

TITLE 18
UTILITIES

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Chapter 18.06

MUNICIPAL WATER UTILITY CONNECTION, USE, RATES AND CHARGES

Sections:

- 18.06.010 Written application for water service
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- 18.06.050 Control and management of water lines
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18.06.010 **Written application for water service.** Be it ordained by the Board of Trustees of the Town of Winslow that on and after the publication of this order, February 13, 1931, that all who desire to use Town water shall make a written application therefor to the Water Superintendent. (Ord. unnumbered, part, Feb. 9, 1931)

18.06.040 **Cost to bring water to curb line.** The Town shall at its own expense bring the Town water to the curb line. (Ord. unnumbered, part, Feb. 9, 1931)

18.06.050 **Control and management of water lines.** All pipes, connections and fixtures used and necessary to bring the Town water to curb line shall be and remain the property of the Town of Winslow and shall at all times be and remain under the control and management of the said Town. (Ord. unnumbered, part, Feb. 9, 1931)

18.06.080 **Renters who fail to pay for water service will be charged to the owner of the property.** Be it ordained by the Board of Trustees of the Town of Winslow, Pike County, Indiana, that property owners renting property and their tenants fail to pay their water rentals the same will be charged to the owner of the property. Let it be known, that any above mentioned property owner that fails to pay their water bill will now be informed by mail from the Winslow Utilities to inform the following action will be taken, The property owner will be notified in writing they shall be granted (30) thirty days after the service has been disconnected to pay the bill in full at the Town Hall, Winslow, Indiana. If the bill is not paid in full after the (30) thirty days, Winslow Utilities will place a lien on the said property at the following cost;

Delinquent Sewer Charge	(In Amount Owed)
Service Charge	\$ 30.00

Recording Fee	\$ 25.00
Release Fee	\$ 25.00

All mentioned fees shall be paid at the Pike County Recorder’s Office, located in Petersburg, Indiana. At such time, the lien will be removed from the property. (Ord. 2018-07, Oct. 8, 2018) (Ord. 2014-07, Mar. 10, 2014) (Ord. unnumbered, Aug. 3, 1950)

18.06.180 Utility Billing Policy. That a Utility Billing Policy is established to the effect that Utility Billing payments returned to Town Hall without payment stub shall be issued a \$2.00 fee upon the receipt of payment without bill card and shall be receipted into the water operation fund. (Ord. 2019-02, S1, Aug. 12, 2019)

18.06.190 Unclaimed Utility Deposit Policy. That an Unclaimed Water Utility Deposit Policy be established to the effect that unclaimed water utility deposits shall become the property of the municipal water utility and shall be receipted into the water operation fund after being unclaimed for a period of (1) one year after the termination of the services for which the deposit was made. (Ord. 2014-06, S1, Mar. 10, 2014)

18.06.200 Water rates and charges. That there shall be and there are hereby established for the use of and the service rendered by the waterworks system of the Town of Winslow, the following rates and charges, based on the use of water supplied by said waterworks. The new rates shall be effective immediately upon passage of this chapter.

(1)	<u>Metered Rates Per Month</u>	<u>Rates (Per 1,000 gallons)</u>
	First 5,000 gallons	\$ 14.45
	Next 15,000 gallons	\$ 10.36
	Next 35,000 gallons	\$ 8.28
	Next 65,000 gallons	\$ 6.21
	Over 100,000 gallons	\$ 4.17

(2) Minimum Charge:

Each user shall pay a minimum charge in accordance with the following applicable size of meter installed, for which the user will be entitled to the quantity of water set out in the above schedule of rates. The new rates shall be effective immediately upon passage of this chapter.

<u>Minimum Charge Size of Meter</u>	<u>Gallons Allowed</u>	<u>Rates</u>
5/8 inch	2,000	\$ 28.90
3/4 inch	3,570	\$ 51.60
1 inch	6,800	\$ 90.91
1 1/2 inch	10,770	\$ 132.45

2	inch	18,770	\$ 207.05
3	inch	42,700	\$ 387.20
4	inch	86,645	\$ 662.17
6	inch	169,660	\$1,036.58

(3) Sprinkler Connection Charge:

The new rates shall be effective immediately upon passage of this chapter.

<u>Connection Size</u>	<u>Rates Per Annum</u>
1 1/2 inch	\$ 164.79
2 inch	\$ 288.37
3 inch	\$ 494.31
4 inch	\$ 823.82
6 inch	\$1,235.69
8 inch	\$1,647.58

(4) Other Charges

Collection and Deferred Payment Charges. All bills for water service not paid before the due date as stated on such bills shall be subject to the collection of a deferred payment charge of ten percent (10%) of that part of the delinquent account which does not exceed \$3.00 plus three percent (3%) of any delinquent amount in excess of \$3.00.

(5) Connection Charge:

Each user at the time he is connected with the waterworks system shall pay a charge to cover the costs of: excavating and tapping the main; furnishing and installing service pipe from the main to the lot line; furnishing and installing corporation and stop cocks; and furnishing and installing meter crock (if outside), yoke and meter. The charge for a 5/8 inch and 3/4 inch meter tap shall be \$310.00. The charge for a tap larger than the 3/4 inch meter tap shall be the cost of labor, materials, power machinery, transportation, and overhead incurred for installing the tap, but shall not be less than \$310.00.

(6) Service Fee:

When the non-payment for service reaches thirty (30) days in arrears, or whenever for any reason beyond the control of the waterworks a re-establishment of service is required by any one customer, a charge of twenty-five dollars (\$25.00) will be made by the waterworks to cover the cost of service or discontinuance and re-establishment of service. The charge, together with any arrears due the waterworks, shall be paid by the customer before service will be re-established.

- (7) Fee for the unauthorized reconnection after service has been disconnected:
- A. After it has been determined by the WINSLOW WATER CORPORATION, that a customer whose water service has been disconnected, has broken or removed the lock from the customer's water meter, the customer shall be charged a fee of \$75.00 for the unauthorized breaking or removing of the lock. (Ord. 2001-3, SI, Nov. 26, 2001)
 - B. The customer's water service will not be reconnected by the WINSLOW WATER CORPORATION, until the \$75.00 fee has been paid, and until all outstanding account balances owed by the customer to the WINSLOW WATER CORPORATION have been paid. (Ord. 2001-3, SII, Nov. 26, 2001)

(8) Miscellaneous Charges:

Meter Deposit	\$150.00
Bad Check Charge	\$ 35.00

(9) Temporary Users:

Water furnished to temporary users, such as, but not limited to contractors, shall be charged for on the basis of the above quantity rates as estimated by the Waterworks Superintendent. (Ord. 2013-02, S1, Apr. 8, 2013) (Ord. 2002-1, S1, Jan. 28, 2002) (Ord. 1994-6, S1, June 20, 1994) (Ord. 1994-4, S1, Apr. 11, 1994) (Ord. 1994-3, S1, Mar. 28, 1994) (Ord. 1981-2, S1, Nov. 28, 1981) (Ord. 1, S1, 2, 3, Jan. 15, 1951)

18.06.230 Reasonable return on waterworks utility plant. The Town hereby elects to earn a reasonable return on the waterworks utility plant. (Ord. 2002-1, S2, Jan 28, 2002) (Ord. 1994-6, S3, June 20, 1994) (Ord. 1994-4, S3, Apr. 11, 1994) (Ord. 1994-3, S3, Mar. 28, 1994)

18.06.240 Payments in lieu of taxes. The Town hereby elects to receive payments in lieu of taxes, at the Town's option, from the waterworks utility plant. (Ord. 2002-1, S3, Jan 28, 2002) (Ord. 1994-6, S4, June 20, 1994) (Ord. 1994-4, S4, Apr. 11, 1994) (Ord. 1994-3, S4, Mar. 28, 1994)

18.06.250 Removal from jurisdiction of the Indiana Utility Regulatory Commission. The water utility owned and operated by the Town of Winslow, Indiana, shall be removed from the jurisdiction of the Indiana Utility Regulatory Commission, pursuant to Indiana Code Section 8-1. 5-3-9.1.

Pursuant to said statute, this chapter shall become effective 60 days after its adoption, which occurred on August 13, 2001.

Written notice of the withdrawal of the Winslow Water Utility from the Utility Regulatory Commission jurisdiction, shall be sent to the Commission, within 30 days after August 13, 2001. (Ord. 2001-01, Aug. 13, 2001) (Ord. 1994-6, S5, June 20, 1994) (Ord. 1994-4, S5, Apr. 11, 1994) (Ord. 1994-3, S5, Mar. 28, 1994)

Chapter 18.07

PUBLIC FIRE PROTECTION SERVICES

Sections:

18.07.005	Purpose
18.07.010	Eliminated Charges
18.07.020	Additional Charges
18.07.030	Town's Responsibility
18.07.040	Rate's and Charges

18.07.005 Purpose. Pursuant to Indiana law, the Town of Winslow Council serves as the managing body for the municipality owned water utility for the Town of Winslow.

The Town of Winslow has previously removed itself from the jurisdiction of the Indiana Utility Regulatory Commission and, therefore, all rates and charges for municipality owned utilities are subject only to the control and/or approval of the Town of Winslow.

Indiana law allows municipally owned utilities to establish rates and charges sufficient to produce revenue for all costs associated with the option of the utility.

The utility rates and charges currently also include a charge to the Town, itself, for the production, storage, transmission, sale, delivery and/or furnishing of water for public fire protection purposes.

Pursuant to Indiana law, a municipally owned water utility and Town may eliminate such fire protection services from being billed directly to the governmental unit (but for the construction costs of any new fire hydrant installed after the effective date of the Chapter) and replace such billing with a separate charge to each customer of the utility.

The Town of Winslow Council wishes to now change how the cost of such fire protection services is collected by eliminating the billing to the governmental unit and replacing it with a separate charge to each utility customer, all pursuant to law.

This change in recovery of fire protection costs shall not be considered to be a general increase in the basic rates and charges of the utility and is therefore not subject to the notice and hearing requirements applicable to general rate proceedings.

The following charges shall become effective May 1, 2012, and become applicable to recover the annual fee otherwise payable by the governmental unit to utility, and shall specifically become applicable to the last eight (8) monthly billings of 2012 to each utility customer. (Ord. 2012-4, Apr. 9, 2012)

18.07.010 Eliminated Charges. Be it ordained by the Town Council of the Town of Winslow, Pike County, Indiana, that the annual billing from the utility to the Town, itself, for charges incurred in providing water for fire protection services, relative to the year 2012, which is the sum of \$33,521.25 shall hereby be eliminated. (Ord. 2012-4, Apr. 9, 2012)

18.07.020 Additional Charges. In order to replace the above billing, an additional sum of \$3.00 per month be added and charged to each current regular customer of the municipal water utility (representing the current holders of each of the 426 outstanding five-eighths meters serviced by the utility), and an additional monthly sum of \$5.00 be charged to commercial customers. All to become effective May 1, 2012 and to be payable for the balance of 2012. (Ord. 2012-4, Apr. 9, 2012)

18.07.030 Town's Responsibility. Notwithstanding the above modification of recovery charges, any construction costs for new fire hydrants to be installed at the request of the Town after the effective date herein, shall be the responsibility of the Town. (Ord. 2012-4, Apr. 9, 2012)

18.07.040 Rates and Charges.

(1) Calculation of Equivalent Connections

<u>Meter Size</u>	<u>Total Customers</u>	<u>Ratio to 5/8'' Meter</u>	<u>Total Equivalent Connections</u>
5/8''	426	1.0	426
2''	1	1.0	1
Totals	<u>427</u>		<u>427</u>

(2) Calculation of Proposed Public Fire Protection Charge per Equivalent Connection

	<u>At Current Rates</u>
Total number of municipal hydrants (1)	75
Times current annual charger per hydrant (2)	<u>\$446.95</u>
Total fire protection revenues to be recovered	\$33,521.25
Divided by total equivalent connections	<u>427</u>
Proposed annual charge per equivalent connection	\$77.06
Proposed monthly charge per equivalent connection	\$6.42

(1) As provided by the Town

(2) Approved January 1, 2005, pursuant to Ordinance No. 1994-6, Amended by 2002-1 and 2008-1

(3) Summary of Proposed Monthly Public Fire Protection Charges

<u>Meter Size</u>	<u>Proposed Annual Charge</u>	<u>Divided by 12 months</u>	<u>Proposed Monthly Charge</u>
5/8''	\$77.06	12	\$6.42
2''			

(Ord. 2012-4, Apr. 9, 2012)

Chapter 18.08

INTRODUCTION OF FLUORIDES INTO THE PUBLIC WATER SYSTEM

Sections:

- 18.08.010 Purpose**
- 18.08.020 Authorization to prepare plans and specifications for the purchase and installation of equipment to add sodium fluoride**
- 18.08.030 Approval of plans and quantities by State Board of Health/Purchase of equipment**

18.08.010 Purpose.

- (1) Investigations by competent dental, medical and public health authorities show that the presence of fluoride in drinking water is a deterrent to tooth decay; and
- (2) Laboratory analysis shows that such chemical substance in optimum quantities is not found naturally in the public water supply of Winslow; and
- (3) Regulation HSE a of the Indiana State Board of Health permits the addition of certain fluoride compounds to public water supplies within controlled limits.

18.08.020 Authorization to prepare plans and specifications for the purchase and installation of equipment to add sodium fluoride. The (Water Works Superintendent) is hereby authorized and directed to have plans and specifications prepared for the purchase and installation of equipment to add (sodium fluoride) to the water being distributed by the (city water works), and to submit to them to the Indiana State Board of Health for approval (Ord. 5-69, part, April 7, 1969)

18.08.030 Approval of plans and quantities by State Board of Health/Purchase of equipment. Upon the approval of these plans and specifications by the Indiana State Board of Health, such equipment and supplies be purchased and installed in the manner provided by state law, and that thereupon said fluoride compound be added to the public water supply in sufficient quantities to bring the total amount of fluoride ions (F*) present in the finished water to the optimum concentration recommended by the State Board of Health but never exceeding 1.5 parts per million by weight. (Ord. 5-69, part, April 7, 1969)

Chapter 18.10

SEWER USE ORDINANCE

Sections:

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18.10.100.020	Building drain
18.10.100.030	Building sewer
18.10.100.040	Combined sewer
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18.10.100.080	Floatable oil
18.10.100.090	Garbage
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18.10.100.110	Industrial wastes
18.10.100.120	Infiltration
18.10.100.130	Infiltration / Inflow
18.10.100.140	Inflow
18.10.100.150	Inspector
18.10.100.160	Major contributing industry
18.10.100.170	NPDES Permit
18.10.100.180	Natural outlet
18.10.100.190	Normal domestic sewage
18.10.100.200	pH
18.10.100.210	Person
18.10.100.220	Pretreatment
18.10.100.230	Private sewer
18.10.100.240	Properly shredded garbage
18.10.100.250	Public sewer
18.10.100.260	Sanitary sewer
18.10.100.270	Sewage
18.10.100.280	Sewage works
18.10.100.290	Sewer
18.10.100.300	Shall
18.10.100.310	Slug
18.10.100.320	Standard methods
18.10.100.330	Storm sewer
18.10.100.340	Superintendent
18.10.100.350	Suspended solids
18.10.100.360	Total solids
18.10.100.370	Toxic amount
18.10.100.380	Unpolluted water
18.10.100.390	Volatile organic matter

- 18.10.100.400 Water course
- 18.10.100.410 NH₃N
- 18.10.100.420 P or Phosphorus
- 18.10.200 DISCHARGE OF WATER AND WASTES**
 - 18.10.200.010 Unlawful to deposit objectionable waste on public or private property
 - 18.10.200.020 Stormwater and other unpolluted waters cannot be discharged to any sanitary sewer
 - 18.10.200.030 Stormwater and other unpolluted waters may be admitted to storm sewers
 - 18.10.200.040 Polluted waters to be discharged where suitable treatment has been provided
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 - 18.10.200.060 Privies, septic tanks prohibited
 - 18.10.200.070 Suitable toilet facilities and connection to sanitary sewer
- 18.10.250 WHERE A SANITARY SEWER IS NOT AVAILABLE**
 - 18.10.250.010 Private sewage disposal system
 - 18.10.250.020 Permit required before construction of private sewage disposal system
 - 18.10.250.030 Inspection and approval of private sewage disposal system
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 - 18.10.250.050 When a public sewer becomes available
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- 18.10.280 CONNECTION TO PUBLIC SEWER SYSTEM**
 - 18.10.280.010 Written permit required prior to connection
 - 18.10.280.020 Building sewer permit classes
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- 18.10.300 PROHIBITED DISCHARGES TO PUBLIC SEWERS**
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18.10.750.030	Liability for expense due to violation
18.10.750.040	Penalty for violating Section 18.10.200.020
18.10.780	SEPARABILITY OF PROVISIONS
18.10.800	APPEAL PROCEDURE

18.10.100 DEFINITIONS Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter (Chapter) shall be as follows:

18.10.100.010 "Biochemical oxygen demand" 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. (Ord. 1990-4, S1(a), Nov. 19, 1990)

18.10.100.020 "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.

- (1) Building drain - Sanitary - A building drain which conveys sanitary or industrial sewage only
- (2) Building drain - Storm - A building drain which conveys storm water or other clearwater drainage, but no wastewater. (Ord. 1990-4, S1(b), Nov. 19, 1990)

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

- (1) Building sewer - Sanitary - A building sewer which conveys sanitary or industrial sewage only.
- (2) Building sewer - Storm - A building sewer which conveys storm-waste or other clearwater drainage, but no sanitary or industrial sewage. (Ord. 1990-4, S1(c), Nov. 19, 1990)

18.10.100.040 "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water. (Ord. 1990-4, S1(d), Nov. 19, 1990)

18.10.100.050 "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.) (Ord. 1990-4, S1(e), Nov. 19, 1990)

18.10.100.060 "Easement" shall mean an acquired legal right for the specific use of land owned by others. (Ord. 1990-4, S1(f), Nov. 19, 1990)

18.10.100.070 "Fecal coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution. (Ord. 1990-4, S1(g), Nov. 19, 1990)

18.10.100.080 "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. (Ord. 1990-4, S1(h), Nov. 19,1990)

18.10.100.090 "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce. (Ord. 1990-4, S1(i), Nov. 19,1990)

18.10.100.100 "Incompatible pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids. (Ord. 1990-4, S1(j), Nov. 19,1990)

18.10.100.110 "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary conveniences. (Ord. 1990-4, S1(k), Nov. 19, 1990)

18.10.100.120 "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, connection, or manhole walls. (Infiltration does not include and is distinguished from inflow). (Ord. 1990-4, S1(l), Nov. 19, 1990)

18.10.100.130 "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source. (Ord. 1990-4, S1(m), Nov. 19, 1990)

18.10.100.140 "Inflow" shall mean the water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration). (Ord. 1990-4, S1(n), Nov. 19, 1990)

18.10.100.150 "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. (Ord. 1990-4, S1(o), Nov. 19, 1990)

18.10.100.160 "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. (Ord. 1990-4, S1(p), Nov. 19, 1990)

18.10.100.170 "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500. (Ord. 1990-4, S1(q), Nov. 19, 1990)

18.10.100.180 "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater. (Ord. 1990-4, S1(r), Nov. 19, 1990)

18.10.100.190 "Normal domestic sewage" shall have the same meaning as defined in the Sewage Rate Ordinance. (Ord. 1990-4, S1(s), Nov. 19, 1990)

18.10.100.200 "pH" shall mean the reciprocal or the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. (Ord. 1990-4, S1(t), Nov. 19, 1990)

18.10.100.210 "Person" shall mean any individual, firm, company, association, society, corporation, group or other entity. (Ord. 1990-4, S1(u), Nov. 19, 1990)

18.10.100.220 "Pretreatment" shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works. (Ord. 1990-4, S1(v), Nov. 19, 1990)

18.10.100.230 "Private sewer" shall mean a sewer which is not owned by a public authority. (Ord. 1990-4, S1(w), Nov. 19, 1990)

18.10.100.240 "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. (Ord. 1990-4, S1(x), Nov. 19, 1990)

18.10.100.250 "Public sewer" shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:

- (1) Collector sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.
- (2) Interceptor sewer shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
- (3) Force main shall mean a pipe in which wastewater is carried under pressure.

- (4) Pumping station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level. (Ord. 1990-4, S1(y), Nov. 19, 1990)

18.10.100.260 "Sanitary sewer" shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted. (Ord. 1990-4, S1(z), Nov. 19, 1990)

18.10.100.270 "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:

- (1) Sanitary sewage shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.
- (2) 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).
- (3) Combined sewage shall mean wastes including sanitary sewage, industrial sewage, stormwater, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer. (Ord. 1990-4, S1(aa), Nov. 19, 1990)

18.10.100.280 "Sewage works" shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids. (Ord. 1990-4, S1(bb), Nov. 19, 1990)

18.10.100.290 "Sewer" shall mean a pipe or conduit for carrying sewage. (Ord. 1990-4, S1(cc), Nov. 19, 1990)

18.10.100.300 "Shall" is mandatory; "May" is permissive. (Ord. 1990-4, S1(dd), Nov. 19, 1990)

18.10.100.310 "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 or flows during normal operation and shall adversely affect the collection system. (Ord. 1990-4, S1(ee), Nov. 19, 1990)

18.10.100.320 "Standard methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association The American Water Works Association and The Water Pollution Control Federation. (Ord. 1990-4, S1(ff), Nov. 19, 1990)

18.10.100.330 "Storm sewer" shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted. (Ord. 1990-4, S1(gg), Nov. 19, 1990)

18.10.100.340 "Superintendent" shall mean the Superintendent of the municipal sewage works of the Town of Winslow, Indiana, or his authorized deputy, agent or representative. (Ord. 1990-4, S1(hh), Nov. 19, 1990)

18.10.100.350 "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering under standard laboratory procedure. (Ord. 1990-4, S1(ii), Nov. 19, 1990)

18.10.100.360 "Total solids" shall mean the sum of suspended and dissolved solids. (Ord. 1990-4, S1(jj), Nov. 19, 1990)

18.10.100.370 "Toxic amount" shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307 (a) of PL 92-500. (Ord. 1990-4, S1(kk), Nov. 19, 1990)

18.10.100.380 "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided. (Ord. 1990-4, S1(ll), Nov. 19, 1990)

18.10.100.390 "Volatile organic matter" shall mean the material in the sewage solids transformed to gases or vapors when heated at 55 degrees C for 15 to 20 minutes. (Ord. 1990-4, S1(mm), Nov. 19, 1990)

18.10.100.400 "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 1990-4, S1(nn), Nov. 19, 1990)

18.10.100.410 "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 Section 18.10.100.320. (Ord. 1990-4, S1(oo), Nov. 19, 1990)

18.10.100.420 "P" or Phosphorus shall mean the chemical element Phosphorus. (Ord. 1990-4, S1(pp), Nov. 19, 1990)

18.10.200 DISCHARGE OF WATER AND WASTES

18.10.200.010 Unlawful to deposit objectionable waste on public or private property. 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. 1990-4, S2(a), Nov. 19, 1990)

18.10.200.020 Stormwater and other unpolluted waters cannot be discharged to any sanitary sewer. 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. 1990-4, S2(b), Nov. 19, 1990)

18.10.200.030 Stormwater and other unpolluted waters may be admitted to storm sewers. 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. 1990-4, S2(c), Nov. 19, 1990)

18.10.200.040 Polluted waters to be discharged where suitable treatment has been provided. 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 chapter and the NPDES Permit. (Ord. 1990-4, S2(d), Nov. 19, 1990)

18.10.200.050 Polluted waters cannot be discharged to any natural outlet. 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 chapter and the NPDES Permit. (Ord. 1990-4, S2(e), Nov. 19, 1990)

18.10.200.060 Privies, septic tanks prohibited. 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. 1990-4, S2(f), Nov. 19, 1990)

18.10.200.070 Suitable toilet facilities and connection to sanitary sewer. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the Town's jurisdiction 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 chapter, 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. 1990-4, S2(g), Nov. 19, 1990)

18.10.250 WHERE A SANITARY SEWER IS NOT AVAILABLE

18.10.250.010 Private sewage disposal system. Where a public sanitary sewer is not available under the provisions of Section 18.10.200.060, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. (Ord. 1990-4, S3(a), Nov. 19, 1990)

18.10.250.020 Permit required before construction of private sewage disposal system. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of (\$) shall be paid to the Town at the time the application is filed. (Ord. 1990-4, S3(b), Nov. 19, 1990)

18.10.250.030 Inspection and approval of private sewage disposal system. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the 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. 1990-4, S3(c), Nov. 19, 1990)

18.10.250.040 Compliance with State Board of Health. 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. 1990-4, S3(d), Nov. 19, 1990)

18.10.250.050 When a public sewer becomes available. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 18.10.300.040, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Ord. 1990-4, S3(e), Nov. 19, 1990)

18.10.250.060 Maintenance of private sewage disposal facilities. 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. 1990-4, S3(f), Nov. 19, 1990)

18.10.250.070 Sixty days to connect to public sewer. 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. 1990-4, S3(g), Nov. 19, 1990)

18.10.250.080 Non interference with requirements by Health Officer. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. (Ord. 1990-4, S3(h), Nov. 19, 1990)

18.10.280 CONNECTION TO PUBLIC SEWER SYSTEM

18.10.280.010 Written permit required prior to connection. 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. 1990-4, S4(a), Nov. 19, 1990)

18.10.280.020 Building sewer permit classes. There shall be two (2) classes of building sewer permits:

- (1) for residential and commercial service, and
- (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the said Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Inspector. A permit and inspection fees of _____ for a residential or commercial building sewer permit and _____ Dollars for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed. (Ord. 1990-4, S4(b), Nov. 19, 1990)

18.10.280.030 Connection costs borne by owner. 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. 1990-4, S4(c), Nov. 19, 1990)

18.10.280.040 Separate sewer for every building. 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. 1990-4, S4(d), Nov. 19, 1990)

18.10.280.050 Use of old building sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this chapter. (Ord. 1990-4, S4(e), Nov. 19, 1990)

18.10.280.060 Construction specifications. 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.F. Manual of Practice No. FD-5 shall apply. (Ord. 1990-4, S4(f), Nov. 19, 1990)

18.10.280.070 Elevation of building sewer. 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. 1990-4, S4(g), Nov. 19, 1990)

18.10.280.080 Downspouts, drains, or groundwater not to be connected to sanitary sewer. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or groundwater to a building sewer or

building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 1990-4, S4(h), Nov. 19, 1990)

18.10.280.090 Connection to conform to appropriate specifications. 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 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. 1990-4, S4(i), Nov. 19, 1990)

18.10.280.100 Inspection and connection to the public sewer. 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 18.10.280.080. (Ord. 1990-4, S4(j), Nov. 19, 1990)

18.10.280.110 Excavations to be adequately guarded with barricades and lights. 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. 1990-4, S4(k), Nov. 19, 1990)

18.10.300 PROHIBITED DISCHARGES TO PUBLIC SEWERS

18.10.300.010 Prohibited discharges. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic (as described in Section 307A of the Clean Water Act) or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
- (3) Any waters or wastes have a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works or interfere with any treatment process.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood,

unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper, dishes, cups, mild containers, etc., either whole or ground by garbage grinders.

- (5) Any waters or wastes containing phenols or others taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction of such discharge to the receiving waters.
- (6) Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (7) Any waters or wastes having pH in excess of 9.5.
- (8) Materials which exert or cause:
 - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - B. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - C. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (9) Water 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. 1990-4, S5(a), Nov. 19, 1990)

18.10.300.020 Pretreatment requirements. 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 18.10.300.010 of this chapter, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) Require new 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 so as to avoid any “slug” loads or excessive loads that may be harmful to the treatment works, or
- (5) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. (Ord. 1990-4, S5(b), Nov. 19, 1990)

18.10.300.030 Pretreatment or flow-equalizing facilities maintained by owner. 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. 1990-4, S5(c), Nov. 19, 1990)

18.10.300.040 Control manhole. 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. 1990-4, S5(d), Nov. 19, 1990)

18.10.300.050 Examination of water and wastewater. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole, except for applications for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA (40 CFR Part 136). In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular 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. 1990-4, S5(e), Nov. 19, 1990)

18.10.300.060 Special agreements. 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. 1990-4, S5(f), Nov. 19, 1990)

18.10.350 PRETREATMENT SUBJECT TO FEDERAL, STATE AND LOCAL RULES AND REGULATIONS.

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. 1990-4, S6, Nov. 19, 1990)

18.10.380 PLANS, SPECIFICATIONS AND OTHER INFORMATION RELATING TO PRETREATMET SHALL BE SUBMITTED.

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. 1990-4, S7, Nov. 19, 1990)

18.10.400 DISCHARGE OF UNPOLLUTED WATERS FROM AIR CONDITIONERS AND SWIMMING POOLS.

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. 1990-4, S8, Nov. 19, 1990)

18.10.450 DISCHARGE OF 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. 1990-4, S9, Nov. 19, 1990)

18.10.500 INFORMATION ON WASTEWATER FLOW CHARACTERISTICS.

The Town may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows and characteristics. Such measurements, tests, and analysis shall be made at the users' expense. If made by the Town, an appropriate charge may be assessed to the user at the option of the Town. (Ord. 1990-4, S10, Nov. 19, 1990)

18.10.550 CHARGES BASED ON 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. 1990-4, S11, Nov. 19, 1990)

18.10.580 GREASE, OIL AND SAND INTERCEPTOR 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. 1990-4, S12, Nov. 19, 1990)

18.10.600 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. 1990-4, S13, Nov. 19, 1990)

18.10.650 COMPLIANCE WITH APPLICABLE LAWS.

All provisions of this chapter and limits set herein shall comply with any applicable State and/or Federal Requirements now, or projected to be in effect. (Ord. 1990-4, S14, Nov. 19, 1990)

18.10.680 DAMAGE TO SEWAGE WORKS UNLAWFUL.

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. 1990-4, S15, Nov. 19, 1990)

18.10.700 AUTHORIZED EMPLOYEES ENTERING PROPERTY.

18.10.700.010 Right to enter property for inspection, observation, measuring, sampling and testing. 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 chapter. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. 1990-4, S16(a), Nov. 19, 1990)

18.10.700.020 Safety rules. While performing the necessary work on private properties referred to in Section 18.10.700.010 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 18.10.300.050. (Ord. 1990-4, S16(b), Nov. 19, 1990)

18.10.700.030 Proper credentials. 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 purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 1990-4, S16(c), Nov. 19, 1990)

18.10.750 PENALTY FOR VIOLATION.

18.10.750.010 Written notice. Any person found to be violating any provisions of Ordinance 1990-4 except Section 18.10.680 therein 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 time stated in such notice, permanently cease all violations. (Ord. 1990-4A, S(a), Nov. 19, 1990) (Ord. 1990-4, S17(a), Nov. 19, 1990)

18.10.750.020 Failure to cease violations. Any person who shall continue any violation (other than a violation of Section 18.10.200.020 of Ordinance 1990-4) beyond the time limit provided for in Section 18.10.750.010 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. 1990-4A, S(b), Nov. 19, 1990) (Ord. 1990-4, S17(b), Nov. 19, 1990)

18.10.750.030 Liability for expense due to violation. Any person violating any of the provisions of Ordinance 1990-4 shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation. (Ord. 1990-4A, S(c), Nov. 19, 1990) (Ord. 1990-4, S17(c), Nov. 19, 1990)

18.10.750.040 Penalty for violating Section 18.10.200.020.

- (1) Any person violating or suspected of violating Section 2(b) of Ordinance 1990-4, or 18.10.200.020, shall be subject to a penalty of fifty (50) dollars per month (or fraction thereof in which the violation occurs).
- (2) A person may avoid payment of said penalty by consenting to an inspection described in Section 4(j) of Ordinance 1990-4 or 18.10.280.100, for the purpose of establishing compliance with Section 2(b) of Ordinance 1990-4 or 18.10.200.020.
- (3) A person consenting to such an inspection and found in violation shall be given 90 days to comply with Section 18.10.200.020 without being subject penalty. (Ord. 1990-4A, S(d), Nov. 19, 1990) (Ord. 1990-4, S17(d), Nov. 19, 1990)

18.10.780 SEPARABILITY OF PROVISIONS.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts. (Ord. 1990-4, S18, Nov. 19, 1990)

18.10.800 APPEAL PROCEDURE.

That the rules and regulations promulgated by the Town, after approval 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. 1990-4, S19, Nov. 19, 1990)

Chapter 18.12

SEWER RATES AND CHARGES

Sections:

- 18.12.100 **DEFINITIONS**
 - 18.12.100.010 Council
 - 18.12.100.020 BOD
 - 18.12.100.030 Town
 - 18.12.100.040 Debt Service costs
 - 18.12.100.050 Excessive strength surcharges
 - 18.12.100.060 Industrial wastes
 - 18.12.100.070 NPDES (National Pollutant Discharge Elimination System) Permit
 - 18.12.100.080 NH₃ (or Ammonia)
 - 18.12.100.090 Normal domestic sewage
 - 18.12.100.100 Operation and maintenance costs
 - 18.12.100.110 Other service charges
 - 18.12.100.120 P (or Phosphorus)
 - 18.12.100.130 Person
 - 18.12.100.140 Replacement costs
 - 18.12.100.150 SS (or suspended solids)
 - 18.12.100.160 Shall
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18.12.940	NO FREE SERVICE

18.12.100 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

18.12.100.010 “Council” shall mean the Town Council of the Town of Winslow, Indiana, or any duly authorized officials acting on its behalf. (Ord. 1991-8, S1(a), Dec. 16, 1991)

18.12.100.020 “BOD” (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance. (Ord. 1991-8, S1(b), Dec. 16, 1991)

18.12.100.030 “Town” shall mean the Town of Winslow, Indiana, acting by and through the Council. (Ord. 1991-8, S1(c), Dec. 16, 1991)

18.12.100.040 “Debt service costs” shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt. (Ord. 1991-8, S1(d), Dec. 16, 1991)

18.12.100.050 “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”. (Ord. 1991-8, S1(e), Dec. 16, 1991)

18.12.100.060 “Industrial Wastes” shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences. (Ord. 1991-8, S1(f), Dec. 16, 1991)

18.12.100.070 “NPDES (National Pollutant Discharge Elimination System) Permit” shall have the same meaning as defined in the Sewer Use Ordinance. (Ord. 1991-8, S1(g), Dec. 16, 1991)

18.12.100.080 “NH₃” (or ammonia) shall have the same meaning as defined in the Use Ordinance. (Ord. 1991-8, S1(h), Dec. 16, 1991)

18.12.100.090 “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 250 mg/l

S.S. not more than 250 mg/l

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes. (Ord. 1991-8, S1(i), Dec. 16, 1991)

18.12.100.100 “Operation and maintenance costs” include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State, and local requirements. (These costs include replacement.) (Ord. 1991-8, S1(j), Dec. 16, 1991)

18.12.100.110 “Other service charges” shall mean tap charges, connection charges, area charges, and other identifiable charges other than User Charges, debt service charges and excessive strength surcharges. (Ord. 1991-8, S1(k), Dec. 16, 1991)

18.12.100.120 “P” (or phosphorus) shall have the same meaning as defined in the Use Ordinance. (Ord. 1991-8, S1(l), Dec. 16, 1991)

18.12.100.130 “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. (Ord. 1991-8, S1(m), Dec. 16, 1991)

18.12.100.140 “Replacement costs” shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. (Ord. 1991-8, S1(n), Dec. 16, 1991)

18.12.100.150 “S.S.” (or suspended solids) shall have the same meaning as defined in the Use Ordinance. (Ord. 1991-8, S1(o), Dec. 16, 1991)

18.12.100.160 “Shall” is mandatory: “May” is permissive. (Ord. 1991-8, S1(p), Dec. 16, 1991)

18.12.100.170 “Sewage” shall have the same meaning as defined in the Sewer Use Ordinance. (Ord. 1991-8, S1(q), Dec. 16, 1991)

18.12.100.180 “Sewer Use Ordinance” shall mean a separate and companion enactment to this Chapter, which regulates the connection to and use of public and private sewers. (Ord. 1991-8, S1(r), Dec. 16, 1991)

18.12.100.190 “User Charge” shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204 (b) of Public Law 92-500. (Ord. 1991-8, S1(s), Dec. 16, 1991)

18.12.100.200 “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).

- (1) 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.
- (2) 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.
- (3) 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.
- (4) Governmental User – shall mean any Federal, State, or local governmental user of the wastewater treatment works.
- (5) Industrial User – shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works. (Ord. 1991-8, S1(t), Dec. 16, 1991)

18.12.200 USER CLASSES.

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

18.12.200.010 User charges include replacement costs and are subject to EPA rules and regulations. 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. (Ord. 1991-8, S2(a), Dec. 16, 1991)

18.12.200.020 Various user classes. The various classes of users of the treatment works for the purposes of this Chapter, shall be as follows:

- Class I - Residential
 - Commercial
 - Governmental
 - Institutional
 - Industrial
- (Ord. 1991-8, S2(b), Dec. 16, 1991)

18.12.300 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 sewer system of the Town of Winslow. 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:

18.12.300.010 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 based on the size of the water meter installed, except as herein otherwise provided. 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 each month (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined is as follows. The new rates shall be effective immediately upon passage of this chapter.

- (1) Treatment rate per 1,000 gallons of usage per month:

	<u>Rate</u>
All users	\$5.34
Plus	

- (2) Base rate – per month as follows:

<u>Base Rate</u>	<u>Rate</u>
5/8 - 3/4 inch water meter	\$ 36.48
1 inch water meter	\$ 82.69
1 1/4 inch water meter	\$ 128.87
1 1/2 inch water meter	\$ 184.38
2 inch water meter	\$ 313.72
3 inch water meter	\$ 713.95
4 inch water meter	\$ 1,237.63
6 inch water meter	\$ 2,868.17

(Ord. 2013-03, S3, Apr. 8, 2013) (Ord. 2002-2, S3(a), Jan. 28, 2002) (Ord. 98-1, S3(a), Mar. 23, 1998) (Ord. 1991-8, S3(a), Dec. 16, 1991)

18.12.300.020 Unmetered water users. For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined by equivalent single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined is as follows. The new rates shall be effective immediately upon passage of this chapter.

<u>Residential:</u>	<u>Monthly Rate</u>
Single family residence/unit	\$ 54.64
(Ord. 2013-03, S3, Apr. 8, 2013) (Ord. 2002-2, S3(b), Jan. 28, 2002) (Ord. 98-1, S3(b), Mar. 23, 1998) (Ord. 1991-8, S3(b), Dec. 16, 1991)	

18.12.300.030 Town subject to rates and charges. For the service rendered to the Town of Winslow, said Town shall be subject to the same rates and charges herein provided, or to charges and rates established therewith. (Ord. 2013-03, S3, Apr. 8, 2013) (Ord. 2002-2, S3(c), Jan. 28, 2002) (Ord. 98-1, S3(c), Mar. 23, 1998) (Ord. 1991-8, S3(c), Dec. 16, 1991)

18.12.300.040 Sample charges. In order to recover the cost of monitoring industrial wastes, the Town shall charge the user not less than the cost thereof. This charge will be reviewed on the same basis as all other rates and charges in this chapter. (Ord. 2002-2, S3(d), Jan. 28, 2002) (Ord. 98-1, S3(d), Mar. 23, 1998) (Ord. 1991-8, S3(d), Dec. 16, 1991)

18.12.300.050 Utility Billing Policy. That a Utility Billing Policy is established to the effect that Utility Billing payments returned to Town Hall without payment stub shall be issued a \$2.00 fee upon the receipt of payment without bill card and shall be receipted into the water operation fund. (Ord. 2019-02, S1, Aug. 12, 2019)

18.12.400 RATES BASED ON WATER USAGE.

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.

18.12.400.010 Customer not using water supplied by Town Water Utility. 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 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 chapter, the owner or other interested party shall at his expense, install and maintain meters, weirs, volumetric measuring

devices or any adequate and approved method of measurement acceptable to the Town for the determining of sewage discharge. (Ord. 1991-8, S4(a), Dec. 16, 1991)

18.12.400.020 Customer using water from multiple sources. 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 supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge. (Ord. 1991-8, S4(b), Dec. 16, 1991)

18.12.400.030 Two of more residential lots on one meter. 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 of the number of residential lots, parcels or real estate or buildings served through the single water meter. (Ord. 1991-8, S4(c), Dec. 16, 1991)

18.12.400.040 Water not entering sanitary sewer system. In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary 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. (Ord. 1991-8, S4(d), Dec. 16, 1991)

18.12.400.050 Two or more dwelling units on one meter. 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. 1991-8, S4(e), Dec. 16, 1991)

18.12.500 RATES BASED ON 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 on 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 sewerage

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.

18.12.500.010 Stronger than normal domestic waste. Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 250 milligrams per liter of fluid; suspended solids in excess of 250 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(1) Rate Surcharge Based Upon Suspended Solids

There shall be an additional charge of 16 cents per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon BOD

There shall be an additional charge of 16 cents per pound of biochemical oxygen demand for BOD received in excess of 250 milligrams per liter of fluid. (Ord. 1991-8, S5(a), Dec. 16, 1991)

18.12.500.020 Determination of strength and character of sewage. The determination of Suspended Solids and Five-day Biochemical Oxygen Demand contained in the waste shall be in accordance with the latest copy of “Standard Methods for the Examination of Water, Sewage and Industrial Wastes”, as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in conformance with “Guidelines Establishing Test Procedures for Analysis of Pollutants”, Regulation CFR part 136, published in the Federal Register on October 16, 1973. (Ord. 1991-8, S5(b), Dec. 16, 1991)

18.12.600 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 \$300.00 for each connection. The Town Council now finds such a connection charge to be a reasonable and equitable pro rata cost of construction of a local or lateral sewer adequate to serve the property so connecting and the cost of providing a connection to the sewer system.

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

Connection charges will be imposed on any connection made after ninety (90) days of availability for connection and on all connections made to future extensions of the system based on the actual cost of connection but not less than \$300.00 per connection. (Ord. 2013-03, S6, Apr. 8, 2013) (Ord. 1991-8, S6, Dec. 16, 1991)

18.12.700 BILLING AND COLLECTION.

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

18.12.700.010 Monthly billing. 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. (Ord. 1991-8, S7(a), Dec. 16, 1991)

18.12.700.020 Billed to tenant unless otherwise requested in writing by owner. 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. (Ord. 1991-8, S7(b), Dec. 16, 1991)

18.12.700.030 Delinquent bills / Penalty. As is provided by Chapter 18.15 (Ord. 1994-1), all rates and charges not paid when due are hereby declared to be delinquent. (Ord. 1994-1, Feb. 28, 1994) (Ord. 1991-8, S7(c), Dec. 16, 1991)

18.12.800 DEBT SERVICE COSTS.

In order to produce an amount sufficient to meet the interest on the revenue bonds, and other expenses, payable prior to the completion of the works, after the contract for construction of sewer system has been let and actual work commenced thereunder, the owners of each and every lot, parcel of real estate or building to be connected with the Town’s sanitary sewage system, as a result of construction of said works, shall pay, each month, the following rates and charges, for each such building to be connected.

<u>Meter Size</u>		<u>Per Month</u>
5/8 – 3/4	inch	\$8.20
1	inch	20.50
1 1/4	inch	32.80
1 1/2	inch	47.60
2	inch	82.00
3	inch	188.60
4	inch	328.00
6	inch	746.20

Beginning with the first month after the sanitary sewers are available for connection and use to any lot, parcel of real estate or building, the full rates and charges become effective for such lot, parcel of real estate or building; but in any event, said full rates and charges shall become effective not later than December 1, 1993, so that billings for full rates and charges shall be rendered no later than January 1, 1994. (Ord. 1991-8, S8, Dec. 16, 1991)

18.12.820 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 chapter 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. 1991-8, S9, Dec. 16, 1991)

18.12.850 ENFORCEMENT OF BY-LAWS AND REGULATIONS.

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 Winslow. (Ord. 1991-8, S10, Dec. 16, 1991)

18.12.910 SEPARABILITY OF PROVISIONS.

The invalidity of any section, clause, sentence, or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part of parts. (Ord. 1991-8, S11, Dec. 16, 1991)

18.12.920 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. 1991-8, S12, Dec. 16, 1991)

18.12.930 SPECIAL RATE CONTRACTS.

The Council is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and such rate shall be limited to such costs. Said contract shall be in compliance with Public Law 92-500 and 95-217. (Ord. 1991-8, S13, Dec. 16, 1991)

18.12.940 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 of real estate to be annexed to the Town to receive sewage treatment. (Ord. 1991-8, S14, Dec. 16, 1991)

Chapter 18.15

DELINQUENT WATER AND/OR SEWER ACCOUNTS

Sections:

18.15.010	Delinquent if unpaid after seventeen (17) days
18.15.020	Late payment charge
18.15.030	Disconnection notice
18.15.040	Existing delinquent accounts
18.15.050	Review of case
18.15.060	Reconnection fee
18.15.070	Hearing
18.15.080	Notice (see Attachment)
18.15.090	Disconnection of service
18.15.100	Conditions upon which Town may disconnect service immediately

18.15.010 Delinquent if unpaid after seventeen (17) days. A sewer and water bill shall be delinquent if it is unpaid by the 15th day of the month in which it is mailed to the customer. (Ord. 2000-3, S1, June 26, 2000) (Ord. 1994-1, S1, Feb. 28, 1994)

18.15.020 Late payment charge. A late payment charge shall be added to the delinquent water bill in the amount of ten per cent (10%) of the first \$3.00 of the delinquent sum, and three per cent (3%) of the excess of the delinquent sum over \$3.00, and a late payment charge of ten per cent (10%) shall be added to the delinquent sewer bill. (Ord. 1994-1, S2, Feb. 28, 1994)

18.15.030 Disconnection notice. If a sewer and water bill hereafter becomes delinquent and is not paid in full, including late payment charges, by the 16th day of the month in which it is mailed, the Town of Winslow shall post a notice within five (5) business days from the 16th day of the month informing the customer that the water service will be disconnected on the first business day of the following month unless that day is before a Town Hall closure, then it shall be next available date, if that bill, including all delinquencies and late payment charges, is not paid in full before the disconnect date. Such notice shall also inform the customer of the reconnect fee for resumption of service; and the right of review of the customer, upon request, to the Town of Winslow, as hereinafter provided. (Ord. 2019-04, S3, Oct. 14, 2019) (Ord. 2000-3, S3, June 26, 2000) (Ord. 1994-1, S3, Feb. 28, 1994)

18.15.040 Existing delinquent accounts. Sewer and water bills which are already delinquent at the date of the enactment of this chapter shall be mailed in an envelope informing the customer that the water service will be disconnected on the 18th day after the mailing of that bill, if the current month's bill, and ten per cent (10%) of the original arrearage, including late payment charges, is not paid each month. That notice shall also inform the customer of the reconnect fee for resumption of service; and the right of review of the customer, upon request, to the Winslow Water Corporation, as hereinafter provided. (Ord. 1994-1, S4, Feb. 28, 1994)

18.15.050 Review of case. Any person affected by a notice of disconnection received pursuant to this chapter, shall have the right to request, in writing, a review of the case by the Town of Winslow. Such written request shall be filed at Town Hall, Main Street, Winslow, IN 47598, before the date designated in the notice for disconnection of the water service. Town of Winslow shall notify the requesting customer, in writing, of the date and time and place for the customer to appear before the Winslow Town Council, acting for Town of Winslow, and present his case for review. After hearing and considering the customer's case, the Town Council shall, within a reasonable time, notify the customer, in writing, that they must comply with Section 18.15.030 of this Chapter before a date certain, which is no less than 5 days from the date of mailing of the notice; or the Town Council shall notify the customer of the specific terms for the modified payment schedule. No water meter shall be disconnected nor water service discontinued, before the extended dates set out in this Section 18.15.050; except as hereinafter provided. (Ord. 2019-04, S5, Oct. 14, 2019) (Ord. 1994-1, S5, Feb. 28, 1994)

18.15.060 Reconnection fee. If water service is disconnected pursuant to the provisions of this chapter, it shall not be reconnected until a reconnect fee is paid, as provided by rates and charges of the Town of Winslow; and also not until all delinquencies and late payment charges are paid in full; PROVIDED HOWEVER, the requirements of this Section 18.15.060 are subject to modification pursuant to the provisions of Section 18.15.070 of this Chapter. (Ord. 2019-04, S6, Oct. 14, 2019) (Ord. 1994-1, S6, Feb. 28, 1994)

18.15.070 Hearing. After water service is disconnected pursuant to the provisions of this Chapter, an owner of the real estate serviced by the disconnected water meter is entitled to a review hearing, upon request, as provided in Section 18.15.050 of this Chapter, if all of the following conditions exist as of the date of the request:

- (1) No present owner is personally legally liable for any of the charges, the nonpayment of which caused the water service disconnection.
- (2) No present owner has previously had a review hearing concerning the charges, the nonpayment of which caused the water service disconnection.
- (3) No present owner owes a delinquent water and sewer bill, as defined by Section 18.15.010 of this Chapter, to Town of Winslow.

After hearing and considering the owner's case, the Town Council President shall, within a reasonable time, notify the owner, in writing, at the address provided by the owner at the review hearing.

- that the owner must pay the charges, including all delinquencies and late payment charges, and the reconnect fee, in full, before the water service will be reconnected; or
- that the owner must agree to the terms of a modified payment schedule, which may or may not include a reduction of charges, for which schedule the

owner will be personally legally liable, before the water service will be reconnected; or

- that the water service will be reconnected upon payment of the reconnect fee, but without the payment by the owner of the charges, the nonpayment of which caused the water service disconnection. (Ord. 2019-04, S7, Oct. 14, 2019) (Ord. 1994-1, S7, Feb. 28, 1994)

18.15.080 Notice (see Attachment). All notices to customers given pursuant to this chapter shall be considered properly given, when posted on the presumed main entrance of the billing address and/or mailed in the regular U.S. Mail, to the address of the customer last provided by the customer, to Town of Winslow. (Ord. 2019-04, S8, Oct. 14, 2019) (Ord. 1994-1, S8, Feb. 28, 1994)

18.15.090 Disconnection of service. Except as provided in Section 18.15.100, water service which is disconnected pursuant to this chapter shall be disconnected only between the hours of 9:00 AM and 3:00 PM, Winslow time. (Ord. 2019-04, S9, Oct. 14, 2019) (Ord. 1994-1, S9, Feb. 28, 1994)

18.15.100 Conditions upon which Town may disconnect service immediately. Nothing herein contained shall prohibit Town of Winslow from disconnecting service immediately:

- (1) If a condition dangerous or hazardous to life, physical safety or property exists; or
- (2) Upon order by any Court, the Utility Regulatory Commission, or other duly authorized public authorities; or
- (3) If fraudulent or unauthorized use of water is detected and Town of Winslow has reasonable ground to believe the affected customer is responsible for such use; or
- (4) If the utility regulating or measuring equipment has been tampered with and Town of Winslow has reasonable grounds to believe that the affected customer is responsible for such tampering. (Ord. 2019-04, S10, Oct. 14, 2019) (Ord. 1994-1, S10, Feb. 28, 1994)

Attachment

Delinquent Notice

You are delinquent in the payment of a utility bill and your utilities are subject to disconnection for nonpayment.

You are entitled to a hearing to determine the appropriateness of disconnection if you make a timely request for a hearing.

If you dispute the appropriateness of the disconnection, you have the right to request a hearing before the Town Council during which you may represent yourself or be represented by counsel or by any other person of your choosing. At this hearing, you may present your contentions, orally or in writing.

This hearing must be requested, in writing, and received by the Town prior to the date utility service is subject to disconnection and,

Your request for a hearing must be sent or delivered to:

Town of Winslow, PO Box 69 Winslow, IN 47598

Reconnected fee is \$30.00

Pay Online at:

<https://pay.paygov.us/EndUser/PaymentAgency.aspx?ttid=11748>

Chapter 18.24

NATURAL GAS DISTRIBUTION SYSTEM

Sections:

18.24.010	Granting Ohio Valley Gas, Inc. the right to construct and maintain a gas distribution system
18.24.020	Obstruction to existing utilities prohibited
18.24.030	Report of pipe locations prior to construction
18.24.040	Temporary gas shut off
18.24.050	Hold harmless clause
18.24.060	Extension of service
18.24.070	Supply of gas
18.24.080	Power to make needful rules and regulations to manage business
18.24.090	Separability of provisions
18.24.100	Term of agreement
18.24.110	Publication of Ordinance
18.24.200	Schedule of rates and charges

18.24.010 Granting Ohio Valley Gas, Inc. the right to construct and maintain a gas distribution system. That subject to the terms, conditions and provisions herein-after stated and set forth, there is hereby granted to Ohio Valley Gas, Inc. an Indiana corporation, its successors and assigns, the right to construct, erect, maintain and operate a gas distribution system and storage facilities within the corporate limits of the Town of Winslow, for the purpose of supply 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 Winslow 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 convenience to the successful operation of such lines and pipes in the supplying, storing, conducting and delivering of gas to the Town of Winslow and inhabitants thereof and territory in the vicinity of said Town. (Ord. 2-68, S1, Apr. 22, 1968)

18.24.020 Obstruction to existing utilities prohibited. In the work of laying, removing, changing, repairing, or replacing its pipes, mains, feeders, equipment, or appurtenances, the said Ohio Valley Gas, Inc. shall not unnecessarily obstruct or interfere with no change any existing arrangements such as sewers, water mains, or other public or private works in said incorporated Town. (Ord. 2-68, S2, Apr. 22, 1968)

18.24.030 Report of pipe locations prior to construction. That the said Ohio Valley Gas, Inc. its successors and assigns, shall before beginning the laying of any pipe, mains or conduits, make a report to the Clerk-Treasurer or Superintendent of Streets for the Town of Winslow stating the locations within the Town limits where such pipes, mains and conduits

are proposed to be laid and likewise stating whether or not any excavating will be done in connection therewith. Said corporation, after doing any excavating shall replace all materials, excepting surfacing materials or pavement which have been removed and shall leave the filling a neatly graded condition. After said excavations have been sufficiently settled, filled, and are ready for repaving and resurfacing, said corporation shall undertake such resurfacing or repaving, and shall do the same in proper manner. (Ord. 2-68, S3, Apr. 22, 1968)

18.24.040 Temporary gas shut off. Said corporation shall have the right to temporarily shut off gas to be supplied hereunder for any of the purposed by this chapter permitted, from its mains and service pipes, or any part thereof, provided, however, that such action 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 corporation shall not be liable to the said Town or to any customer or consumer of gas for any damage caused by such temporary suspension of the supply of gas; provided, however, that said repairs and extensions are made with due diligence by the said corporation. (Ord. 2-68, S4, Apr. 22, 1968)

18.24.050 Hold harmless clause. That the said Ohio Valley Gas, Inc., its successors and assigns, shall at all times hold and save the incorporated Town of Winslow harmless from any and all liability, loss, cost, damage or expenses, which may accrue to said incorporated Town of Winslow by reason of the neglect, default or misconduct of the corporation in the construction, operation, or maintenance of its facilities hereunder. (Ord. 2-68, S5, Apr. 22, 1968)

18.24.060 Extension of service. Ohio Valley Gas, Inc., its successors and assigns, shall be required to extend their mains to serve any prospective consumer in the incorporated Town of Winslow, provided that the total estimated revenue for a period of four years, from the prospective consumer or consumers is approximately equal to the cost of the extension, and that the prospects will be of such permanency to warrant the capital expenditure involved. (Ord. 2-68, S6, Apr. 22, 1968)

18.24.070 Supply of gas. That Ohio Valley Gas, Inc., its successors and assigns, hereby agree to make available to the Town of Winslow and its inhabitants an adequate supply of gas for normal purposes, except that the Ohio Valley Gas, Inc., shall not be responsible or liable for delay or failure in the performance of the promises and agreement on its part to be performed hereunder, if such delay or failure be due to any cause beyond its control, such as but not limited to strikes, fires, floods, storms, accidents, breakage of lines or machinery governmental regulations or orders, acts of public enemies, mobs or rioters, and act of God, or inability of Ohio Valley Gas, Inc. to obtain adequate gas from its pipe line suppliers. (Ord. 2-68, S7, Apr. 22, 1968)

18.24.080 Power to make needful rules and regulations to manage business. Said corporation shall have the power to make all needful rules and regulations for the collections of its revenue, the prevention of waste of its property and gas supply, and the conduct and management of its business as it may from time to time deem necessary. (Ord. 2-68, S8, Apr. 22, 1968)

18.24.090 Separability of provisions. 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 Chapter invalid or illegal, or direct a change by the corporation in any matter or thing therein contained, such invalidity or illegality or change shall in no way affect the remaining provisions of this Chapter, or their validity or legality, and this Chapter, 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. 2-68, S9, Apr. 22, 1968)

18.24.100 Term of agreement. This Chapter shall take effect and be in force from and after its passage and publication in accordance with law and its acceptance by Ohio Valley Gas, Inc. in writing, and shall 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, but may be terminated at the end of two (2) years from the date of acceptance if the corporation has not within that time made available natural gas service as provided herein. (Ord. 2-68, S10, Apr. 22, 1968)

18.24.110 Publication of Ordinance. The corporation shall pay for the publication of this Chapter. (Ord. 2-68, S11, Apr. 22, 1968)

18.24.200 Schedule of rates and charges. Winslow and Rural Customers in Pike County.

AVAILABILITY. Available for residential, commercial and industrial customers located on the company's mains in the above named areas.

First	500	cubic feet or less used per month	\$1.50	
Next	2,500	cubic feet used per month	.10	per 100 cu. ft.
Next	10,000	cubic feet used per month	.09	per 100 cu. ft.
Next	87,000	cubic feet used per month	.085	per 100 cu. ft.
Next	100,000	cubic feet used per month	.08	per 100 cu. ft.
Over	200,000	cubic feet used per month	.075	per 100 cu. ft.

COLLECTION CHARGE. A collection charge of 10% on the first \$3.00 or less and 3% on all over \$3.00 will be made on all bills not paid on or before fifteen days from due date of bill.

SPECIAL CREDITS. For space heating customers furnishing stand-by dual fuel, capacity approved by the company, a 10% credit will be allowed on all bills rendered to the customer. This credit shall apply to natural gas delivered by Seller to Buyer on an interruptible basis. (Ord. 2-68, Schedule of Rates, Apr. 22, 1968)

Chapter 18.43

COMMUNITY ANTENNA TELEVISION SYSTEM FRANCHISE

Sections:

18.43.010	Grant of Franchise
18.43.020	Conditions on placement of attachments
18.43.030	Insurance coverage
18.43.040	Maintenance of attachments
18.43.050	Indemnification by the Company
18.43.060	System capacity
18.43.070	Service to public building
18.43.080	Extension of cable services
18.43.090	Franchise fees
18.43.100	Terms and conditions
18.43.110	Procedure for remedying franchise violations
18.43.120	Effect of non-enforcement
18.43.130	Communications with regulatory agencies
18.43.140	Conditions for granting additional franchises
18.43.150	Term of the franchise
18.43.160	Transfers and assignments
18.43.170	Removal upon discontinuance of franchise
18.43.180	Notices
18.43.190	Repeal of conflicting Ordinance
18.43.200	Preparation and publication costs
18.43.210	Separability of Ordinance provisions
18.43.220	Effective date of Ordinance

18.43.010 Grant of Franchise. To the extent that the same may be lawfully given, and subject to the conditions herein set forth, the non-exclusive right be and the same is hereby granted by the Town of Winslow (the "Town"), County of Pike of the State of Indiana, to Tele-Media Company of Mid-South, an Indiana Limited Partnership (the "Company"), to construct, operate and maintain transmission and distribution facilities, including, but not limited to, the erection of poles, cables, wires and other appurtenances and additions thereto, in, under, over, along, across and upon the streets, lanes, alleys, avenues, sidewalks, bridges, tunnels, highways, parking lots and other public places in the Town, and subsequent additions thereto, for the purpose of transmission by cable and distribution of television impulses and television energy for sale to the inhabitants of the Town and other purposes, under the terms and conditions hereinafter set forth (the "CATV System"). (Ord. 1994-8, S1, Dec. 12, 1994) (Res. unnumbered, Nov. 28, 1994)

18.43.020 Conditions on placement of attachments. The company shall procure any and all easements, rights of way, covenants, grants, certificates of approval and permits which may be required from any private persons or corporations or from any Federal, State, municipal or other governmental authority and from the utility companies operating in the

Town for or in connection with the placing, maintaining or using of the attachments and the television cable herein referred to or the granting of this right. (Ord. 1994-8, S2, Dec. 12, 1994)

18.43.030 Insurance coverage.

- (1) The Company agrees to maintain and keep in full force and effect at all times during the term of this chapter sufficient liability insurance coverage to protect the Town against any such claims, suits, judgements, executions or demands in a sum not less than \$250,000 per person in any one claim; \$250,000 as to any one accident or occurrence; and not less than \$250,000 for property damage as to any one accident or occurrence provided, however, that the Town shall notify the Company in writing within thirty (30) days after notice or presentation of any claim or demand, either by suit or otherwise, made against the Town on account of or arising out of any act or omission connected with the operation of this Chapter. (Ord. 1994-8, S3A, Dec. 12, 1994)
- (2) The Company shall also maintain in full force and effect throughout the duration of this Chapter sufficient workmen's compensation insurance coverage to adequately and fully protect its agents and employees as required by law. (Ord. 1994-8, S3B, Dec. 12, 1994)

18.43.040 Maintenance of attachments. All the Company's attachments and installations shall be made and maintained at the Company's sole expense, in safe condition and thorough repair and in such place and manner as shall be approved by the Town. Upon receipt of written notice at any time from the Town that said attachments interfere with Town property, endanger its employees or the public, or interfere with the primary use and purpose of said Town property or highways, the Company shall at its own expense remove, alter, rearrange, improve or repair such attachments in such manner as the Town may reasonably direct. (Ord. 1994-8, S4, Dec. 12, 1994)

18.43.050 Indemnification by the Company. The Company shall indemnify and save harmless the Town at all times during the term of this Chapter from and against all claims arising out of the Company's operations pursuant to this chapter, including by way of example only and not by way of limitation, the following: any and all losses resulting from injuries or damage to persons or property including injuries to the employees of the City or damage to the property of the Town arising out of negligence from or in any manner by actions or omissions of the company or its agents while engaged in the work of constructing, operating or maintaining the CATV System; and such loss shall include all payments made by the Town to any of its injured employees or to their relatives or representatives, pursuant to any statute or resolution. Further, the Company agrees to defend, fully indemnify and save harmless the Town from and against any and all claims and demands whatsoever, including any claims or demands from any source whatsoever on account of license or copyright infringements or violations of any transmittal rules and regulations of the Federal Communications Commission (the "FCC") or other governmental regulatory bodies, provided, however, that the Town shall notify the Company in writing within thirty (30) days after notice or presentation of any claim or demand, either by suit or otherwise, made against

the Town on account of or arising out of any act or omission connected with the operation of this Chapter. (Ord. 1994-8, S5, Dec. 12, 1994)

18.43.060 System capacity. The Company shall provide a CATV system with a service capacity of at least thirty (30) video channels of which at least eight (8) shall be designated as basic cable television service, or pending any further definition of the same as may be defined by the FCC or any other federal or state agency. (Ord. 1994-8, S6, Dec. 12, 1994)

18.43.070 Service to public building. Upon the written request of the Council, the Company shall furnish free installation and free basic service for one (1) outlet in the Town Hall and Town Firehouse, provided, however, that nothing herein shall require the Company to construct additional distribution facilities to service the Town Hall and/or Town Firehouse. Upon the written request of any school in the Town, the Company shall furnish free installation and free basic service for one (1) outlet in each school in the Town, provided, however, that nothing herein shall require the Company to construct additional distribution facilities to service such school. (Ord. 1994-8, S7, Dec. 12, 1994)

18.43.080 Extension of cable services.

- (1) The Company shall within a reasonable period of time extend the distribution facilities to make cable service available to all residential units within the franchise area. The determination of a reasonable period time may take into consideration the extent that such extension is or may become economically feasible. As used herein, "economically feasible" shall mean that there are at least 40 residential units per linear mile (or a proportionate number of residential units in a smaller area) in an area adjacent to the existing CATV system distribution plant. (Ord. 1994-8, S8A, Dec. 12, 1994)
- (2) In the event additional adjacent territory is incorporated within the Town limits, by annexation or otherwise, the Company's rights and duties under this chapter shall be deemed to include such additional territory. (Ord. 1994-8, S8B, Dec. 12, 1994)

18.43.090 Franchise fees.

- (1) The Company shall pay to the Town a franchise fee of 3% of the Company's annual gross subscriber revenues from its cable television services provided in the Town. "Gross subscriber revenues" shall include recurring monthly subscription charges, for all basic and premium services, but shall not include any refunds or credits made to subscribers or any taxes imposed on the services furnished by Grantee (the Company). It shall not include advertising, leased channels, and per program or per channel charges, if any. (Ord. 1994-8, S9A, Dec. 12, 1994)
- (2) All franchise fees to be paid by the Company shall be paid semi-annually, no later than October 1 and April 1, for the first and second six months, respectively, of the calendar year. Any Franchise Fees which remain unpaid thirty (30) days after the dates specified above shall be delinquent and shall

thereafter due and payable along with an added interest charge of ten (10) percent of the delinquent amount. (Ord. 1994-8, S9B, Dec. 12, 1994)

- (3) Upon written request the Company shall provide to the Council an annual accountant's certification of the accuracy of the fee payments, along with a report on the Company's revenues and expenses pertaining to the cable system within the Town. The Company shall make its books and records pertaining to gross subscriber revenues available for inspection at all reasonable times to the Council. (Ord. 1994-8, S9C, Dec. 12, 1994)

18.43.100 Terms and conditions. In consideration for the foregoing rights and privileges, the Company agrees to the following terms and conditions:

- (1) Neither the Company nor any of its agents or employees shall at any time repair, attempt to repair, sell or attempt to sell television or radio sets or parts thereto; nor shall they recommend or solicit business for any television or radio dealers or repairmen, provided, however, that this provision shall not apply to the routine operation and maintenance of the CATV System and service connected therewith. (Ord. 1994-8, S10A, Dec. 12, 1994)
- (2) The Company shall expeditiously investigate and resolve all subscriber complaints concerning the operation of the CATV System, normally within twenty-four (24) hours but not later than forty-eight (48) hours, except in cases of emergencies. The Company shall maintain a toll free telephone number for the purpose of receiving customer complaints. A record shall be made of all complaints received showing the name of the complaining party, the complaint and the action taken to rectify the complaint. Said record shall be kept for a minimum of two (2) years. (Ord. 1994-8, S10B, Dec. 12, 1994)
- (3) After having received reasonable notice of at least seventy-two (72) hours prior to the move, the Company shall comply with all moving permits issued by the Town by temporarily raising or lowering its wires to permit the moving of structures or high loads. The cost to the Company of complying with the moving permit shall be borne by the entity that obtained the moving permit, and the Company shall have the right to request payment in advance. (Ord. 1994-8, S10C, Dec. 12, 1994)
- (4) The Company shall abide by all provisions set forth in local Town Ordinances and state and federal statutes and shall abide by all regulations of the FCC and other governmental regulatory bodies, as now enacted or as subsequently amended, and the same are incorporated herein by reference.

The Council reserves any right or authority it may have, or be subsequently provided by statute or regulation, to regulate cable television service rates in order that it may exercise that right or authority at its discretion pursuant to the applicable statute or regulation in accordance with the "Cable Television Consumer Protection and Competition Act of 1992" or any amendments thereto. (Ord. 1994-8, S10D, Dec. 12, 1994)

- (5) Subscribers to the company's services shall not be required to assure the company that they will subscribe to the company's service for any length of time and subscribers may terminate service at any time. (Ord. 1994-8, S10E, Dec. 12, 1994)
- (6) All poles, ducts and other facilities of the Company shall be erected, constructed and maintained so as not to interfere with the traffic over public highways and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any public highway. The Company shall have reasonable authority to trim trees upon, abutting and overhanging all streets, alleys, easements, sidewalks, and other areas where the CATV System may from time to time be located in public places of the Town so as to prevent the branches of such trees from coming into contact with or otherwise interfering with the facilities and service of the Company. (Ord. 1994-8, S10F, Dec. 12, 1994)
- (7) The Town shall have the right to approve the location of any poles or underground cable line required to be erected or installed by the Company. In all areas of the Town where the cables, wires and other like facilities of a public utility are placed underground, the Company shall construct and install its cables, wires and other facilities underground. (Ord. 1994-8, S10G, Dec. 12, 1994)
- (8) If, at any time, the Town shall elect to alter or change the grade of any street, sidewalk, alley or other public way, the Company shall remove, relay and relocate its poles, wires, cable, underground conduits, manholes and other fixtures at the Company's sole cost and expense, upon receiving adequate notice from the Town. (Ord. 1994-8, S10H, Dec. 12, 1994)
- (9) The company shall grant to the Town, free of charge, the joint use of any and all poles owned by the Company for any proper Town use so long as such use by the Town does not interfere with the operation and maintenance of the CATV Systems. (Ord. 1994-8, S10I, Dec. 12, 1994)
- (10) The Company, during the installation, maintenance and operation of its television transmission and distribution system, must guard and protect any opening or obstruction in the streets or other public places by placing adequate barriers, fences or boardings, the bounds of which shall be clearly designated by warning lights during periods of dusk and darkness. (Ord. 1994-8, S10J, Dec. 12, 1994)
- (11) The Company agrees to restore to as good a condition as before entry, any pavement, sidewalk or other improvement of any street, avenue, alley or other public place disturbed by the Company. (Ord. 1994-8, S10K, Dec. 12, 1994)

18.43.110 Procedure for remedying franchise violations.

- (1) The Town shall give written notice to the Company of any alleged violation of any covenant in this chapter specifying the nature of the violation and the specific section or sections of this chapter which have allegedly been violated. The Town shall allow the Company at least ninety (90) days to remedy the condition complained of prior to cancellation by the Town of this franchise for breach of any covenant hereunder. (Ord. 1994-8, S11A, Dec. 12, 1994)
- (2) In the event that the Company should dispute a decision of the Town in its enforcement of this chapter, the Company may seek binding arbitration of the dispute following the provisions of Indiana's Arbitration Act (IC 34-1-1) and the Uniform Arbitration Act (IC 34-4-2) to the extent possible and appropriate under the circumstances. (Ord. 1994-8, S11B, Dec. 12, 1994)

18.43.120 Effect of non-enforcement. The Company shall not be relieved of any obligation to comply with any of the provisions of the franchise or any rule, regulation, requirement or directive promulgated thereunder by reason of any failure of the Town or its officers, agents or employees to enforce prompt compliance. (Ord. 1994-8, S12, Dec. 12, 1994)

18.43.130 Communications with regulatory agencies. The Company shall promptly notify the Council of all notices of violations or enforcement action by any regulatory agency and shall upon written request promptly provide copies of all petitions, applications, communications, and reports submitted by it to the FCC or any other Federal or State regulatory commission or agency having jurisdiction in respect to any matters affecting construction or operation of its cable television system within the Town. The Council shall likewise upon written request receive prompt notice of any responses or any other communications from the regulatory agencies to the Company. (Ord. 1994-8, S13, Dec. 12, 1994)

18.43.140 Conditions for granting additional franchises. The Town shall not permit any individual or company to provide service similar to those of the Company without first having secured a franchise from the Town. The Town shall not grant a franchise to individuals or companies offering or furnishing services similar to those of the Company on terms and conditions more favorable to such individuals or companies than those contained herein, unless this chapter is amended to provide for such favorable terms and conditions. (Ord. 1994-8, S14, Dec. 12, 1994)

18.43.150 Term of the franchise. Upon the continuing full and complete performance by the Company of each and every term of this Resolution, the right herein granted shall continue for a term of fifteen (15) years from the date this chapter was adopted. At the expiration of such fifteen (15) years, this chapter shall automatically continue in full force and effect for an additional term of five (5) years unless: (1) the Company notifies the Town at least one hundred and eighty (180) days prior to the expiration date of the Company's intention not to renew this chapter; or (2) the Town notifies the Company at least ninety (90) days prior to the expiration date that the company is not in compliance with all of the

material terms and conditions hereof, and a court of competent jurisdiction, after a hearing and upon appropriate full and final findings of fact pursuant to law, subsequently rules that the Company is not in compliance with all of the material terms and conditions hereof. If the terms is extended for an additional five (5) year period, at the expiration of the additional five (5) year period, this chapter shall automatically continue in full force and effect for a second five (5) year term unless terminated in accordance with the procedure set forth in the preceding sentence of this section. All of the terms, conditions and provisions herein shall continue to apply in any such extension period or during the aforementioned court proceeding. (Ord. 1994-8, S15, Dec. 12, 1994)

18.43.160 Transfers and assignments. A franchise issued pursuant to this chapter shall not, either in whole or in part, be transferred, assigned or otherwise encumbered for any purpose whatsoever without the prior written consent of the Council. If the Company provides written notice to the Council of its intention to transfer, assign or otherwise encumber its interest in this franchise the Council shall provide the Company with its written reasons for denying its consent within forty-five (45) days of its receipt of the notice. If the Council fails to grant or deny its consent within the forty-five (45) day period, the Company can proceed as if consent had been given. If consent is denied, the Company may pursue arbitration on this matter pursuant to the procedures of Section 18.43.110 (2). (Ord. 1994-8, S16, Dec. 12, 1994)

18.43.170 Removal upon discontinuance of franchise. Upon expiration or termination of a franchise, if the franchise is not renewed and if neither the Town nor an assignee purchase the CATV System, the Company may remove any underground cable from the streets which has been installed in such a manner that it can be removed without trenching or other opening of the streets along the extension of cable to be removed. The Company shall not remove any underground cable or conduit which requires trenching or other opening of the streets along the extension of cable to be removed, except as hereinafter provided. The Company shall remove, at its sole cost and expense, any underground cable or conduit by trenching or opening of the streets along the extension thereof or otherwise which is ordered to be removed by the Town based upon a determination in the sole discretion of the Town, that removal is required in order to eliminate or prevent a hazardous: condition or promote future utilization of the street for public purposes. Removal shall be completed not later than twelve (12) months following the date of expiration of the franchise. Underground cable and conduit in the streets which is not removed shall be deemed abandoned and title thereto shall be vested in the Town.

Upon expiration or termination of a franchise, if the franchise is not renewed and if neither the Town nor an assignee purchase the CATV System, the Company, at its sole expense, shall, unless relieved of the obligation by the Town remove from the streets all above ground elements of the CATV System, including but not limited to amplifier boxes, pedestal mounted terminal boxes, and cable attached to or suspended from poles, which are not purchased by the Town or its assignee.

The Grantee shall apply for and obtain such encroachment permits, licenses, authorizations or other approvals and pay such fees and deposit such security as required by applicable ordinance of the Town, shall conduct and complete the work of removal in compliance with all such applicable ordinances, and shall restore the streets to the same condition they were

in before the work of removal commenced. The work of removal shall be completed not later than one (1) year following the date of expiration of the franchise. (Ord. 1994-8, S17, Dec. 12, 1994)

18.43.180 Notices. All notices and other communications hereunder shall be in writing and shall be deemed to have been given on the date of actual delivery if mailed, first class, registered or certified mail, return receipt requested, postage prepaid to the following respective addresses:

To the Town:

Town of Winslow
P.O. Box 67
Winslow, IN 47598

To the Company:

Tele-Media Company of
Mid-South
P.O. Box 09768
Columbus, Ohio 43209

Any party to this chapter may change the address to which all communications and notices may be sent by addressing notices of such change in the manner provided hereunder. (Ord. 1994-8, S18, Dec. 12, 1994)

18.43.190 Repeal of conflicting Ordinance. Any and all ordinances or parts of ordinance, in existence at the time of this chapter's adoption, conflicting with the provision of the ordinance are hereby repealed. (Ord. 1994-8, S19, Dec. 12, 1994)

18.43.200 Preparation and publication costs. The Company shall assume the cost of the preparation and publication of this Chapter. (Ord. 1994-8, S20, Dec. 12, 1994)

18.43.210 Separability of Ordinance provisions. If any sections, subsection, sentence, clause or phrase of this chapter is for any reason held illegal, invalid or unconstitutional by the decision shall not affect the validity of the remaining portions hereof. The Council hereby declare that they would have passed this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clause or phrases be declared illegal, invalid or unconstitutional. The invalidity of any portion of this chapter shall not abate, reduce or otherwise affect any consideration or other obligation required of the Company. (Ord. 1994-8, S21, Dec. 12, 1994)

18.43.220 Effective date of Ordinance. This chapter is hereby declared to be a measure in the interest of public peace, health, welfare and safety, and shall therefore go into immediate effect upon the passage and adoption of this chapter, and within thirty (30) days from the effective date the Company shall file its written acceptance, at which time this chapter shall constitute a contract between the Company and the Town.

This Chapter has been passed by the Town Council of Winslow on the 12th day of December, 1994. (Ord. 1994-8, S22, Dec. 12, 1994)