April 6, 1966)

**6.03.070 Fees.** The fees for license hereunder shall be \$25.00 for each business, firm or establishment so engaged which shall be payable to the Town Clerk-Treasurer at the time of making application therefore; but no license shall be issued by such clerk until after the Board of Trustees satisfies themselves that such applicant is qualified and has filled surety bond in the sum of \$1,000.00 or more to cover any liability caused by the negligent acts or conduct of their workmen in said licenses. All licenses shall be automatically revoked upon failure to keep in force surety bond herein provided for. (Ord. 66-4, S7, April 6, 1966)

**6.03.080 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 has 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 the 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 or 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.

- A. 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. 66-4, S8, April 6, 1966)

**6.03.090 Non-Liability of Town.** This ordinance shall not be construed as imposing upon the Town of West Baden Springs, Indiana any liability or responsibility for damages to any person injured by a defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the Town of West Baden Springs, Indiana or any official or employee thereof be held as assuming any such liability or responsibility by reason of this ordinance. (Ord. 66-4, S9, April 6, 1966)

**6.03.100 Validity.** If any section, subsection, sentence, clause, or phrase 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 Officials of the Town of West Baden Springs, Indiana, hereby declare that they would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences,

clauses, or phrases be declared unconstitutional. (Ord. 66-4, S10, April 6, 1966)



## Chapter 6.06

### Connection and use of sewer system

#### Sections:

6.06.010	Definitions
6.06.020	Disposal of wastes - Connection with sewer
6.06.030	Private sewage disposal system
6.06.040	Permit to connect with public sewer
6.06.050	Discharge prohibited in public sewers
6.06.060	Pretreatment of industrial wastes
6.06.070	Plans and specifications of pretreatment facilities
6.06.080	Unpolluted water
6.06.090	Industrial cooling water
6.06.100	Measurements, tests and analysis
6.06.110	Sampling wastewaters
6.06.120	Grease, oil and sand interceptors or traps
6.06.130	Accidental discharges
6.06.140	Compliance with State and Federal requirements
6.06.150	Damaging sewer system
6.06.160	Right of entry for inspection
6.06.170	Penalties for violation
6.06.180	Invalidity
6.06.190	Appeal procedure

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

A. "Biochemical oxygen demand" (or BOD) shall mean the quantity of oxygen expressed in mg/1 utilized in the biochemical oxidation of organic matter under standard laboratory procedures with nitrification inhibition in five (5) days at 20 degrees C.

B. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.

Building drain - Sanitary. A building 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.

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

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

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

- D. "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- E. "Compatible pollutant" shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:
  - 1. chemical oxygen demand,
  - 2. total organic carbon,
  - 3. phosphorus and phosphorus compounds,
  - 4. nitrogen and nitrogen compounds, and
  - 5. fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).
- F. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- G. "Fecal coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
- H. "Floatable oil" shall mean oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town.
- I. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- J. "Incompatible pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved

solids.

- K. "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from employee wastes or wastes from sanitary conveniences.
- L. "Infiltration" shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from inflow.)
- M. "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- N. "Inflow" shall mean the water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to , roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.)
- O. "Inspector" shall mean the person or persons duly authorized by the Town, through its Town Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.
- P. "Major contributing industry" shall mean an industry that:
  - 1. has a flow of 50,000 gallons or more per average work day;
  - 2. has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
  - 3. has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) or PL 92-500; or
  - 4. has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.
- Q. "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.
- R. "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or

other body of surface or groundwater.

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

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

- KK. "Toxic amount" shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307 (a) of PL 92-500.
- LL. "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- MM. "Volatile organic matter" shall mean the material in the sewage solids transformed to gases or vapors when heated at 55 degrees C for 15 to 20 minutes.
- NN. "Watercourse" shall mean natural or artificial channel for the passage of water either continuously or intermittently.
- OO. "NH<sub>3</sub>N" shall mean the same as Ammonia Nitrogen measured as Nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in paragraph (FF).
- PP. "P" or Phosphorus shall mean the chemical element Phosphorus. (Ord. 93-9, S1, Aug. 3, 1993) (Ord. 74-2, S1, 1974)

**6.06.020 Disposal of wastes - Connection with sewer.**

- A. 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.
- B. No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwaters, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. The Town shall require the removal of unpolluted waters from any wastewater collection or treatment facility.
- C. Stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity of their accommodation. No person shall use such sewers, however, without the specific permission of the Town. No new connection shall be made to any sanitary or storm sewer unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and

suspended solids.

- D. No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit.
- E. No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit.
- F. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- G. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) 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. 93-9, S2, Aug. 3, 1993) (Ord. 74-2, S2, 1974)

#### **6.06.030 Private sewage disposal system.**

- A. Where a public sanitary sewer is not available under the provisions of Section 6.06.020 G; the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of fifty dollars (\$50.00) shall be paid to the Town at the time the application is filed.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the works at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The Inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.
- D. The type, capacities, location, and layout of a private sewage disposal

system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

- E. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 6.06.030D or by an existing public sewer which is being replaced by the Town, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- G. When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
- H. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. (Ord. 93-9, S3, Aug. 3, 1993) (Ord. 74-2, S3, 1974)

#### **6.06.040 Permit to connect with public sewer.**

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

A permit and inspection fees of fifty dollars (\$50.00) 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.

Provided, however, no permit and inspection fees shall be



required of any customer connecting to a public sewer constructed by the 1993 construction project within ninety (90) days of the date on which said sewer was available for connection

- C. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this ordinance.
- F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C. Manual of Practice No. FD-5, shall apply.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice in No. FD-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.

- J. The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the said Inspector or his representative. The applicant shall provide access to all structures (and areas of structures) to the Inspector for the purpose of establishing compliance with Section 6.06.040 H.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights to 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. 93-9, S4, Aug. 3, 1993)

**6.06.050 Discharge prohibited in public sewers.**

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

jurisdiction of such discharge to the receiving waters.

6. Any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
  7. Any waters or wastes having pH in excess of 9.5.
  8. Materials which exert or cause:
    - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
    - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
    - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
    - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
  9. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- B. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 6.06.050 A of this chapter, 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:
1. Require any industries to submit information on wastewater quantities and characteristics and obtain prior approval for discharges.
  2. Reject the wastes in whole or in part for any reason deemed appropriate by the Town.
  3. Require pretreatment of such wastes to within the limits of

normal sewage as defined.

4. Require control or flow equalization of such wastes to as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, or
5. Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

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

- C. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- D. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained so as to be safe and accessible at all times. Agents of the Town, that State Water Pollution Control Agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.
- E. All measurements, 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.

- F. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate ordinance. (Ord. 93-9, S5, Aug. 3, 1993)

**6.06.060 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. 93-9, S6, Aug. 3, 1993)

**6.06.070 Plans and specifications of pretreatment facilities.** Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the 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. 93-9, S7, Aug. 3, 1993)

**6.06.080 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. 93-9, S8, Aug. 3, 1993)

**6.06.090 Industrial cooling water.** Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above Section. (Ord. 93-9, S9, Aug. 3, 1993)

**6.06.100 Measurements, tests and analysis.** The Town may required users of the treatment works, other than residential users, to supply pertinent information on wastewater flows and characteristics. Such measurements, tests, and analysis shall be made at the user's expense. If made by the Town, an appropriate charge may be assessed to the user at the option of the Town. (Ord. 93-9, S10, Aug. 3, 1993)

**6.06.110 Sampling wastewater.** 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. 93-9, S11, Aug. 3, 1993)

**6.06.120 Grease, oil and sand interceptors or traps.** 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. 93-9, S12, Aug. 3, 1993)

**6.06.130 Accidental discharges.** 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. 93-9, S13, Aug. 3, 1993)

**6.06.140 Compliance with 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. 93-9, S14, Aug. 3, 1993)

**6.06.150 Damaging sewer system.** No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 93-9, S15, Aug. 3, 1993)

**6.06.160 Right of entry for inspection.**

- A. The Superintendent, Inspector and other duly authorized employees of the Town bearing proper credentials and identification shall be

permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

- B. While performing the necessary work on private properties referred to in Section 6.06.160 A above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6.06.050 E.
- C. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 93-9, S16, Aug. 3, 1993)

#### **6.06.170 Penalties for violation.**

- A. Any person found to be violating any provisions of this ordinance except Section 6.06.150 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.
- B. Any person who shall continue any violation (other than a violation of Section 6.06.020 B beyond the time limit provided for in Section 6.06.170 A 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.
- C. 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.

- D. Any person violating or suspected of violating Section 6.06.020 B, shall be subjected to a penalty of fifty (50) dollars per month (or fraction thereof in which the violation occurs.)
1. A person may avoid payment of said penalty by consenting to an inspection described in Section 6.06.040 J, for the purpose of establishing compliance with Section 6.06.020 B.
  2. A person consenting to such an inspection and found in violation shall be given 90 days to comply with Section 6.06.020 B without being subject penalty. (Ord. 93-9, S17, Aug. 3, 1993)

**6.06.180 Invalidity.** 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. 93-9, S18, Aug. 3, 1993)

**6.06.190 Appeal procedure.** 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. 93-9, S19, Aug. 3, 1993)



## **Chapter 6.08**

### **Sewer service rates and charges**

#### **Sections:**

<b>6.08.010</b>	<b>Definitions</b>
<b>6.08.020</b>	<b>User classes</b>
<b>6.08.030</b>	<b>Rates and charges</b>
<b>6.08.040</b>	<b>Water obtained from other sources</b>
<b>6.08.050</b>	<b>Billing and collection</b>
<b>6.08.060</b>	<b>Management</b>
<b>6.08.070</b>	<b>Invalidity</b>
<b>6.08.080</b>	<b>Special rates</b>
<b>6.08.090</b>	<b>Appeal procedure</b>

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

- A. "Council" shall mean the Town Council of the Town of West Baden Springs, Indiana, or any duly authorized officials acting in its behalf.
- B. "Town" shall mean the Town of West Baden Springs, Indiana, acting by and through the Council.
- C. "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- D. "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 200 mg/l  
  
As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.
- E. "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.)
- F. "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.

- G. "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.
- H. "Shall" is mandatory; "May" is permissive.
- I. "Laundromat" means a commercial establishment where the customer brings laundry to be washed and dried in coin operated automatic machines. (Ord. 93-6, S1, Aug. 17, 1993) (Ord. 92-9, S1, June 2, 1992) (Ord. 92-4, S1, Mar. 3, 1992) (Ord. 91-4, S1, July 2, 1991) (Ord. 91-1, S1, Mar. 19, 1991) (Ord. 1962-4, S4, Aug. 21, 1962)

**6.08.020 User classes.** Every person whose premises are served by said sewage works shall be charged for the services provided. 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.

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

Class I           - Residential  
                       - Commercial  
                       - Governmental  
                       - Institutional  
                       - Industrial (Ord. 93-6, S2, Aug. 17, 1993) (Ord. 92-9, S2, June 2, 1992) (Ord. 92-4, S2, Mar. 3, 1992) (Ord. 91-4, S2, July 2, 1991) (Ord. 91-1, S2, Mar. 19, 1991) (Ord. 85-1, S5, Apr. 18, 1985) (Ord. 78-1, S5, May 18, 1978) (Ord. 1965-1, S1, Mar. 17, 1965)

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

- A. The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a

base charge. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed monthly (or period equaling one month). The water usage schedule on which the amount of said rates and charges shall be determined as follows:

All Users

<u>Metered Usage</u>	<u>Rates Per 1,000 Gallons</u>
First 5,000 gallons	\$ 4.55
Next 15,000 gallons	3.97
Next 30,000 gallons	3.40
Next 50,000 gallons	2.82
Next 400,000 gallons	2.28
Over 500,000 gallons	1.53
Minimum Charge	Rate Per Month
	-----
	\$ 16.47

- B. For users of the sewage works that are unmetered water uses or accurate meter readings are not available, the monthly charge shall be determined as an average of single family dwelling units.
- C. Provided, however, the operator of a laundromat shall receive monthly a thirty (30%) percent discount from the above charges set forth in sub-paragraph A.
- D. For the service rendered to the Town of West Baden Springs said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.
- E. In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual cost of monitoring but not less than \$25 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in the ordinance.
- F. Sewage connection fees to a residence shall be \$100 and to commercial, institutional, governmental and industrial users, \$150 per connection from existing lines; fees from any main lines constructed after this ordinance is passed for sewage connection shall be \$350 to a residence and \$500 to commercial, institutional, governmental and industrial users. Before any connection is made, an inspection shall be made by the Town at an expense to the owner of Fifty (\$50.00) Dollars. (Ord. 93-6, S3, Aug. 17, 1993) (Ord. 92-9, S3, June 2, 1992) (Ord. 92-4, S3, Mar. 3, 1992) (Ord. 91-4, S3, July 2, 1991) (Ord. 91-1, S3, Mar. 19, 1991) (Ord. 85-1, S1, Apr. 18, 1985) (Ord. 78-1, S1, May 18, 1978) (Ord. 1965-1, S1B, Mar. 17,

1965) (Ord. 1962-4, S1B, Aug. 21, 1962)

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

- A. In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the Town and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the Town then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this ordinance, the owner or other interested party shall at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determining of sewage discharge.
- B. In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, thence 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, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- C. In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.
- D. In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the

satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

- E. Where a metered water supply is used for fire protection as well as for other uses, the Town may, in its discretion, make adjustments in the user charge as may be equitable. (Ord. 93-6, S4, Aug. 17, 1993) (Ord. 92-9, S4, June 2, 1992) (Ord. 92-4, S4, Mar. 3, 1992) (Ord. 91-4, S4, July 2, 1991) (Ord. 91-1, S4, Mar. 19, 1991)

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

- A. The rates and charges for all users shall be prepared and billed monthly. At the end of each year, each user shall be given a notice of the rates charged for operation, maintenance and replacement for that user for the next year.
- B. The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.
- C. As 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 first \$3.00 and three (3%) of the excess of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill. (Ord. 93-6, S5, Aug. 17, 1993) (Ord. 92-9, S5, June 2, 1992) (Ord. 92-4, S5, Mar. 3, 1992) (Ord. 91-4, S5, July 2, 1991) (Ord. 91-1, S5, Mar. 19, 1991) (Ord. 85-1, S2, Apr. 18, 1985) (Ord. 78-1, S2, May 18, 1978) (Ord. 70-3, S1, July 1, 1970)

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

treatment facility.

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 including the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works. (Ord. 93-6, S6, Aug. 17, 1993) (Ord. 92-9, S6, June 2, 1992) (Ord. 92-4, S6, Mar. 3, 1992) (Ord. 91-4, S6, July 2, 1991) (Ord. 91-1, S6, Mar. 19, 1991) (Ord. 79-1, S1,2,3,4, July 5, 1979)

**6.08.070 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 of parts. (Ord. 93-6, S7, Aug. 17, 1993) (Ord. 92-9, S7, June 2, 1992) (Ord. 92-4, S7, Mar. 3, 1992) (Ord. 91-4, S7, July 2, 1991) (Ord. 91-1, S7, Mar. 19, 1991)

**6.08.080 Special rates.** 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 special rates shall be based on such costs. (Ord. 93-6, S8, Aug. 17, 1993) (Ord. 92-9, S8, June 2, 1992) (Ord. 92-4, S8, Mar. 3, 1992) (Ord. 91-4, S8, July 2, 1991) (Ord. 91-1, S8, Mar. 19, 1991)

**6.08.090 Appeal procedure.** That the rules and regulations promulgated by the Town, after approved by the 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 Council and that any decision concerning user charges of the Council may be appealed to the Circuit Court of the County under the appeal procedures provided for in the Indiana Administrative Adjudication Act. (Ord. 93-6, S9, Aug. 17, 1993) (Ord. 92-9, S9, June 2, 1992) (Ord. 92-4, S9, Mar. 3, 1992) (Ord. 91-4, S9, July 2, 1991) (Ord. 91-1, S9, Mar. 19, 1991)