

TITLE V: PUBLIC UTILITIES

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CHAPTER 50: GARBAGE AND REFUSE

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§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVED CONTAINERS. A 90-gallon cart/container to be provided by the contractor to accomplish the weekly pick-up of 90 gallons per residence, one container to be provided for each dwelling unit.

DWELLING UNIT. A single-family dwelling or a multi-family dwelling of no more than four families. A structure with five or more dwelling units shall be deemed commercial facility, and therefore, not covered by the rules, regulations and specifications promulgated by the Board of Public Works.

GARBAGE. Rejected food wastes, and to include every waste accumulation of animal, fruit and vegetable matter, used or intended for food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetation and all other putrescible wastes except sewage and body wastes.

RUBBISH. Such matter as ashes, cans, metal ware, broken glass, crockery, dirt, sweepings, and boxes, provided that the boxes are used to contain rubbish. Excluded from the definition of rubbish are empty boxes, grass, leaves, weeds, trees and large limbs. Also excluded from the definition of rubbish are debris from demolition or construction of buildings, lumber and wood. (Ord. 121890-1, passed 12-18-90; Am. Ord. 98-7, passed 4-7-98; Am. Ord. 2001-8, passed 7-10-01)

§ 50.02 DUTIES OF BOARD OF PUBLIC WORKS AND SAFETY IN RELATION TO WASTE COLLECTION.

(A) (1) The Board of Public Works and Safety, hereinafter referred to as the "Board," of the city is authorized and empowered to collect and dispose of or provide for the collection and disposal of all rubbish and garbage within the city and the fringe area surrounding the city.

(2) The Board is hereby authorized, subject to the approval of the Common Council, to promulgate and prescribe rules and regulations providing for methods to be used in the storage, collection and disposal of all garbage and rubbish, and to advertise and publish the same, and the rules, when duly advertised and published, shall have the same force and effect as ordinances and resolutions of the city.

(B) The Board is further authorized and directed to appoint a Superintendent of Garbage and Rubbish Collection and Disposal to supervise the collection and disposal, either under the name of Superintendent or such other name or office as the Board shall direct. The Board is further authorized, empowered and directed to provide by contract or to provide by the city for the necessary labor, equipment, power, vehicle and all necessary personnel to properly administer the provisions of this chapter for the disposal, collection and handling of the garbage and rubbish.

(C) The Board is authorized and empowered to determine and fix a fair and reasonable charge to be made against every owner of or occupant or lessee of property, subject to the approval of the Common Council of the City, and by rules and regulations of the Board to establish a method of collection and assessment of the charges under such method and regulation as the Board shall select.

(Ord. 121890-1, passed 12-18-90)

§ 50.03 GARBAGE CONTAINERS.

(A) Every person having any garbage on his premises shall cause the same to be placed and kept in metallic or sturdy plastic garbage cans, and shall keep the same securely covered so that flies shall not have access thereto. Garbage shall be emptied and removed so frequently that it shall not become putrid and give off offensive odors, and it shall be kept in a sanitary condition. All garbage cans shall be so placed on the premises as to be easy of access by the person or persons who remove them from the premises. All garbage so deposited in cans or receptacles shall be reasonably free from water and slop and no tin cans, broken glass, crockery ware or ashes shall be placed therein. In the event of any dispute between the owner or occupant of the premises and the person who removes the garbage as to the location of the cans or the character of garbage permitted therein, the matter shall be referred to the Board, whose decision shall be final and conclusive.

(B) Tin cans, bottles, glassware, crockery ware and other rubbish shall be placed in receptacles and securely covered so that flies cannot enter. Receptacles shall be emptied and removed sufficiently frequent to keep them in a sanitary condition, and no rubbish shall be permitted to be or remain upon any premises except as herein provided.

(C) Any person residing or having his place of business within the fire limits of the city, shall not deposit, keep, or cause to be deposited or kept, any ashes, in any building or on any lot or ground except in metallic receptacles. Receptacles shall be of such a kind and character that there shall be no danger of fire by reason of depositing ashes therein.

(D) Every person must place his garbage or rubbish for pick-up upon the premises owned or occupied by such person. It shall be unlawful for any person to place such garbage or rubbish for pick-up upon property not belonging to or not occupied by such person.

(E) Notwithstanding any provision in this section to the contrary, in the event that the contract between the City and its contractor for the collection of garbage and rubbish requires that approved containers be furnished by the contractor and used by the owners of occupants of dwelling units, then the owners or occupants of dwelling units shall be required to use such approved containers as furnished by the contractor.

(Ord. 121890-1, passed 12-18-90; Am. Ord. 2001-11, passed 7-24-01) Penalty, see § 10.99

§ 50.04 “THREE-BAG” OR 90-GALLON LIMIT FOR RESIDENTIAL SERVICE.

Effective January 1, 1991, every residential dwelling shall be subject to a “three-bag” or 90-gallon limit per dwelling per pick-up. Garbage and rubbish to be disposed of that exceeds the limit contained herein, must be disposed of in a special plastic bag with a special logo, which bags must be purchased by the person exceeding the limit. These bags will be specifically designated and will be made available by the City for purchase, the price may vary from time to time.

(Ord. 121890-1, passed 12-18-90) Penalty, see § 10.99

§ 50.05 COVERING GARBAGE.

No person shall carry on any vehicle, or any carrier of any kind upon any street or alley within the city, any trash, loose papers, garbage or other refuse, without first having covered such trash, loose papers, garbage or other refuse with a tarpaulin or other covering to prevent the materials so hauled from blowing off the vehicle or other carrier along the city streets.

(Ord. 121890-1, passed 12-18-90) Penalty, see § 10.99

§ 50.06 BURNING OF PAPER AND THE LIKE; HOURS PERMITTED FOR BURNING.

(A) All burning of paper, paper boxes or miscellaneous dry material shall be burned in regulation burners of wire mesh or perforated burners fitted with covers or top enclosures to prevent blowing of burning parts. The ashes from such burners are to be emptied by the owner and/or occupant of such property after they are cold, into small containers not to exceed 20-gallon capacity and gross weight when filled not in excess of 50 pounds.

(B) The burning of paper, paper boxes or miscellaneous dry material described in division (A) and the burning of any leaves, twigs, grass and similar materials shall be done in complete compliance with division (A) and only between the hours of 4:00 p.m. and 10:00 p.m, seven days a week.

(C) Any person violating any provision of this section shall be fined not less than \$50 nor more than \$100 for each offense, and a separate offense shall be deemed committed on each day during, on or which an offense occurs or continues. Violations of this section shall be enforced through the Ordinance Violations Bureau.

(D) Any violation of this section is declared to be a nuisance. In addition to any other relief provided by this section, the City Legal Department may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

(Ord. 121890-1, passed 12-18-90; Am. Ord. 2000-28, passed 10-19-00)

Cross-reference:

For fine see Schedule of Civil Penalties in § 35.03

§ 50.07 DUMPSTER REGULATIONS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DUMPSTER. A dump box, roll-off box, or any other box commonly referred to as a dumpster, used for the collection, storage and removal of building materials and other debris generated in connection with the construction, repair, remodeling, rehabilitation, or renovation of a building or structure of any kind.

STREET, ALLEY AND SIDEWALK. Includes the entire width of the platted or recorded street right-of-way, the entire width of the platted alley right-of-way, and the width of the platted sidewalk (if located outside of the street right-of-way).

(B) *Placement of dumpsters prohibited.* All dumpsters shall be located entirely upon private property outside of streets, alleys, or sidewalks. The placement of dumpsters within or upon a street, alley, or sidewalk is prohibited, except as provided for in § 50.07(C).

(C) *Permit process.* If the owner or occupant of property desires to locate a dumpster in an area prohibited by this section, the owner or occupant shall first apply to the city, on approved application forms, for a dumpster location permit. The owner or occupant making application shall provide all the information required by the permit application. The city shall be entitled to make an inspection of the property to determine if it is necessary (not just convenient) to locate a dumpster upon or within a street, alley or sidewalk. The decision of the city shall be final. If the application is granted, a permit shall be issued for a period of time no longer than 30 days from the date of the permit.

(D) *Permit fee.* In the event a permit is granted pursuant to division (C) above, the city shall charge and collect a fee of \$25 payable prior to the issuance of the permit. Permits may be renewed one time only for the payment of an additional fee of \$25.

(E) *Safety requirements.* A permittee shall comply with all safety and warning requirements as imposed by the city in connection with a permit issued under this section. The permittee shall affix a permit sticker, issued by the city, to the side of the dumpster facing oncoming traffic. This sticker shall be affixed to the dumpster for the duration of the permit.

(F) *Violations.* A violation of this section shall be punishable by a fine. Each day a violation occurs shall be considered a separate violation.

(Ord. 2002-16, passed 8-20-02; Am. Ord. 2006-7, passed 3-21-06) Penalty, see § 10.99

Cross-reference:

For fine see Schedule of Civil Penalties in § 35.03

§ 50.08 RULES, REGULATIONS, AND SPECIFICATION FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND RUBBISH.

(A) The residences within the city subject to street side collection, shall place the carts/containers at the refuse collection site at street side no sooner than noon on the day before collection and shall remove the carts/containers from the refuse collection site at the street side no later than noon on the day after the collection. The owner, tenant, lessee, occupant, or agent of any residential property shall, in addition to promptly removing the cart/container, clean up and remove any scattered solid waste or rejected items from the property no later than noon on the day after the collection. For purposes of this section, and other related documents, the day of the collection is the scheduled collection day or a rescheduled collection day in the event of a missed or postponed collection.

(B) The carts/containers, when not at the refuse collection site at the street side as provided herein, shall be stored at a location on the property; which location shall be behind a line extending entirely across the property; which line shall be even with the front of the residence located on the property.

(C) All fines and penalties imposed pursuant to this section shall be governed by and collected pursuant to the provisions of the Ordinance Violations Bureau and, in addition, any fines or penalties may be added to and included in the monthly bill sent to the owner, occupants, or lessees of the property.

(Ord. 2008-13, passed 10-7-08) Penalty, see § 50.99

§ 50.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm, or corporation violating the provisions of § 50.08 shall be subject to a fine of \$25 for the first violation and \$50 for each subsequent violation within the next 12 months. The fine herein imposed shall be paid to the city General Fund.

(Ord. 2008-13, passed 10-7-08)

CHAPTER 51: WATER

Section

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GENERAL PROVISIONS**§ 51.01 REMOTE WATER METERS.**

(A) *Installation.* Remote water meters shall be installed on each premises or property now or hereafter served by the city waterworks system. Such installation must be made on all such properties on or before December 31, 1981, on those properties being served at that time and any properties added to the system after that date must install remote water meters before being added to the system.

(B) *Costs.* The remote water meters shall be installed by the city municipal utilities, which shall bear the costs of installation except as otherwise provided in this chapter.

(C) *To be city property.* The remote water meters shall at all times remain the property of the city municipal utilities and the utilities shall at all times be responsible for the maintenance of the same.

('79 Code, § 20-16) (Ord. passed 5-17-77; Am. Ord. passed 12-2-80)

§ 51.02 EXTENSION OF WATER LINES BEYOND CORPORATE BOUNDARIES.

(A) Municipal water lines are not to be extended beyond the corporate boundaries without the prior execution and recordation of a water user's agreement by the property owner which, among other things, waives all objection rights the owner may otherwise have to annexation of the property within the corporate limits of the city on behalf of the property owner and all future owners of the property.

(B) Upon request made in writing to the city for the extension of municipal water beyond the corporate boundaries, the Utilities Superintendent or his designee is to make a rough estimate of the pipe, valves, hydrants and other material and equipment necessary for such an extension and also what easements and road bearings would be necessary to complete and maintain such an extension and submit the same to the Board of Works and the property owner. (The estimate is solely for the benefit of the Board of Works and the property owner shall not be entitled to rely thereon should the owner decide to pursue the extension, but it shall be understood to have the duty to make independent investigation of the cost of the extension.)

(C) In addition, the Utilities Superintendent or his designee is to make an estimate of the supply needs which would likely be required by users of an extension should it be constructed and whether it would adversely affect the reserve capacity of the city to serve present and future consumers located within the corporate boundaries, and the appropriate sizing of mains so as to not only serve the applying property owner, but also the present and future potential consumers along the proposed line or extension thereof.

(D) (1) It is the obligation of the property owner to pay all material, improvement, construction engineering and easement costs associated with making the extension of municipal water lines to and within the site.

(2) Where the extension of lines is of a distance as to potentially improve the property of other landowners, the city may enter into a recoupment agreement meeting statutory requirements of duration and recordation whereby the landowner may recoup from future landowners connecting to the main a portion of the costs of making the extension according to a formula established in the recoupment agreement. The city, however, is not obligated to enter into such an agreement, and is also not obligated to allow other landowners to connect into a main with such an agreement.

(3) Where the city determines that it is in the best interest of the future development of the city that all, or a portion, of an extension have over-sized mains to allow for future connections and to facilitate the eventual annexation of lands to be served by the proposed line, the city may agree to pay all, or a part, of the difference in cost attributable to the oversizing.

(E) All extensions of water lines, type and make of valves and equipment are to be in accordance with city specifications, or where such specifications do not exist, consistent with the instructions of the Utilities Superintendent or his designee and as approved by the City Engineer. It is the duty and responsibility of the property owner to arrange for inspection of the lines by the Water Superintendent prior to the burial of the same.

(F) All extension agreements are to provide for the warranty of the materials and workmanship of constructed lines by the property owner for a period of three years, which warranty is to cover the cost of replacing the lines or maintenance thereof during the period.

(G) Divisions (A) through (F) if this section, notwithstanding, upon request of a landowner located contiguous with the corporate boundaries at the time of the request, where the site of the proposed connection is less than the minimum lot width from an existing water main, and with the approval of the Board of Works, a requesting landowner may be connected to the municipal water line by the execution and recordation of a water user's agreement and the payment of all required fees; provided, however, that whenever the connection requires the boring under or cutting into or other utilization of a privately-owned street, county road or highway, the landowner shall be responsible for obtaining any easement rights and repairing any damage done to the street, road or highway.

(Ord. 2000-14, passed 8-1-00)

§ 51.03 EXTENSION OF WATER LINES WITHIN A NEWLY PLATTED SUBDIVISION.

(A) Whenever a developer proposes the development of a subdivision within the corporate limits of the city, the developer is to agree to pay the cost of all improvements in the form of lines, valves, and other equipment necessary and cost of construction and connection of all lines and equipment necessary to connect a dwelling for each lot in the proposed subdivision to the city water system, all in accordance with the provisions of the City Code Subdivision Control provisions at § 152.06.7 (Water Facilities) in effect at this time and as may be amended from time to time.

(B) All material and construction is to be done according to city specifications and the inspection and approval of the Utilities Superintendent or his designee and the City Engineer prior to burial; and the developer shall warrant the quality and improvement of the materials and construction for a period of three years, which warranty is to cover the cost of replacing the lines or maintenance thereof during the period.

(Ord. 2000-14, passed 8-1-00)

§ 51.04 EXTENSION OF WATER LINES TO A NEWLY PLATTED COMMERCIAL OR INDUSTRIAL SITE WITHIN OR WITHOUT CITY BOUNDARIES.

The extension of water lines to parcels subdivided within industrial or commercial districts to serve new industrial or commercial sites are to be individually negotiated between the city, the developer and the purchaser.

(Ord. 2000-14, passed 8-1-00)

§ 51.05 INSTALLATION AND USE OF WATER WELLS WITHIN THE CITY.

(A) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUXILIARY WATER SUPPLY. Any water supply on or available to the premises other than the city's primary water supply will be considered an **AUXILIARY WATER SUPPLY**. These auxiliary waters may include water from any natural source such as a well, spring, river, stream, or the like, or used waters or industrial fluids. These waters may be contaminated or polluted or may be objectionable and constitute an unacceptable Water source over which the city does not have sanitary control. **AUXILIARY WATER SUPPLY** may be used for non-domestic purposes including, but not limited to, geothermal wells, fire fighting, cooling, irrigation, manufacturing processes, non-domestic uses in retail and wholesale establishments.

PRIMARY WATER SUPPLY. Water source for human consumption and other domestic purposes including, but not limited to, drinking, bathing, swimming, washing of clothes and dishes, general cleaning and food preparation. The **CITY OF GARRETT MUNICIPAL WATER UTILITY** is hereby defined as being the **PRIMARY WATER SUPPLY** for all premises within the city.

(B) *Auxiliary water supplies prohibited.*

(1) The installation of any private water well for the primary water supply upon any premises within the corporate limits of the city is hereby prohibited.

(2) The reopening of any previously capped or closed private water well for the primary water supply upon any premises within the corporate limits of the city is hereby prohibited.

(C) *Review/approval of auxiliary water supply.* The installation and use of any auxiliary water supply is subject to the review and approval of the Board of Works of the city. The Board of Works shall approve or deny requests for such installation on a case by case basis. The Board of Works also has the authority to impose any conditions it considers appropriate to protect the safety and availability of the city's water supply including but not limited to all devices authorized by §§ 51.50 through 51.52, which sections regulate the backflow and cross connections to the City of Garrett potable water system. The Board of Works also has the authority to impose any conditions it considers appropriate to protect revenue generating capabilities of the city's public water supply.

(D) The Board of Works shall also have the authority to revoke any approval previously granted at any time based upon the following:

- (1) Submission of evidence to the city that a condition hazardous to the safety of the city's public water supply exists.
- (2) Submission of evidence to the city of non-compliance with one or more of the conditions imposed by the Board of Works pursuant to division (C) above.
- (3) Failure to permit the city access to inspect the installation and use of a private water well.

(E) *Grant of permission to install private water well.* The application for and the receipt of approval to install a private water well constitutes an irrevocable permission for the city, its employees, agents, contractors, and the like, the right to access and inspect the private water well and any of its appurtenances at any reasonable time and place.

(F) *Application fee.* The request for an installation of a private water well shall be subject to the payment of an application fee in an amount as determined from time to time by the Board of Works.

(Ord. 2013-15, passed 9-17-13) Penalty, see § 51.99

RATES AND CHARGES

§ 51.14 REMOVAL OF THE WATER UTILITY FROM THE JURISDICTION OF THE INDIANA UTILITY REGULATORY COMMISSION.

The municipally owned water utility of the city shall be, and is, hereby removed from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness.

(Ord. 97-8, passed 4-15-97)

Statutory reference:

Authorizing removal of municipally owned utilities from jurisdiction of Commission, see IC 8-1.5-3-9.1 et seq.

§ 51.15 ESTABLISHED GENERALLY.

There shall be and there are hereby established for the use of and the service rendered by the waterworks system of the city, the rates and charges, based on the amount of water supplied by the waterworks system as prescribed in this subchapter.

('79 Code, § 20-23) (Ord. passed 4-20-76; Am. Ord. passed 11-7-78; Am. Ord. passed 4-20-82; Am. Ord. passed 8-16-88; Am. Ord. 10692, passed 10-6-92)

§ 51.16 BASED ON QUANTITY USED; METER READINGS.

The water rates and charges shall be based upon the quantity of water used on or in the property or premises subject to such rates and charges as the same shall be measured by the water meters therein used. Water meters shall be read once each month.

('79 Code, § 20-24) (Ord. passed 4-20-76; Am. Ord. passed 9-17-76; Am. Ord. passed 11-7-78; Am. Ord. passed 4-20-82; Am. Ord. 10692, passed 10-6-92)

§ 51.17 MONTHLY WATER USAGE - BLOCK RATES.

This schedule sets forth the rates and charges for the water supplied by the waterworks system to the city. The following block rates (subject to the monthly minimum provided below) apply to metered water usage on a monthly basis:

<i>Gallons of Water</i>	<i>Rate per 1,000 Gallons</i>
First 3,000	\$8.04
Next 7,000	\$7.11
Next 15,000	\$6.12
Next 25,000	\$5.13
Next 50,000	\$4.19
Over 100,000	\$3.24

('79 Code, § 20-26) (Ord. passed 4-20-76; Am. Ord. passed 4-20-82; Am. Ord. passed 8-16-88; Am. Ord. 12692, passed 1-26-92; Am. Ord. 10692, passed 10-6-92; Am. Ord. 12693, passed 1-26-93; Am. Ord. 97-26, passed 12-2-97; Am. Ord. 2001-6, passed 6-19-01; Am. Ord. 2008-6, passed 6-17-08; Am. Ord. 2010-13, passed 12-7-10; Am. Ord. 2012-11, passed 8-21-12; Am. Ord. 2015-04, passed 1-17-15)

§ 51.18 MONTHLY WATER USAGE - MONTHLY MINIMUM CHARGE.

The monthly minimum charge per meter shall be as follows:

<i>Size of Meter (Inches)</i>	<i>Minimum Gallons Allowed</i>	<i>Minimum Monthly Rates</i>
5/8 - 3/4	3,000	\$24.13
1	6,500	\$48.99
1-1/4	11,200	\$81.21
1-1/2	15,600	\$108.16
2	24,400	\$162.05
3	40,000	\$242.67
4	50,600	\$296.48
6	92,700	\$472.95

('79 Code, § 20-25) (Ord. passed, 4-20-76; Am. Ord. passed 4-20-82; Am. Ord. passed 8-16-88; Am. Ord. 12692, passed 1-26-92; Am. Ord. 10692, passed 10-6-92; Am. Ord. 12693, passed 1-26-93; Am. Ord. 97-26, passed 12-2-97; Am. Ord. 2001-6, passed 6-19-01; Am. Ord. 2008-6, passed 6-17-08; Am. Ord. 2010-13, passed 12-7-10; Am. Ord. 2012-11, passed 8-21-12; Am. Ord. 2015-04, passed 11-17-15)

§ 51.19 ANNUAL FIRE HYDRANT AND FIRE PROTECTION.

The charge for fire protection water service obtained through a private hydrant is \$1,027.78 per hydrant per annum.

('79 Code, § 20-27) (Ord. passed 4-20-76; Am. Ord. passed 11-7-78; Am. Ord. passed 4-20-82; Am. Ord. passed 8-16-88; Am. Ord. 10692, passed 10-6-92; Am. Ord. 12693, passed 1-26-93; Am. Ord. 97-26, passed 12-2-97; Am. Ord. 2001-6, passed 6-19-01; Am. Ord. 2006-12, passed 6-20-06; Am. Ord. 2008-6, passed 6-17-08; Am. Ord. 2010-13, passed 12-7-10; Am. Ord. 2012-11, passed 8-21-12; Am. Ord. 2015-04, passed 11-17-15)

§ 51.20 COLLECTION AND DEFERRED PAYMENT CHARGE.

All bills for water services not paid within 15 days from the due date thereof, as stated in such bills, shall be subject to the collection or deferred payment charge of 10% on the first \$3 and 3% on the excess over \$3.

('79 Code, § 20-28) (Ord. passed 4-20-76; Am. Ord. passed 11-7-78; Am. Ord. passed 8-16-88; Am. Ord. 10692, passed 10-6-92)

§ 51.21 RECONNECTION CHARGE.

(A) *Disconnect*. Whenever water service is disconnected, for any reason whatsoever, except as provided in division (C) below, the customer shall be charged and shall pay a \$75 disconnect fee.

(B) *Reconnect*. Any customer reconnection following a disconnect, for any reason whatsoever, except as provided in division (C) below, shall be charged and pay a \$75 reconnect fee.

(C) *Customer disconnect request*. Whenever service is disconnected at a service location point at the request of the customer, and whenever service is reconnected at a service location point at the request of the customer, such disconnection or reconnection shall be done with no charge if the disconnection or reconnection is done during scheduled working hours. If the disconnection or reconnection must be done outside of scheduled working hours, the customer shall be charged and shall pay a disconnect fee of \$75 or a reconnection fee of \$75, or whatever the case may be.

(D) *Disconnect/reconnect defined*. Service is considered disconnected and therefore subject to reconnection upon either of the following events:

(1) Actual disconnection where the water service to the customer is terminated at the curb box or at such other point as deemed appropriate by the city; or

(2) The customer's failure to pay all amounts due to the city by the deadlines as stated in the past due utility bill from the city.

('79 Code, § 20-29) (Ord. passed 4-20-76; Am. Ord. passed 11-7-78; Am. Ord. passed 4-20-82; Am. Ord. passed 8-16-88; Am. Ord. 10692, passed 10-6-92; Am. Ord. 2008-6, passed 6-17-08; Am. Ord. 2010-01, passed 1-5-10)

§ 51.22 TEMPORARY USERS.

Water furnished to temporary users, such as contractors, circuses and the like, shall be charged on the basis of the metered gallonage rates hereinbefore set forth as estimated and established by the Waterworks Superintendent.

('79 Code, § 20-30) (Ord. passed 4-20-76; Am. Ord. passed 11-7-78; Am. Ord. passed 4-20-82; Am. Ord. passed 8-16-88; Am. Ord. 10692, passed 10-6-92)

§ 51.23 TAP CHARGE.

(A) A tap/connection charge shall be collected from each customer, prior to connection to the water system, in an amount sufficient to reimburse the city for the labor and material necessary for tapping and connecting to the main and installation of service from the main to the curb stop and the cost of furnishing and installing a water meter, which water meter shall be furnished and installed by the city.

(B) The charge for a 5/8-inch to 3/4-inch installation shall be in the amount of \$750 plus the cost of the meter. The charge for a one-inch or larger installation shall be the labor and material costs incurred, including the cost of the meter, but in no event shall the charge be less than \$750 plus the cost of the meter.

('79 Code, § 20-31) (Ord. passed 7-29-76; Am. Ord. passed 11-7-78; Am. Ord. passed 4-20-82; Am. Ord. passed 8-16-88; Am. Ord. 10692, passed 10-6-92; Am. Ord. 2001-6, passed 6-19-01; Am. Ord. 2008-6, passed 6-17-08)

§ 51.24 INSTALLATION FEE FOR REMOTE WATER METER.

At the time this section is being considered and adopted, the water utility is undertaking a meter change out program where all of the water meters used in connection with the water utility are being changed out at the expense of the city without any cost to the customer. Thereafter, should it be necessary to install a remote reading device, the premises or property on which the remote meter device is installed shall be charged and shall pay an installation fee equal to the cost to the city to purchase the remote reading device, which fee will be payable in full by the customer at the time of installation or shall be payable over a period of one calendar year from the date of installation, should the customer so select that payment mode.

('79 Code, § 20-32) (Ord. passed 5-17-77; Am. Ord. 2008-6, passed 6-17-08)

§ 51.25 BAD CHECK CHARGE.

The charge for a check returned because of nonsufficient funds shall be \$25.

('79 Code, § 20-33) (Ord. passed 8-16-88; Am. Ord. 10692, passed 10-6-92; Am. Ord. 2002-21, passed 9-17-02)

§ 51.26 ADOPTION BY REFERENCE OF GARRETT MUNICIPAL UTILITIES MONTHLY BILLING CHARTS.

(A) *Monthly billing charts — residential users.*

(1) The Garrett Municipal Water Utility Monthly Billing Charts as prepared by Financial Solutions Group, Inc., based on the rates and charges in this chapter are hereby adopted and incorporated as part of this code of ordinances as if set out fully herein.

(2) The Council shall review and adjust the rates and charges on an annual basis. The Clerk-Treasurer is directed to cause a rate consultant's report to be prepared and submitted annually to the Council. This report shall be based on the most recent year end data and submitted to the Council on or before May 1 of each year.

(B) *Monthly billing charts — commercial and institutional users.* The Garrett Municipal Utilities Monthly Billing Charts - Commercial and Industrial Users, as prepared by Financial Solutions Group, Inc. and dated the 1st day of January, 2011, are hereby adopted and incorporated as part of this code of ordinances as if set out fully herein.

(C) *Monthly billing charts — governmental and industrial users.* The Garrett Municipal Utilities Monthly Billing Charts - Governmental and Industrial Users, as prepared by Financial Solutions Group, Inc. and dated the 1st day of January, 2011, are hereby adopted and incorporated as part of this code of ordinances as if set out fully herein.

(Am. Ord. 97-26, passed 12-2-97; Am. Ord. 2001-6, passed 6-19-01; Am. Ord. 2010-13, passed 12-7-10; Am. Ord. 2012-11, passed 8-21-12; Am. Ord. 2015-04, passed 11-17-15)

§ 51.27 BILLING; DELINQUENT ACCOUNTS.

(A) The rates and charges for water usage may be billed to the tenant or tenants occupying the property served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability for payment in the event payment is not made by the tenant as herein required. The owners of property served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the city for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which those records are kept during normal business hours.

(B) In addition to the other remedies and penalties as provided in this chapter, the city shall also have the right to bring a civil action to recover any delinquent and unpaid water bill plus penalty, together with reasonable attorney's fees.

(C) There shall be a charge of \$1.50 for each duplicate bill prepared by the city.
(Ord. 94-4, passed 2-1-94; Am. Ord. 94-7, passed 2-15-94; Am. Ord. 97-26, passed 12-2-97)

§ 51.28 PAYMENT IN LIEU OF TAXES; REASONABLE RETURN.

(A) The Common Council hereby elects to receive payment in lieu of taxes from the waterworks.

(B) The Common Council hereby elects to earn a reasonable return on the waterworks plant. (Ord. 10692, passed 10-6-92)

§ 51.29 DEPOSITS.

No applicant or consumer shall be hereafter connected for service by the Water Utility or entitled to receive water from the utility until such applicant or consumer shall apply at the utility office for such service, pay all delinquencies, if any, standing against such consumer, wheresoever incurred, and shall make a deposit with such utility in the amount of \$100.

(Ord. 94-21, passed -94; Am. Ord. 2008-6, passed 6-17-08)

§ 51.30 TAMPERING FEE.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, alter or tamper with, in any manner, with any structure, appurtenance, equipment, including, but not limited to, water meters, remote meter reading equipment, mains and lines or any other appurtenance which is part of the municipal water treatment and distribution system. In the event such action occurs, the customer shall be charged and shall pay a tampering fee of \$200 per occurrence in addition to all other costs incurred by the city to repair the damage.

(Ord. 2009-14, passed 9-1-09) Penalty, see § 10.99

§ 51.31 ACCESS TO PREMISES; SEARCH WARRANTS.

(A) *Right to access.* The city's authorized representative shall have the right to enter upon the premises of the customer at all reasonable times for the purposes of inspecting or testing cross connection protective devices, atmospheric tank installations, booster pump-vacuum breaker-type valves, general plumbing, as well as meter readings, inspection, repairs, testing, removal, replacements, and relocation in connection with the water service. This right shall also include the right to enter the premises to install, repair, maintain, replace, remote meter reading devices and equipment. Failure to provide or allow access for the city's authorized representative to the customer premises for the purposes described herein, after written notice to the customer, shall be cause for discontinuance of water service.

(B) Any customer providing a secondary water system supply on the customer's premises or making such supply available to the premises, shall be required to give reasonable access to the city's authorized representative for the purpose of inspection of the customer's premises. The customer shall be required to provide evidence, satisfactory to the city, that no connection exists between the customer's secondary supply and the public water supply system.

(C) If the city's authorized representative has been refused access to the customer's premises and is able to demonstrate probable cause to believe that there is a violation of a city ordinance, or is able to demonstrate probable cause that the city is entitled to access to the premises, then the city may seek the issuance of a search warrant or a warrant granting the city access to the premises from a court of competent jurisdiction.

(Ord. 2012-20, passed 10-20-12)

BACKFLOW AND CROSS-CONNECTION REGULATIONS**§ 51.50 GENERAL PROVISIONS.**

(A) *Purpose.* The purpose of this subchapter is:

(1) To protect the public potable water supply of the city from the possibility of contamination or pollution by isolation within the consumer's internal distribution system(s) or the consumer's private water system(s) such contaminants or pollutants which could backflow into the public water systems; and

(2) To promote the elimination or control of existing cross-connections, actual or potential, between the consumer's in-plant potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping systems; and

(3) To provide for the maintenance of continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

(B) *Responsibility.* The Utilities Superintendent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the Utilities Superintendent, an approved backflow prevention assembly is required for the safety of the water system, the Utilities Superintendent, or his or her designated agent, shall give notice in writing to the owner who shall install the approved backflow prevention assembly at the consumer's own expense; and failure, refusal or inability on the part of the consumer to install, have tested and maintained the assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

(Ord. 2013-11, passed 6-18-13; Am. Ord. 2014-06, passed 7-15-14)

§ 51.51 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVED.

(1) The term ***APPROVED*** as herein used in reference to a water supply shall mean a water supply that has been approved by the health agency having jurisdiction.

(2) The term ***APPROVED*** as herein used in reference to an air gap, a double check valve assembly, a reduced pressure principle backflow prevention assembly or other backflow prevention assemblies or methods shall mean an approval by the administrative authority having jurisdiction.

AUXILIARY WATER SUPPLY. Any water supply on or available to the premises other than the purveyor's approved public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, and the like, or used waters or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

BACKFLOW. The undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources. See **BACKSIPHONAGE** and **BACKPRESSURE**.

BACKFLOW PREVENTER. An assembly or means designed to prevent backflow.

(1) **AIR GAP.** A physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An **APPROVED AIR GAP** shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel-in no case less than 1 inch (2.54 cm).

(2) **REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY.** An assembly containing two independent pressure differential relief valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shut-off valves at each end of the assembly. This assembly is designed to protect against a non-health (i.e., pollutant) or a health hazard (i.e., contaminant). This assembly shall not be used for backflow protection of sewage or reclaimed water.

(3) **DOUBLE CHECK VALVE BACKFLOW PROTECTION ASSEMBLY.** An assembly composed of two independently action approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly shall only be used to protect against a non-health hazard (i.e. pollutant).

BACKPRESSURE. Any elevation of pressure in the downstream piping system (by pump, elevation of piping, or seam and/or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

BACKSIPHONAGE. A form of backflow due to a reduction in system pressure which causes a subatmospheric pressure to exist at a site in the water system.

CONTAMINATION. An impairment of the quality of the water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage industrial fluids, waste, and the like.

CROSS-CONNECTION. An unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used

water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change over devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be **CROSS-CONNECTIONS**.

CROSS-CONNECTION CONTROL BY CONTAINMENT. The term “service protection” shall mean the appropriate type or method of backflow protection at the service connection, commensurate with the degree of hazard of the consumer’s potable water system.

CROSS-CONNECTIONS - CONTROLLED. A connection between a potable water system and a non-potable water system with an approved backflow protection at the service connection, commensurate with the degree of hazard of the consumer’s potable water system.

HAZARD, DEGREE OF. Either a pollution (non-health) or contamination (health) hazard derived from the evaluation of conditions within a system.

(1) **HAZARD, HEALTH.** An actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer’s potable water system that would be a danger to health.

(2) **HAZARD, PLUMBING.** An internal or plumbing type cross-connection in consumer’s potable water system that may be either a pollution or a contamination type hazard. This includes but is not limited to cross-connection to toilets, sinks, lavatories, wash trays, and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartments, houses, hotels, and commercial or industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate type of backflow prevention assembly.

(3) **HAZARD, POLLUTION.** An actual or potential threat to the physical properties of the water system or the potability of the public or the consumer’s potable water system but which would not constitute a health or system hazard, as defined. The maximum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to system or its appurtenances.

(4) **HAZARD, SYSTEM.** An actual or potential threat of severe danger to the physical properties of the public or the consumer’s potable water system or of a pollution or contamination which would have protracted effect on the quality of the potable water in the system.

INDUSTRIAL FLUIDS. Any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply. This may include, but not limited to: polluted or contaminated used waters; all types of process waters and “used waters” originating from the public potable water system which may deteriorate in sanitary quality; chemicals in fluid form; plating acids and alkalies; circulated cooling waters connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs,

streams, rivers, bays, harbors, seas, irrigation canals or systems, and the like; oils, gases, glycerin, paraffin's caustic and acid solutions and other liquid and gaseous fluids used industrially, for other processes, or for firefighting purposes.

POLLUTION. An impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic quality of such waters for domestic use.

WATER COMMISSION or HEALTH OFFICIAL. The Superintendent in charge of the Water Department of the City of Garrett is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this subchapter. The Superintendent, in enforcing the provisions of this subchapter, shall report to the Board of Public Works and Safety and shall make recommendations regarding enforcement which shall be approved by the Board of Public Works and Safety before the enforcement action is implemented.

WATER, NON-POTABLE. A water supply which has not been approved for human consumption by the health agency having jurisdiction.

WATER, POTABLE. Any public potable water system which has been investigated and approved by the health agency having jurisdiction. The system must be operating under a valid health permit. In determining what constitutes an approved water supply, the health agency has final judgment as to its safety and potability.

WATER - SERVICE CONNECTION. The term **SERVICE CONNECTION** shall mean the terminal end of a service connection from the public potable water system, (i.e., where the purveyor may lose jurisdiction and sanitary control of the water and its point to the consumer's water system). If a water meter is installed at the end of the service connection shall mean the downstream end of the water meter.

WATER, USED. Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water purveyor.
(Ord. 2013-11, passed 6-18-13)

§ 51.52 REQUIREMENTS.

(A) *Water system.* The water system shall be considered as made up of two parts: the water purveyor's system and the consumer's system.

(1) The water purveyor's system shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the purveyor, up to the point where the consumer's system begins.

(2) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

(3) The distribution system includes the network of piping used for the delivery' of water from the source to the consumer's system.

(4) The consumer's system shall include those parts of the facilities beyond the termination of the water purveyor's distribution system which are not utilized in conveying potable water to points of use.

(B) *Policy.*

(1) No water service connection to any premise shall be installed or maintained by the water purveyor unless the water supply is protected as required by the City of Garrett laws and regulations and this subchapter. Service of water to any premise shall be discontinued by the water purveyor if a backflow prevention assembly required by this subchapter is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Services will not be restored until such conditions or defects are corrected.

(2) The consumer's system shall be open for inspection at all reasonable times to authorized representatives of the city to determine whether unprotected cross-connections or other structural or sanitary hazards, including violations of these regulations exist. When such a condition becomes known, the Utilities Superintendent shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the consumer has corrected the condition(s) in conformance with the City of Garrett's ordinances relating to plumbing and water supplies and the rules or regulations adopted pursuant thereto.

(3) An approved backflow prevention assembly shall also be installed on each service line to a consumer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line wherever the following conditions exists:

(a) In case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Utilities Superintendent, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard.

(b) In the case of the premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from the water purveyor's system which have been subject to the deterioration in quality.

(c) In the case of premises having (i) internal cross-connections that cannot be permanently corrected or protected against, or (ii) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not a dangerous cross-connection exists, the public water system shall be protected against backflow prevention assembly in the service line.

(4) The type of protective assembly required under subsections division (B)(3)(a), (b) and (c) shall depend upon the degree of hazard which exists as follows:

(a) In the case of any premises where there is an auxiliary water supply as stated in division (B)(3)(a) above and it is not subject to any of the following rules, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.

(b) In the case of any premises where there is water or substance that would be objectionable but not hazardous to health if introduced into the public water system, the public water system shall be protected by an approved double check valve backflow prevent assembly.

(c) In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemicals manufacturing plants, hospitals, mortuaries, and plating plants.

(d) In the case of any premise where there are unprotected cross-connections, either actual or potential, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly at the service connection.

(e) In the case of any premise where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air gap of an approved reduced pressure principle backflow prevention assembly on each service to the premise.

(5) (a) 1. Any backflow prevention assembly required herein shall be a make, model, and size approved by the Utilities Superintendent. The term **APPROVED BACKFLOW PREVENTION ASSEMBLY** shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association entitled:

A. AWWA/ANSI C510-92 (1) Standard for Double Check Valve Backflow Prevention Assemblies;

B. AWWA/ANSI C511-92 (1) Standard for Reduced Pressure Principle Backflow Assemblies;

2. And, have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection and Hydraulic Research for the University of Southern California (USC FCCCHR) established in:

A. Specifications of Backflow Prevention Assemblies — Section 10 of the most current edition of the *Manual of Cross-Connection Control*.

(b) Said AWWA and USC FCCCHR standards are specifications have been adopted by the Utilities Superintendent. Final approval shall be evidenced by a "Certificate of Compliance" for the said AWWA standards; or "Certificate of Approval" for the said USC FCCCHR Specifications; issued by an approved testing laboratory.

(c) The following testing laboratories/testing contractors have been qualified by the Utilities Superintendent to test and approve backflow prevention assemblies:

1. Combustion Mechanical, Inc.
2320 Northward Ct.
Fort Wayne, IN 46818
(260) 637-6010;
2. Pranger Enterprises, Inc.
P. O. Box 366
Ashley, IN 46705
(260) 587-9309;
3. Superior Enterprises, Inc.
3835-B Superior Ridge Rd.
Fort Wayne, IN 46808
(260) 471-0678;
4. VFP Fire Systems
6926 Trafalgar Street
Fort Wayne, IN 46803
(260) 493-0843;
5. Indiana Fire Sprinkler & Backflow
P.O. Box 85083
Fort Wayne, IN 46836
(260) 486-3473;
6. E. M. D., Inc.
105 W. Sherman/ P. O. Box 126
Lynn, IN 47356
(765) 967-0355;
7. Ryan Fire Protection, Inc.
4115 N. Clinton Street
Fort Wayne, IN 46805
(260) 483-8502;
8. J. O. Mory, Inc.
7470 SR 3/P. O. Box 1258
South Milford, IN 46786
(260) 351-2221;

9. Shambaugh
7525 DiSalle Blvd./P.O. Box 11269
Fort Wayne, IN 46803
(260)487-7777;
10. Fire Protection, Inc.
750 W. North St./P. O. Box 327
Auburn, IN 46706
(260) 925-8040.

(d) Testing laboratories/contractors other than the entities listed above will be added to an approved list as they are qualified.

(e) Backflow preventers which be subjected to backpressure of backsiphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow prevention assemblies maybe used without further test or qualifications.

(6) It shall be the duty of the consumer at any premise where backflow prevention assemblies are installed to have a field test performed by a certified backflow prevention assembly tester upon installation and at least once per year for: double check assemblies, reduced pressure backflow assemblies, air gaps, pressure vacuum breakers, spill resistance vacuum breakers and atmospheric vacuum breakers. In those instances where the Utilities Superintendent deems the hazard to be great enough, he or she may require field tests at more frequent intervals. These tests shall be at the expense of the water consumer and shall be performed by an Indiana state licensed backflow tester. It shall be the duty of the Utilities Superintendent to see that these tests are made in advance when the tests are to undertaken so that an official representative may witness the field tests if so desired. These assemblies shall be repaired, overhauled or replaced at the expense of the consumer whenever said assemblies are found defective. Records of such tests, repairs and overhaul shall be kept and made available to the Utilities Superintendent.

(7) All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the testing and maintenance requirements under subsection division (B)(6) above, be excluded from the requirements of these rules so long as the Utilities Superintendent or designated agent is assured that they will satisfactorily protect the water purveyor's public potable water system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the Utilities Superintendent finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.

(8) The Utilities Superintendent is authorized to make all necessary and reasonable rules and policies with respect to the enforcement of this subchapter. All such rules and policies shall be consistent with the provisions of this subchapter and shall be submitted to and approved by the Garrett Board of Public Works and Safety after which they shall be effective.
(Ord. 2013-11, passed 6-18-13) Penalty, see § 51.99

§ 51.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Violators of § 51.05 shall be subject to a fine of \$500. Each day that a violation occurs or is permitted to occur is deemed to be a separate violation.
(Ord. 2013-15, passed 9-17-13)

CHAPTER 52: SEWERS

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GENERAL PROVISIONS

§ 52.001 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for all users of the sewer system components of the publicly owned treatment works (POTW) of the city and to enable the city to comply with all applicable state and federal laws, including the Clean Water Act and the general pretreatment regulations. The objectives of this chapter are:

- (1) To regulate the discharge to, and use of, public and private sewers within the service area of the POTW; and the installation and construction of service connections to building sewers within the city sewer service area;
- (2) To prevent the introduction of pollutants into the POTW that will interfere with its operation;
- (3) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- (4) To protect the POTW, all POTW personnel and the general public from unregulated discharge of wastewater whose constituents could endanger the POTW system and the health and welfare of the POTW personnel or the general public;

(5) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW;

(6) To enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject; and

(7) To establish a pretreatment program for the regulation and control of industrial discharges through the issuance and enforcement of industrial wastewater discharge permits that set forth the terms, conditions and regulations under which non-compatible wastewaters may be discharged into the city's POTW.

(B) This chapter shall apply to all users of the POTW.
(Ord. 2003-02, passed 3-4-02)

§ 52.002 ADMINISTRATION.

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other POTW personnel, such delegation(s) shall be in writing and available for public review.

(Ord. 2003-02, passed 3-4-02)

§ 52.003 ABBREVIATIONS.

The following abbreviations, when used in this chapter, shall have the designated meanings:

CBOD	Carbonaceous biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	U.S. Environmental Protection Agency
gpd	Gallons per day
IDEM	Indiana Department of Environmental Management
IU	Industrial user
NPDES	National Pollutant Discharge Elimination System
mg/L	Milligrams per liter

POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SIU	Significant industrial user
SNC	Significant on-compliance
TBOD	Total biochemical oxygen demand
TSS	Total suspended solids

(Ord. 2003-02, passed 3-4-02)

§ 52.004 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT or THE ACT. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended.

AMMONIA (or NH₃-N). Ammonia measured as nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in the latest edition of 40 CFR Part 136.3.

APPLICABLE PRETREATMENT STANDARD. Any pretreatment limit or prohibitive standard (federal, state and/or local) contained in this chapter and considered to be most restrictive with which non-domestic users will be required to comply.

APPROVAL AUTHORITY. The State of Indiana Department of Environmental Management (IDEM).

AUTHORIZED REPRESENTATIVE OF THE USER.

(1) If the user is a corporation:

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

(b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in divisions (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to Superintendent.

AVERAGE MONTHLY DISCHARGE LIMITATION. The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

AVERAGE WEEKLY DISCHARGE LIMITATION. The highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

BENEFICIAL USES. These uses include, but are not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by state or federal law.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at 20° centigrade, usually expressed as a concentration (e.g. mg/l). The BOD measurement may be specified as CBOD or TBOD. The laboratory determinations shall be made in accordance with procedures set forth in the latest edition of 40 CFR Part 136.3.

BOARD OF PUBLIC WORKS. The Board of Public Works of the City of Garrett, Indiana, or any duly authorized officials or boards acting in its behalf.

BUILDING (or HOUSE) DRAIN. The lowest horizontal piping of building drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to a point approximately five feet outside the foundation wall of the building.

BUILDING DRAIN - STORM. A building drain which conveys storm water or other clean water draining, but not wastewater.

BUILDING SEWER (LATERAL). A pipe which is connected to the building (or house) drain at a point approximately five feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer, to a septic tank or other place of disposal.

BUILDING SEWER (or DRAIN) - SANITARY. A building drain which conveys sanitary or industrial sewage only.

CATEGORICAL PRETREATMENT STANDARDS (CATEGORICAL STANDARDS). Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CHEMICAL OXYGEN DEMAND. A measure of the oxygen equivalent of that portion of organic matter in wastewater that is susceptible to oxidation by a strong chemical oxidant, as determined by approved EPA or Standard Methods.

CITY. The City of Garrett, DeKalb County, Indiana.

CITY COUNCIL. The Common Council of the City of Garrett, DeKalb County, Indiana, or any duly authorized official acting on its behalf.

COOLING WATER. The water discharged from any use such as air conditioning, cooling, refrigeration, or to which the only pollutant added is heat.

COMBINED SEWER. A sewer pipe intended to receive sanitary, commercial and industrial wastewaters as well as stormwater from storm events.

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus any additional pollutants identified in the POTW's NPDES permit, where the POTW is designated to treat such pollutants and, in fact, does remove such pollutants to the degree required by the POTW's NPDES permit or to a substantial degree. Substantial degree is not subject to precise definition but generally contemplates removals in the order of 85% or greater. Minor incidental removals in the order of 10% to 40% are not considered substantial. Except as prohibited herein or where these materials would interfere with the operation and performance of the POTW, examples of additional pollutants which may be considered compatible, depending on concentration, include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, ammonia, e-coli, fats, oils and greases of animals or vegetable origin.

COMPOSITE SAMPLE. The sample resulting from the combination of individual samples taken at selected intervals based on the increment of flow or time. Composite wastewater samples shall contain a minimum of four discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period.

CONTROL AUTHORITY. Refers to the Board of Public Works.

DAILY DISCHARGE. Discharge measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

DEBT SERVICE COSTS. The average annual principal and interest payments on all revenue bonds or other long-term capital debt.

DIRECT DISCHARGE. The discharge of treated or untreated wastewater directly to the waters of the State of Indiana.

EASEMENT. An acquired legal right for the specific use of land by others.

EFFLUENT. The water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.

ENVIRONMENTAL PROTECTION AGENCY (EPA). The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

EXCESSIVE STRENGTH SURCHARGE. An additional charge that is billed to users for treating sewage wastes with an average strength in excess of normal domestic sewage.

EXISTING SOURCE. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

GRAB SAMPLE. A sample that is taken from a waste stream on a one-time basis with no regard to the flow of the waste stream and without consideration of time.

GROUND (SHREDDED) GARBAGE. Garbage that has been shredded to such a degree that all particles will be carried freely in suspension under conditions normally prevailing in the sewage system, with no particle being greater than one-half inch in dimension.

HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, grease interceptors and traps, and vacuum pump tank trucks.

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant including non-biodegradable dissolved solids.

INDIRECT DISCHARGE. The discharge or introduction of non-domestic pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

INDUSTRIAL WASTES. Any solid, liquid, or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial, or business process or from the development, recovery, or processing of any natural resources carried on by any person, exclusive of sanitary sewage.

INFILTRATION. The water entering the sewer system, including building drains, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (**INFILTRATION** does not include and is distinguished from **INFLOW**.)

INFLOW. Water discharged and entering into the sewer system including building drains, from such sources such as but not limited to roof, down spouts, cellars, yard, area drains, foundation drains, unpolluted cooling water, drains from springs and swampy areas, and combined sewers, catch basins, stormwater run-off, street wash water and drainage. (**INFLOW** does not include and is distinguishable from **INFILTRATION**).

INFLOW/INFILTRATION (I/I). The total quantity of water from both inflow and infiltration without distinguishing the source.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE. A discharge that, alone or in conjunction with a discharge or discharges from other sources, does one of the following:

(1) Inhibits or disrupts the Garrett POTW, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods;

(2) Causes a violation of any requirement of the Garrett's NPDES permit, including an increase in the magnitude or duration of a violation;

(3) Prevents the use of the Garrett's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent state or local regulations:

(a) Section 405 of the Clean Water Act (33 U.S.C. 1345);

(b) The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including:

1. Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and

2. The rules contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941);

(c) The Clean Air Act (42 U.S.C. 7401);

(d) The Toxic Substances Control Act (15 U.S.C. 2601).

MAXIMUM DAILY DISCHARGE LIMITATIONS. The highest allowable daily discharge for a calendar day or specified 24-hour period.

MAY. Is permissive.

MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.

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.

NEW SOURCE.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and, the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of divisions (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program;

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts

for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NON-CONTACT COOLING WATER. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NORMAL DOMESTIC SEWAGE. Wastewater or sewage having an average daily concentration as follows:

- (1) TSS not more than 225 mg/L.
- (2) CBOD₅ not more than 200 mg/L .
- (3) Ammonia-N not more than 20 mg/L.

(4) COD not more than 500 mg/L .

(5) Phosphorous not more than 10 mg/L.

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

PASS THROUGH. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON. Any individual, partnership, firm, company, municipal or private corporation, association, society, institutions, enterprise, governmental agency or other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ion expressed in standard units.

POLLUTANT. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, industrial wastes and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, TBOD, CBOD, COD, toxicity or odor) discharged or carried in water.

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARDS. Prohibited discharge standards, categorical pretreatment standards, and local limits.

PROHIBITED DISCHARGES. Absolute prohibitions against the discharge of certain substances.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works, as defined by Section 212 of the Act, which is owned by the city. This definition includes any devices or systems used in the collection, pumping, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

SANITARY SEWER. A sewer or system of pipes for conveying sanitary, commercial and industrial wastewaters and into which stormwater and/or water from storm events are not intentionally admitted.

SEPTAGE. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE. The combination of the liquid and water-carried wastes from residences, business buildings, institutions and industrial establishments singular or in any combination, together with such ground, surface, and storm waters as may be present.

SEWAGE WORKS. The structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

SEWER. A pipe or conduit or system of pipes and conduits for carrying sewage or other waste liquids.

SHALL. Is mandatory.

SIGNIFICANT INDUSTRIAL USER (SIU).

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow-down wastewater);

(b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in division (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, and in accordance with the Act, determine that such user should not be considered a **SIGNIFICANT INDUSTRIAL USER**.

SLUG LOAD or SLUG. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in § 52.010. Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

STANDARD METHODS. 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 by the American Water Works Association, the Water Environmental Federal and the American Public Health Association.

STATE. State of Indiana.

STORM SEWER. A sewer or system of pipes for conveying surface water or ground water from any source and into which sanitary and/or industrial wastes are not intentionally admitted.

STORMWATER. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

SUPERINTENDENT. The Wastewater Superintendent designated by the Board of Public Works to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

TOTAL SUSPENDED SOLIDS (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering usually expressed as a concentration (e.g. mg/L). The laboratory determinations shall be made in accordance with procedures set forth in the latest edition of 40 CFR Part 136.3.

TOTAL TOXIC ORGANICS (TTOs). Toxic organics, as defined and analytically measured by definition in the Federal Register.

TOXIC AMOUNT. Concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into an organism, will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations as defined in standards issued pursuant to Section 307(a) of the Act.

TOXIC POLLUTANT. Those substances referred to in Section 307(a) of the Act, as well as any other known potential substance capable of producing toxic effects.

UPSET. An exceptional incident in which a discharger unintentionally and temporarily is in a state of non-compliance with applicable standards due to factors beyond the reasonable control of the discharger, and excluding non-compliance to the extent caused by operator error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation of the facilities.

USER. Any person who contributes, causes, or permits the contribution of residential, commercial, industrial or any other type of wastewater into the city's POTW. **USERS** may be classified as residential, commercial, industrial, governmental/institutional as may be appropriate to identify the type of wastewater that the user contributes to the wastewater system.

WASTEWATER. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WASTEWATER CONSTITUENTS AND CHARACTERISTICS. The individual chemical, physical, bacteriological and radiological parameters, including volume, flow rate and other parameters that serve to define, classify or measure the quality, quantity and strength of wastewater.

WASTEWATER TREATMENT PLANT (TREATMENT PLANT). That portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste.
(Ord. 2003-02, passed 3-4-02; Am. Ord. 2012-03, passed 4-3-12)

GENERAL RULES AND REQUIREMENTS

§ 52.010 GENERAL REQUIREMENTS.

(A) It shall be unlawful for any person to place, deposit, permit to be deposited or discharge to any natural outlet within the city or any area under the jurisdiction of the city, any sanitary, commercial, industrial or polluted wastewaters except where suitable treatment has been provided in accordance with this chapter.

(B) Except as herein provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other wastewater treatment facility intended or used for the treatment and/or disposal of sewage.

(C) No person shall construct, repair, modify or alter a sewer lateral, public sewer, manhole or other sewer system appurtenance without first obtaining a permit from the Superintendent.

(D) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, pipe or equipment which is part of the sewage system.

(E) No persons shall discharge or cause to be discharged any extraneous water, such as sump pump discharges, building downspouts or perimeter drains, stormwater, surface water, ground water, roof run-off, cooling water or unpolluted industrial process waters into any sanitary sewer.

(F) The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose situated in the city and abutting on any street, alley, right-of-way or easement in which there is now located or may in the future be located a public sanitary or combined sewer of the city, are hereby required at their own expense to install suitable toilet facilities therein and to connect such facilities and industrial waste outlets directly with the public sewer in accordance with this chapter within 90 days after the date of official notice to do so, provided that such public sewer is within 300 feet of the property line.

(G) No statement contained in this chapter shall be construed as preventing the city from entering into an agreement between the city and any industrial discharger whereby an industrial waste of unusual strength or character may be accepted by the city for treatment subject to payment for treatment services by the industrial discharger.

(H) It shall be the responsibility of the property owner to pay for the cost of constructing the sewer lateral from the building to the public sewer. It shall be the responsibility of the property owner to pay for the cost of maintaining the sewer lateral from the building to the public sewer.

(I) A separate and independent sanitary sewer lateral shall be provided for each and every building, except present sewer structures in use; and except that where one building stands at the rear of another on the same lot and no sanitary sewer can be constructed to the rear building through an adjoining alley, court, yard or driveway, the sewer lateral from the front building may be extended to the rear building and the whole sewer lateral considered as one sewer lateral for the single property.

(J) Old building sanitary sewer laterals may be used in connection with new buildings only when they are found on examination and testing by the Wastewater Department to meet all requirements of new sanitary sewer laterals.

(K) The Wastewater Department shall develop and submit to the Board of Public Works for approval written construction standards for the construction of sewer laterals, sewer mains, manholes and other appurtenances that are connected to the city sewer system. The Wastewater Department shall revise the construction standards as appropriate and on a regular basis.

(L) The construction of all sewers, components, systems or private sewers that connect to the city sewer system shall comply with the requirements of the Wastewater Department's Construction Standards. The acceptance of the applicability of these standards to all sewers shall be considered part of the terms for the approval of connection to the city sewer system.

(M) The construction of combined sewers is prohibited. All new sanitary sewers constructed within the city wastewater system must be constructed as separate sanitary sewers or as separate storm sewers per the standards described in division (K) above.

(N) Any new building connection that may contribute inflow or clear water to an existing combined sewer must be approved by the Board of Public Works and Safety before construction and must be made separate and distinct from the sanitary waste connection to facilitate disconnection of the inflow or clear water connection if and when a separate storm sewer subsequently becomes available.

(O) Disconnection of extraneous water sources identified by the city (including, but not limited to, sump pumps, downspouts, perimeter drains, stormwater, surface water, ground water,

artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, demonized water, non-contact cooling water and unpolluted wastewater) from the sanitary sewer is mandatory, unless a variance is approved by the Board of Public Works and Safety. (Ord. 2003-02, passed 3-4-02; Am. Ord. 2009-20, passed 12-15-09)

§ 52.011 PROHIBITED DISCHARGE STANDARDS.

(A) *General Prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(B) *Specific Prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flash point of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 6.0 or more than 10, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than $\frac{3}{4}$ -inch in dimension;

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater having a temperature greater than 140°F, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with § 52.024;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(12) Sump pump discharges, downspouts, perimeter drains, stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, demonized water, non-contact cooling water and unpolluted wastewater;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Board of Public Works in a wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail its NPDES toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10% or any single reading over 10% of the lower explosive limit of the meter;

(18) Materials causing, alone or in conjunction with other materials normally in the sewer system, an obstruction to the flow in the sewer line or system or injury to the sewer system or cause a nuisance or prevention of effective maintenance or operation of the sewer; or

(19) Fats, oils or grease of animal or vegetable origin in concentrations greater than 100 mg/L.

(C) *Storage.* Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. 2003-02, passed 3-4-02; Am. Ord. 2009-20, passed 12-15-09)

§ 52.012 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated by reference.

(A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Board of Public Works, through the designated Pretreatment Coordinator, may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(B) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Board of Public Works, through the designated Pretreatment Coordinator, shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(C) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(D) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
(Ord. 2003-02, passed 3-4-02)

§ 52.013 STATE PRETREATMENT STANDARDS.

The State of Indiana's pretreatment standards are hereby incorporated by reference.
(Ord. 2003-02, passed 3-4-02)

§ 52.014 LOCAL LIMITS.

(A) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following maximum allowable discharge limits based upon a 24-hour flow composite sample. No single sample portion of the 24-hour flow composite sample or instantaneous sample shall be in excess of the four times the daily maximum concentration.

(1) Maximum Daily Concentration

- (a) 1.5 mg/L total aluminum
- (b) 0.03 mg/L total arsenic
- (c) 0.15 mg/L total cadmium
- (d) 1.5 mg/L total chromium
- (e) 0.5 mg/L total copper
- (f) 0.15 mg/L total cyanide
- (g) 10.0 mg/L total iron
- (h) 0.5 mg/L total lead
- (i) 0.003 mg/L total mercury
- (j) 1.0 mg/L molybdenum
- (k) 1.0 mg/L total nickel

- (l) 0.10 mg/L total selenium
- (m) 0.25 mg/L total silver
- (n) 0.5 mg/L total phenols
- (o) 1.0 mg/L total zinc

(B) Total Toxic Organics (TTOs). Limits for those parameters on the TTO list from 40 CFR 405 through 471 will be considered on an individual case-by-case basis, by the Board of Public Works, for those not listed in the 40 CFR Regulations. The Board shall consider such factors including but not limited to: concentration, loading, flow to the wastewater treatment plant and other consideration necessary to prevent pass through and protect the POTW.

(C) Any wastewater containing in excess of 200 mg/L of CBOD₅ or 225 mg/L total suspended solids or 20 mg/L ammonia-N or 500 mg/L chemical oxygen demand or 10 mg/L total phosphorous will be surcharged as high strength wastewater. Surcharges may be for CBOD₅ or COD, but not for both. The issuance of surcharges for treating high strength wastewater shall not be construed as acceptance of high strength wastewaters for treatment by the city. The city reserves the right and authority to prohibit the discharge of high strength wastewater when such wastewaters cause or are reasonably expected to cause POTW upsets, overloading or damage to the sewer collection system.

(D) The above limits apply at the point where the wastewater is discharged into the public sewer. The Board of Public Works may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

(Ord. 2003-02, passed 3-4-02; Am. Ord. 2012-03, passed 4-3-12)

§ 52.015 CITY'S RIGHT OF REVISION.

The city reserves the right to establish, by ordinance or in industrial wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(Ord. 2003-02, passed 3-4-02)

§ 52.016 DILUTION.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. 2003-02, passed 3-4-02)

PRETREATMENT OF WASTEWATER**§ 52.020 ESTABLISHMENT OF A PRETREATMENT PROGRAM.**

The Superintendent is hereby authorized and directed to establish a Pretreatment Program for the purpose of properly monitoring and controlling the discharging of non-domestic wastewaters into the city's sewer system. The Pretreatment Program shall have written policies and procedures developed and approved by the Board of Public Works. The policies and procedures shall address, but not be limited to, issues such as a schedule and frequency of surveillance of significant industrial users, enforcement procedures and enforcement response plan.

(Ord. 2003-02, passed 3-4-02)

§ 52.021 PRETREATMENT FACILITIES.

Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 52.010 within the time limitations specified by EPA, the state, or the Board of Public Works, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Board for review, and shall be reviewed and approved by the Board before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this chapter.

(Ord. 2003-02, passed 3-4-02)

§ 52.022 ADDITIONAL PRETREATMENT MEASURES.

(A) Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(B) The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An industrial wastewater discharge permit may be issued solely for flow equalization.

(C) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for

residential users. All interceptor units shall be of type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

(D) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
(Ord. 2003-02, passed 3-4-02)

§ 52.023 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.

At least once every two years, the Superintendent shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Superintendent may require any user to develop, submit for approval, and implement such a plan. The Superintendent may develop such a plan for any user who fails to develop the required plan or who does not address the minimum criteria for a complete plan, as determined by the Superintendent. An accidental discharge/slug control plan shall address, at a minimum, the following:

(A) Description of discharge practices, including non-routine batch discharges;

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by § 52.055; and

(D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
(Ord. 2003-02, passed 3-4-02)

§ 52.024 HAULED WASTEWATER.

(A) Septage may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate §§ 52.010 through 52.016 or any other requirements established by the city. The Superintendent may require septage haulers to obtain wastewater discharge permits. The Superintendent may require septage haulers to provide a laboratory analysis of the waste prior to discharge, to ensure compliance with this chapter, and may require the septage hauler to obtain an industrial wastewater discharge permit.

(B) The Superintendent shall require haulers of industrial waste to obtain wastewater discharge permits. The Superintendent may require generators of hauled industrial waste to

obtain wastewater discharge permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

(C) Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(D) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(Ord. 2003-02, passed 3-4-02)

WASTEWATER DISCHARGE PERMIT APPLICATION

§ 52.030 WASTEWATER ANALYSIS.

When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within ten business days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information. Failure to complete and submit this form shall be deemed a violation of this chapter and subjects the user to the sanctions set out in §§ 52.080 through 52.105.

(Ord. 2003-02, passed 3-4-02)

§ 52.031 WASTEWATER DISCHARGE PERMIT REQUIREMENT.

(A) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Superintendent, except that a significant industrial user that has filed a timely application pursuant to § 52.032 may continue to discharge for the time period specified therein.

(B) The Superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

(C) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the

sanctions set out in §§ 52.080 through 52.105. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.
(Ord. 2003-02, passed 3-4-02)

§ 52.032 WASTEWATER DISCHARGE PERMITTING: EXISTING CONNECTIONS.

Any user, industrial user or significant industrial user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within 90 calendar days after said date, apply to the Superintendent for a wastewater discharge permit in accordance with § 52.034.
(Ord. 2003-02, passed 3-4-02)

§ 52.033 WASTEWATER DISCHARGE PERMITTING: NEW CONNECTIONS.

Any user, industrial user or significant industrial user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with § 52.034, must be filed at least 30 days prior to the date upon which any discharge will begin or recommence.
(Ord. 2003-02, passed 3-4-02)

§ 52.034 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS.

(A) All users required to obtain a wastewater discharge permit must submit a permit application. The Superintendent may require all users to submit as part of an application the following information required by § 52.050(B) including but not limited to:

- (1) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (2) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (3) Each product produced by type, amount, process or processes, and rate of production;
- (4) Type and amount of raw materials processed (average and maximum per day);
- (5) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(6) Time and duration of discharges; and

(7) Any other information as may be deemed necessary by the Superintendent to evaluate the wastewater discharge permit application.

(B) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(Ord. 2003-02, passed 3-4-02)

§ 52.035 APPLICATION SIGNATORIES AND CERTIFICATION.

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

(Ord. 2003-02, passed 3-4-02)

§ 52.036 WASTEWATER DISCHARGE PERMIT DECISIONS.

The Superintendent will evaluate the data furnished by the user and may require additional information. Within 30 working days of receipt of a complete wastewater discharge permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. The Superintendent may deny any application for a wastewater discharge permit with justifiable cause. The Superintendent shall provide the applicant a written record documenting the reasons for approving or disapproving a wastewater discharge permit application.

(Ord. 2003-02, passed 3-4-02)

WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

§ 52.040 WASTEWATER DISCHARGE PERMIT DURATION.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(Ord. 2003-02, passed 3-4-02)

§ 52.041 WASTEWATER DISCHARGE PERMIT CONTENTS.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(A) Wastewater discharge permits shall contain:

(1) A statement that indicates wastewater discharge permit duration shall not exceed more than five years;

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with § 52.044, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits based on applicable pretreatment standards;

(4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;

(6) A written statement documenting the basis for the issuance of the permit and limits; and

(7) A copy of the city's sewer use ordinance.

(B) Wastewater discharge permits may contain, but are not limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) A compliance schedule containing increments of progress with specific dates for the commencement and completion of major events related to the construction and operation of additional pretreatment required for the user to meet applicable categorical pretreatment standards, local limits or other wastewater discharge permit provisions. A specific date for

compliance with the applicable standard, limit or condition shall be included in the schedule. No increment of the compliance schedule shall exceed nine calendar months nor may the total schedule exceed three calendar years.

(4) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(5) Development and implementation of waste minimization and/or pollution prevention plans to reduce the amount of pollutants discharged to the POTW;

(6) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(7) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

(9) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this chapter, and state and federal laws, rules, and regulations.
(Ord. 2003-02, passed 3-4-02)

§ 52.042 WASTEWATER DISCHARGE PERMIT APPEALS.

(A) The Superintendent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a wastewater discharge permit within 30 working days of notice of its issuance.

(B) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(D) The Superintendent will either approve or deny the petition or schedule a conference with the applicant within 30 working days of the submission of the petition for review. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(E) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with a court of competent jurisdiction within 30 days.

(Ord. 2003-02, passed 3-4-02)

§ 52.043 WASTEWATER DISCHARGE PERMIT MODIFICATION.

The Superintendent may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(A) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(B) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

(C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(D) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;

(E) Violation of any terms or conditions of the wastewater discharge permit;

(F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(H) To correct typographical or other errors in the wastewater discharge permit; or

(I) To reflect a transfer of the facility ownership or operation to a new owner or operator.
(Ord. 2003-02, passed 3-4-02)

§ 52.044 WASTEWATER DISCHARGE PERMIT TRANSFER.

(A) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 working days advance notice to the Superintendent and the Superintendent approves the wastewater discharge permit transfer. The notice to the Superintendent must include a written certification by the new owner or operator which:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer is to occur; and

(3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

(B) Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(Ord. 2003-02, passed 3-4-02)

§ 52.045 WASTEWATER DISCHARGE PERMIT REVOCATION.

(A) The Superintendent may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the Superintendent of changed conditions pursuant to § 52.054;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the Superintendent timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the wastewater discharge permit application;

(12) Failure to: provide advance notice of the transfer of business ownership of a permitted facility; or

(13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

(B) Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(Ord. 2003-02, passed 3-4-02)

§ 52.046 WASTEWATER DISCHARGE PERMIT REISSUANCE.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 52.034, a minimum of 120 days prior to the expiration of the user's existing wastewater discharge permit.

(Ord. 2003-02, passed 3-4-02)

§ 52.047 REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS.

(A) If another municipality, political jurisdiction or user located within another municipality or other political jurisdiction outside of the city, contributes wastewater to the POTW, the Superintendent shall enter into an agreement with the contributing political jurisdiction, user and political jurisdiction in which the user is located.

(B) Prior to entering into an agreement required by division (A) above, the Superintendent shall request the following information from the contributing jurisdiction and user:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction or user;

(2) An inventory of all users located within the contributing jurisdiction that are discharging to the POTW; and

(3) Such other information as the Superintendent may deem necessary.

(C) An agreement, as required by division (A) above, shall contain the following conditions:

(1) A requirement for the contributing political jurisdiction and user to adopt a sewer use ordinance which is at least as stringent as this chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;

(2) A requirement for the contributing political jurisdiction and user to submit a revised user inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing political jurisdiction; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing jurisdiction and the Superintendent;

(4) A requirement for the contributing political jurisdiction to provide the Superintendent with access to all information that the contributing political jurisdiction obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing political jurisdiction's and user's wastewaters at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing political jurisdiction's discharge;

(7) A provision ensuring the Superintendent access to the facilities of users located within the contributing political jurisdiction's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and

(8) A provision specifying remedies available for breach of the terms of the intergovernmental agreement.
(Ord. 2003-02, passed 3-4-02)

REPORTING REQUIREMENTS

§ 52.050 BASELINE MONITORING REPORTS.

(A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in division (B) below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent a report which contains the information listed in division (B) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(B) Users described above shall submit the information set forth below.

(1) *Identifying Information.* The name and address of the facility, including the name of the operator and owner.

(2) *Environmental Permits.* A list of any environmental control permits held by or for the facility.

(3) *Description of Operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.

(4) *Flow Measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(5) *Measurement of Pollutants.*

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 52.059.

(c) Sampling must be performed in accordance with procedures set out in § 52.060.

(6) *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) *Compliance Schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule, as described in § 52.041(B)(3), by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 52.051.

(8) *Signature and Certification.* All baseline-monitoring reports must be signed and certified in accordance with § 52.035.
(Ord. 2003-02, passed 3-4-02)

§ 52.051 COMPLIANCE SCHEDULE PROGRESS REPORTS.

The following conditions shall apply to the compliance schedule required by § 52.050(B)(7):

(A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(B) No increment referred to above shall exceed nine months;

(C) The user shall submit a progress report to the Superintendent no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(D) In no event shall more than two months elapse between such progress reports to the Superintendent.

(Ord. 2003-02, passed 3-4-02)

§ 52.052 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in § 52.050(B)(4 through 6). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 52.035.

(Ord. 2003-02, passed 3-4-02)

§ 52.053 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users shall, at a frequency determined by the Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature

and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 52.035.

(B) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(C) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in §§ 52.050 through 52.062, the results of this monitoring shall be included in the report.
(Ord. 2003-02, passed 3-4-02)

§ 52.054 REPORTS OF CHANGED CONDITIONS.

Each user must notify the Superintendent of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 working days before the change.

(A) The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 52.034.

(B) The Superintendent may issue a wastewater discharge permit under § 52.036 or modify an existing wastewater discharge permit under § 52.043 in response to changed conditions or anticipated changed conditions.

(C) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 15% or greater, and the discharge of any previously unreported pollutants.
(Ord. 2003-02, passed 3-4-02)

§ 52.055 REPORTS OF POTENTIAL PROBLEMS.

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(B) Within five days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the

measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in division (A) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(Ord. 2003-02, passed 3-4-02)

§ 52.056 REPORTS FROM UNPERMITTED USERS.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Superintendent upon receipt of a written request from the Superintendent stating the nature of the information requested.

(Ord. 2003-02, passed 3-4-02)

§ 52.057 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.

If sampling performed by a user indicates a violation, the user must notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation. The user is not required to resample if the Superintendent monitors at the user's facility at least once a month, or if the Superintendent samples between the user's initial sampling and when the user receives the results of this sampling.

(Ord. 2003-02, passed 3-4-02)

§ 52.058 DISCHARGE OF HAZARDOUS WASTE.

Any discharge into the POTW of any waste, substance, material or substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 is prohibited unless authorized by written permit signed by the Superintendent.

(Ord. 2003-02, passed 3-4-02)

§ 52.059 ANALYTICAL REQUIREMENTS.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques

prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

(Ord. 2003-02, passed 3-4-02)

§ 52.060 SAMPLE COLLECTION.

(A) Except as indicated in division (B) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(B) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(C) Samples for monitoring compliance of categorical industries should be taken immediately downstream from the pretreatment facilities if such facilities exist or immediately downstream from the regulated process if no pretreatment facilities exist. If other wastewaters are mixed with the regulated wastewater prior to treatment, the user should measure the flows and concentration necessary to allow use of the combined wastestream in order to evaluate compliance with pretreatment standards. When an alternate concentration or mass limit has been calculated this adjusted limit along with the supporting data shall be submitted to the Superintendent.

(Ord. 2003-02, passed 3-4-02)

§ 52.061 TIMING.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed the date of receipt of the report shall govern.

(Ord. 2003-02, passed 3-4-02)

§ 52.062 RECORDKEEPING.

(A) Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities, instrumentation calibration, operation logs, reports, correspondence and sample logs required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking

the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the Superintendent.

(B) The POTW shall retain and preserve all permit files, records and enforcement activity records for no less than three years.

(Ord. 2003-02, passed 3-4-02)

COMPLIANCE ASSURANCE AND MONITORING

§ 52.065 RIGHT OF ENTRY; INSPECTION AND SAMPLING.

(A) The Superintendent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(B) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent will be permitted to enter without delay for the purposes of performing specific responsibilities.

(C) The Superintendent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(D) The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

(E) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the user.

(F) Unreasonable delays in allowing the Superintendent access to the user's premises shall be a violation of this chapter.

(Ord. 2003-02, passed 3-4-02)

§ 52.066 SEARCH WARRANTS.

If the Superintendent has been refused access to a building, structure or property or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or any permit or order issued hereunder or to protect the overall public health, safety and welfare of the community, then the Superintendent may seek issuance of a search warrant from a court of competent jurisdiction.

(Ord. 2003-02, passed 3-4-02)

CONFIDENTIAL INFORMATION**§ 52.070 GENERAL PROVISIONS.**

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

(Ord. 2003-02, passed 3-4-02)

PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**§ 52.075 GENERAL PROVISIONS.**

The Superintendent shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(A) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(C) Any other discharge violation that the Superintendent believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(D) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within 60 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance; or

(H) Any other violation(s) that the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.
(Ord. 2003-02, passed 3-4-02)

ADMINISTRATIVE ENFORCEMENT REMEDIES

§ 52.080 ENFORCEMENT REMEDIES.

The Superintendent shall develop and publish a written Enforcement Response Plan that includes an Enforcement Response Guide outlining cause for enforcement action and the level of enforcement response. The types of enforcement responses in the Enforcement Response Guide may include verbal telephone notices, written notices, site visits, show cause and administrative hearings, administrative fines, compliance schedules, corrective action plans, consent orders and litigation. Nothing in the Enforcement Response Guide shall limit or restrict the Superintendent from taking enforcement actions more severe than those published in the Enforcement Response Guide.

(Ord. 2003-02, passed 3-4-02; Am. Ord. 2012-03, passed 4-3-12)

§ 52.081 NOTIFICATION OF VIOLATION.

When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written Notice of Violation (NOV). Within 30 days of the receipt of a NOV, an explanation of the cause of the violation and a corrective action plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. Submission of the corrective action plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
(Ord. 2003-02, passed 3-4-02; Am. Ord. 2012-03, passed 4-3-12)

§ 52.082 CONSENT ORDERS.

The Superintendent may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§ 52.083 and 52.084 and shall be judicially enforceable.
(Ord. 2003-02, passed 3-4-02)

§ 52.083 SHOW CAUSE HEARING.

The Superintendent may issue an administrative order to a user which has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
(Ord. 2003-02, passed 3-4-02; Am. Ord. 2014-09, passed 4-1-14)

§ 52.084 COMPLIANCE ORDERS.

When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other

pretreatment standard or requirement, the Superintendent may issue a compliance order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. 2003-02, passed 3-4-02)

§ 52.085 CEASE AND DESIST ORDERS.

(A) When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may issue an administrative or compliance order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Administrative or compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. An administrative or compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation.

(B) Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. 2003-02, passed 3-4-02; Am. Ord. 2014-09, passed 4-1-14)

§ 52.086 ADMINISTRATIVE FINES.

(A) When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may fine such user in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(B) Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional penalty of 10% of the unpaid balance, and interest shall accrue thereafter at a rate of 1½ % per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

(C) Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(D) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. 2003-02, passed 3-4-02)

§ 52.087 EMERGENCY SUSPENSIONS.

(A) The Superintendent may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(B) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in this section are initiated against the user.

(C) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under § 52.083 and this section.

(D) Nothing in this chapter shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(Ord. 2003-02, passed 3-4-02)

§ 52.088 TERMINATION OF DISCHARGE.

(A) In addition to the provisions in § 52.045, any user who violates the following conditions is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in §§ 52.010 through 52.016.

(B) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 52.083 why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. 2003-02, passed 3-4-02)

JUDICIAL ENFORCEMENT REMEDIES

§ 52.095 INJUNCTIVE RELIEF.

When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition a court of competent jurisdiction through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. 2003-02, passed 3-4-02)

§ 52.096 CIVIL PENALTIES.

(A) (1) A user who has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a civil penalty of not less than \$1,000 nor more than \$2,500 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) A user who has violated, or continues to violate, §§ 52.010(E), (M), (N), (O) or 52.011(12) shall be liable to the city for a civil penalty of \$100 per week and each consecutive week shall constitute a separate violation.

(B) The Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(C) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. 2003-02, passed 3-4-02; Am. Ord. 2009-20, passed 12-15-09)

§ 52.097 CRIMINAL PENALTIES.

(A) Any person who knowingly or willfully makes any false statement, representation or certification in any application, report or other document required by this chapter or other regulations adopted by the Board, or who tampers with or knowingly or willfully renders inaccurate any monitoring device so as to render false information may be subject to the provisions of IC 35-44.1-2. The Board's counsel shall, when appropriate, refer such matters to the DeKalb County Prosecutor for consideration of criminal prosecution. The Board also reserves the right to refer suspected knowing or willful violations to the Indiana Department of Environmental Management or the U.S. Environmental Protection Agency, Region 5 for criminal prosecution.

(B) All reports and other documents required to be submitted or maintained pursuant to this chapter are subject to:

(1) The provisions of 18 USC § 1001 relating to fraud and false statements;

(2) The provisions of Section 309(c)(4) of the Clean Water Act, as amended, governing false statements, representations or certification; and

(3) The provisions of Section 309(c)(6) of the Clean Water Act regarding responsible corporate officers.

(Ord. 2003-02, passed 3-4-02)

§ 52.098 REMEDIES NONEXCLUSIVE.

The remedies provided for in this chapter are not exclusive. The Superintendent may take any, all, or any combination of these actions against a non-compliant user. Enforcement of

pretreatment violations will generally be in accordance with the city's Enforcement Response Plan. However, the Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant user.

(Ord. 2003-02, passed 3-4-02)

SUPPLEMENTAL ENFORCEMENT ACTION

§ 52.105 PUBLIC NUISANCES.

A violation of any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of the this Code of Ordinances governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.

(Ord. 2003-02, passed 3-4-02)

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

§ 52.110 UPSET.

(A) For the purposes of this section, ***UPSET*** means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An ***UPSET*** does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of division (C) below are met.

(C) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the Superintendent within 24 hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five days:

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(D) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(E) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(F) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. 2003-02, passed 3-4-02)

§ 52.111 PROHIBITED DISCHARGE STANDARDS.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(A) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(B) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. 2003-02, passed 3-4-02)

§ 52.112 BYPASS.

(A) For the purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BYPASS or BYPASSING. The intentional diversion of wastestreams from any portion of a user's treatment facility.

SEVERE PROPERTY DAMAGE. Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. **SEVERE PROPERTY DAMAGE** does not mean economic loss caused by delays in production.

(B) A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of divisions (C) and (D) below.

(C) (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(D) (1) Bypassing is prohibited, and the Superintendent may take an enforcement action against a user for a bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under division (C) above.

(2) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in division (D)(1) above.

(Ord. 2003-02, passed 3-4-02)

MISCELLANEOUS PROVISIONS

§ 52.115 PRETREATMENT CHARGES AND FEES.

The city may adopt reasonable fees for reimbursement of costs of setting up and operating the city's Pretreatment Program that may include:

(A) Fees for wastewater discharge permit applications including the cost of processing such applications;

(B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

(C) Fees for reviewing and responding to accidental discharge procedures and construction;

(D) Fees for filing appeals; and

(E) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city.

(Ord. 2003-02, passed 3-4-02)

CHAPTER 53: ELECTRICITY

Section

General Provisions

53.01 Adoption of electrical use curtailment rules by reference

Rates and Charges

53.15 Established generally
53.16 Deposits
53.17 Deferred payments
53.18 Residential service rate R
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53.25 Rate and fuel cost adjustments
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53.28 Disconnect and reconnect charges
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GENERAL PROVISIONS

§ 53.01 ADOPTION OF ELECTRICAL USE CURTAILMENT RULES BY REFERENCE.

The electric curtailment rules for the Electric Utility of the city as set forth in Appendix I, attached Ord. passed 2-18-78 are hereby adopted and made a part of this chapter as if fully set forth herein.

('79 Code, § 20-111) (Ord. passed 2-18-78; Am. Ord. 2014-01, passed 1-21-14)

RATES AND CHARGES

§ 53.15 ESTABLISHED GENERALLY.

For the use of and the service rendered by the Electric Utility, rates and charges shall be collected from each and every consumer of such Electric Utility which rates and charges shall be

payable as hereinafter provided and shall be in an amount determinable as provided in the following sections of this chapter.

('79 Code, § 20-118) (Ord. passed 7-13-76; Am. Ord. 2014-01, passed 1-21-14)

§ 53.16 DEPOSITS.

(A) No applicant or customer shall be hereafter connected or reconnected for service by the Electric Utility or entitled to receive electricity from that department until such applicant or customer shall apply at the Utility Office for such service, pay all delinquencies, if any, standing against such customer, and make a deposit with such Utility according to the type of service desired, as follows:

(1) For single-family residential rental unit connections, one-sixth of 12 months' estimated electrical bill, but in no event less than \$100.

(2) For multi-family residential unit connections, \$100 to \$250 as determined by the Electric Utility.

(3) For all other residential unit connections, \$100.

(B) A deposit from \$100 to \$200 according to the kilowatts used shall be made by all commercial customers of electric power furnished by the Electric Utility whether or not the commercial customer owns the real estate to which the power is furnished.

(C) The deposits set out in this section shall be paid by the customers to the collector of the municipal utilities of the city prior to the time of the furnishing of power to the customer. The deposit shall be retained by the collector until such time as the customer shall notify the municipal utilities that the power is no longer to be furnished to the customer in his name, at which time the collector shall refund to the customer the deposit herein required, after the deduction from the deposit of all current or delinquent bills due from the customer to the municipal utilities.

('79 Code, § 20-119) (Ord. passed 6-4-74; Am. Ord. passed 11-18-86; Am. Ord. 94-20, passed 10-18-94; Am. Ord. 2014-01, passed 1-21-14)

§ 53.17 DEFERRED PAYMENTS.

All bills on the schedules set out in this subchapter shall be rendered and due monthly. If not paid by the 15th day following the date of the bill, there shall be added 10% of the first \$3 of the bill, plus 3% of the amount of the bill in excess of \$3. Remittances sent by mail on or previous to the 15th day, as evidenced by the U.S. Post Office mark on the envelope in which they are received, will be accepted as a tender of payment within the time limit. When the 16th day of the month falls on Saturday or Sunday or any other legal holiday, the first business day thereafter shall be considered as being within the time limit.

('79 Code, § 20-119.1) (Ord. passed 9-5-78; Am. Ord. passed 11-4-86; Am. Ord. 2014-01, passed 1-21-14)

§ 53.18 RESIDENTIAL SERVICE RATE R.

(A) *Availability.* The Electric Utility is available for residential service, except such service as is precluded by any of the provisions of the "special terms and conditions" set forth in this rate schedule. The customer must be located on the Utility's distribution lines.

(B) *Character of service.* The character of service to residential users under this section shall be alternating current, 60 Hertz, at a voltage of approximately 120 volts, two-wire, 120/240 volts, three-wire, where available.

(C) *Rate.* The rates for residential users under this section shall be as follows:

(1) Schedule.

(a) All kWh used per month \$0.096110 per kWh.

(b) Service charge. \$3.50 per dwelling unit.

(c) Minimum charge. The monthly service charge shall be the minimum charge each month regardless of kWh consumption.

(2) Disconnect and reconnect charge. The reconnection charge stated in § 53.28 is applicable hereto as shown in said section.

(3) Special terms and conditions.

(a) No three-phase motor, regardless of its horsepower rating, and no single-phase motor of greater than three horsepower capacity, will be served under this rate.

(b) Service to equipment having highly fluctuating or intermittent characteristics and having a combined input capacity in excess of three kVA will not be permitted under this rate.

(c) The rate included in this section shall not apply to that portion of a residence which becomes regularly used for commercial or manufacturing purposes. Where a portion of the customer's premises becomes regularly used for commercial or manufacturing purposes, customer shall have the option of separating the wiring so that the residential portion of the premises can be served through a separate meter under this section, and the commercial or manufacturing portion of the premises can be served through a separate meter under the applicable schedule for the service required. If the customer does not exercise the option of separating the wiring, the applicable rate shall be applied to the total requirements of the customer.

(4) Rate adjustment. The purchased power cost adjustment tracking factor stated in § 53.25 is applicable hereto and is issued and effective at the dates shown in said section.

(5) Fuel cost adjustment. Refer to § 53.25.

(D) All customers paying the Residential Service Rate shall be allowed to pay monthly bills on a budget plan as established by and through the policies and procedures of the Electric Utility and administered by the office of the Clerk- Treasurer.

('79 Code, § 20-120) (Ord. passed 7-13-76; Am. Ord. passed 9-7-78; Am. Ord. passed 6-2-81; Am. Ord. 2004-30, passed 12-22-04; Am. Ord. 2006-2, passed 1-17-06; Am. Ord. 2014-01, passed 1-21-14)

§ 53.19 COMMERCIAL SERVICE RATE C1.

(A) *Availability.* The Electric Utility is available for commercial service, for customers located on the distribution lines of the Utility, including lighting and other service generally requiring less than 75 kVA connected transformer capacity.

(B) *Character of service.* The character of service under this section is alternating current 60 Hertz, single-phase service at approximately 120 volts, two-wire or 120/240 volts.

(C) *Rate.*

(1) Schedule.

(a) All kWh used per month \$0.097306 per kWh.

(b) Service charge. \$5.00 per service location or establishment.

(c) Minimum charge. The monthly service charge shall be the minimum charge each month regardless of kWh consumption.

(2) Disconnect and reconnect charge. The reconnection charge stated in § 53.28 is applicable hereto as shown in said section.

(3) Rate adjustment. The purchased power cost adjustment tracking factor stated in § 53.25 is applicable hereto and is issued and effective at the dates shown in said section.

(4) Fuel cost adjustment. Refer to § 53.25.

(Ord. 2014-01, passed 1-21-14)

§ 53.20 COMMERCIAL SERVICE RATE.

(A) *Availability.* The Electric Utility is available for commercial service, for customers located on the distribution lines of the Utility, including lighting and other service generally requiring less than 75 kVA of connected transformer capacity.

(B) *Character of service.* The character of service under this section is alternating current of approximately 60 Hertz frequency, three-phase service.

(C) *Rate.*

(1) Monthly rates.

(a) Demand charge. \$10.00 per kVA based on the single highest reading.

(b) Energy charge. \$0.074953 per kWh, for all kWh.

(c) Service charge. \$20.00 per service location or establishment.

(d) Minimum charge. The monthly service charge shall be the minimum charge each month regardless of kWh consumption.

(2) Billing demand determination, The monthly billing demand will be the single highest 15-minute kilowatt demand kW, measured during the month divided by the monthly average power factor. The average power factor equals $\cos[\text{atan}(\text{kVARh}/\text{kWh})]$ or the square root of $(\text{kVARh}^2 + \text{kWh}^2)$. Where service is supplied to multiple points of delivery at a single rate application, the billing demand will be determined as the respective maximum simultaneous sums of the measured kW demand.

(3) Disconnect and reconnect charge. The reconnection charge stated in § 53.28 is applicable hereto as shown in said section.

(4) Rate adjustment. The purchased power cost adjustment tracking factor stated in § 53.25 is applicable hereto and is issued and effective at the dates shown in said section.

(5) Fuel cost adjustment. Refer to § 53.25.
(79 Code, § 20-123) (Ord. passed 7-13-76; Am. Ord. passed 9-7-78; Am. Ord. passed 6-2-81; Am. Ord. 2004-30, passed 12-22-04; Am. Ord. 2014-01, passed 1-21-14)

§ 53.21 SMALL POWER SERVICE RATE SP.

(A) *Availability.* The Electric Utility is available for manufacturing and commercial customers requiring more than 75 kVA connected transformer capacity but less than 500 kVA connected transformer capacity. The applicant must be located adjacent to an electric transmission or distribution line of the Utility that is adequate and suitable for supplying the service required.

(B) *Character of service.* The character of service under this section is alternating current having a frequency of 60 Hertz, three-phase, and furnished at a voltage which is standard with the Utility in the area served.

(C) *Rates.*

(1) Monthly rates.

(a) Demand charge. \$10.00 per kVA based on the single highest reading.

(b) Energy charge. \$0.058481 per kWh, for all kWh.

(c) Service charge. \$50.00 per service location or establishment.

(d) Minimum charge. The monthly service charge shall be the minimum charge each month regardless of kWh consumption.

(2) Billing demand determination. The monthly billing demand will be the single highest 15-minute kilowatt demand kW, measured during the month divided by the monthly average power factor. The average power factor equals $\cos[\text{atan}(\text{kVARh}/\text{kWh})]$ or the square root of $(\text{kVARh}^2 + \text{kWh}^2)$. Where service is supplied to multiple points of delivery at a single rate application, the billing demand will be determined as the respective maximum simultaneous sums of the measured kW demand.

(3) Incidental lighting service. Power customers having 75 horsepower of connected capacity, regularly used and in active service, may connect incidental lighting to their power circuits providing, however, that the connected lighting load is not in excess of 30% of the connected power load. Any transformers or regulating equipment, which may be required for such lighting load from the power circuits, shall be furnished and maintained by the customer. The lighting load shall be balanced between phases if, in the opinion of the Utility, such balancing is necessary.

(4) Metering. Where the Utility deems it convenient and necessary to meter at primary voltage, the customer will be entitled to a discount equivalent to 1% of the kWh metered each month.

(5) Rate adjustment. The purchased power cost adjustment tracking factor stated in § 53.25 is applicable hereto and is issued and effective at the dates shown in said section.

(6) Fuel cost adjustment. Refer to § 53.25.

(7) Credit for customer-supplied equipment. When the customer furnishes and maintains the complete substation equipment including any and all transformers and/or switches and/or other apparatus necessary for the customer to take his entire service at the primary voltage of the transmission or distribution line from which service is to be received, a credit of \$.15 per kW of monthly billing demand will be applied to each monthly net bill.

('79 Code, § 20-123) (Ord. passed 7-13-76; Am. Ord. passed 9-7-78; Am. Ord. passed 11-7-78; Am. Ord. passed 6-2-81; Am. Ord. 2004-30, passed 12-22-04; Am. Ord. 2014-01, passed 1-21-14)

§ 53.22 LARGE POWER SERVICE RATE LP.

(A) *Availability.* The Electric Utility is available for manufacturing and commercial customers not qualifying for service under the commercial tariff. The applicant must be located adjacent to an electric transmission or distribution line of the Utility that is adequate and suitable for supplying the service required.

(B) *Character of service.* The character of service under this section is alternating current having a frequency of 60 cycles, three-phase, and furnished at a voltage which is standard with the Utility in the area served.

(C) *Rates.*

(1) Monthly rates.

(a) Demand charge. \$10.00 per kVA based on the single highest reading.

(b) Energy charge. \$0.069265 per kWh, for all kWh.

(c) Service charge. \$100.00 per service location or establishment.

(d) Minimum charge. The monthly service charge shall be the minimum charge each month regardless of kWh consumption.

(2) *Billing demand determination.* The monthly billing demand will be the single highest 15-minute kilowatt demand kW, measured during the month divided by the monthly average power factor. The average power factor equals $\cos[\text{atan}(\text{kVARh}/\text{kWh})]$ or the square root of $(\text{kVARh}^2 + \text{kWh}^2)$. Where service is supplied to multiple points of delivery at a single rate application, the billing demand will be determined as the respective maximum simultaneous sums of the measured kW demand.

(3) *Incidental lighting service.* Power customers having 75 horsepower of connected capacity, regularly used and in active service, may connect incidental lighting to their power circuits providing, however, that the connected lighting load is not in excess of 30% of the connected power load. Any transformers or regulating equipment, which may be required for such lighting load from the power circuits, shall be furnished and maintained by the customer. The lighting load shall be balanced between phases if, in the opinion of the Utility, such balancing is necessary.

(4) Metering. Where the Utility deems it convenient and necessary to meter at primary voltage, the customer will be entitled to a discount equivalent to 1% of the kWh metered each month.

(5) Rate adjustment. The purchased power cost adjustment tracking factor stated in § 53.25 is applicable hereto and is issued and effective at the dates shown in said section.

(6) Fuel cost adjustment. Refer to § 53.25.

(7) Credit for customer-supplied equipment. When the customer furnishes and maintains the complete substation equipment including any and all transformers and/or switches and/or other apparatus necessary for the customer to take his entire service at the primary voltage of the transmission or distribution line from which service is to be received, a credit of \$.15 per kW of monthly billing demand will be applied to each monthly net bill.

(79 Code, § 20-124) (Ord. passed 7-13-76; Am. Ord. passed 9-7-78; Am. Ord. passed 6-2-81; Am. Ord. 2004-30, passed 12-22-04; Am. Ord. 2006-4, passed 2-21-06; Am. Ord. 2014-01, passed 1-21-14)

§ 53.23 SECURITY LIGHTING RATE SL.

(A) *Availability.* The Electric Utility is available for dusk to dawn outdoor lighting service for lighting entrances, driveways and other private areas to customers who are located on the Utility's electric supply lines suitable and adequate for supplying the service requested.

(B) *Character of service.* The Utility will install, own and maintain a bracket-mounted, suburban-type lighting fixture including photo-electric control. Installations must be located on or extend over the property of the customer.

(C) *Rates.* The rates for electric service under this section shall be as follows:

(1) Rate per month.

(a) Where the lighting fixture can be installed on an existing distribution-type wood pole and served from existing secondary facilities, with not more than one span of secondary, the rate shall be: \$9.64 per lamp.

(b) If additional facilities are required to furnish service hereunder, the Utility will install, operate and maintain such facilities at the following charges, such charges being additional to the charge set forth in division (C)(1)(a) above: \$1 for each 30-foot wood pole and span of secondary.

(2) *Term of service.* Any customer requesting service under this rate shall make written application for such service for an initial period of three years, and such service shall continue from year to year thereafter unless canceled by either party giving the other 60 days prior written notice of the termination of service at the end of the initial period or any yearly period thereafter.

(3) *Disconnect and reconnect charge.* The reconnection charge stated in § 53.28 is applicable hereto as shown in said section.

(D) *Terms and conditions of service.*

(1) The Utility shall adjust the automatic control on each installation to provide lighting service from dusk to dawn each night. Lamp replacements and repairs will be made within a reasonable period of time, during regular working hours, after customer's notification of the need for such maintenance.

(2) The facilities installed by the Utility shall remain the property of the Utility and may be removed by the Utility if service is discontinued.
(79 Code, § 20-125) (Ord. passed 7-13-76; Am. Ord. passed 9-7-78; Am. Ord. passed 6-2-81; Am. Ord. 2004-30, passed 12-22-04; Am. Ord. 2014-01, passed 1-21-14)

§ 53.24 CITY STREET LIGHTING RATE CSL.

(A) *Availability.* The Electric Utility is available for dusk to dawn outdoor lighting service for lighting entrances, driveways and other private areas to customers who are located on the Utility's electric supply lines suitable and adequate for supplying the service requested.

(B) *Character of service.* The Utility will install, own and maintain a bracket-mounted, suburban-type lighting fixture including photo-electric control. Installations must be located on or extend over the property of the customer.

(C) *Rates.* The rates for electric service under this section shall be as follows:

(1) Rate per month.

(a) Where the lighting fixture can be installed on an existing distribution-type wood pole and served from existing secondary facilities, with not more than one span of secondary, the rate shall be: \$5.36 per lamp.

(b) If additional facilities are required to furnish service hereunder, the Utility will install, operate and maintain such facilities at the following charges, such charges being additional to the charge set forth in division (C)(1)(a) above: \$1 for each 30-foot wood pole and span of secondary.

(2) *Term of service.* Any customer requesting service under this rate shall make written application for such service for an initial period of three years, and such service shall continue from year to year thereafter unless canceled by either party giving the other 60 days prior written notice of the termination of service at the end of the initial period or any yearly period thereafter.

(3) *Disconnect and reconnect charge.* The reconnection charge stated in § 53.28 is applicable hereto as shown in said section.

(D) *Terms and conditions of service.*

(1) The Utility shall adjust the automatic control on each installation to provide lighting service from dusk to dawn each night. Lamp replacements and repairs will be made within a reasonable period of time, during regular working hours, after customer's notification of the need for such maintenance.

(2) The facilities installed by the Utility shall remain the property of the Utility and may be removed by the Utility if service is discontinued.
(Ord. 2014-01, passed 1-21-14)

§ 53.25 RATE AND FUEL COST ADJUSTMENTS.

(A) Rate adjustment (applicable to Rates R, C1, C3, SP, LP, SL and CSL). The rate adjustment shall be on the basis of a purchased power cost adjustment which shall be on the basis of a purchased power cost adjustment tracking factor, occasioned solely by changes in the cost of purchased power.

(B) Fuel cost adjustment (applicable to Rates R, C1, C3, SP, LP, SL and CSL). The fuel cost adjustment in dollars per kWh shall be the same as that most recently billed to the Electric Utility by its purchased power supplier. The fuel cost adjustment shall also include any cost passed through to the Electric Utility by its purchased power supplier for costs related to the regional transmission organization.
(79 Code, § 20-126) (Ord. passed 9-5-78; Am. Ord. passed 6-2-81; Am. Ord. 2006-2, passed 1-17-06; Am. Ord. 2014-01, passed 1-21-14)

§ 53.26 BILLING; DELINQUENT ACCOUNTS.

(A) The rates and charges for electric usage may be billed to the tenant or tenants occupying the property served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability for payment in the event payment is not made by the tenant or tenants as herein required. The owners of property served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the utility 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 during normal business hours.

(B) In addition to the other remedies and penalties as provided in this chapter, the Utility shall also have the right to bring a civil action to recover any delinquent and unpaid electric bill plus penalty, together with reasonable attorney's fees and court costs.
(Ord. 94-3, passed 2-1-94; Am. Ord. 94-6, passed 2-15-94; Am. Ord. 2014-01, passed 1-21-14)

§ 53.27 REMOVAL OF THE ELECTRIC UTILITY FROM THE JURISDICTION OF THE INDIANA UTILITY REGULATORY COMMISSION.

The Electric Utility of the City of Garrett, Indiana, was removed from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and for the issuance of stocks, bonds, notes, or other evidence of indebtedness pursuant to Ord. 2004-12, passed 7-6-04.
(Ord. 2004-12, passed 7-6-04; Am. Ord. 2014-01, passed 1-21-14)

§ 53.28 DISCONNECT AND RECONNECT CHARGES.

(A) *Disconnect.* Whenever electric service is disconnected, for any reason whatsoever, the customer shall be charged and shall pay a \$50 disconnect fee.

(B) *Reconnect.* Any customer reconnecting following a disconnect, for any reason whatsoever, shall be charged and pay a \$50 reconnect fee.

(C) *Customer disconnect request.* Whenever service is disconnected at a service location point at the request of the customer, the customer shall be charged and shall pay a service fee of \$100 to disconnect and subsequently reconnect the service for the first request in a calendar year. The customer shall be charged and shall pay a service fee of \$200 for such disconnect and reconnect for all subsequent requests in the same calendar year.

(D) *Disconnect/reconnect defined.* Service is considered disconnected and therefore subject to rconnection upon either of the following events:

(1) Actual disconnection where the electric service to the customer is terminated either at the meter, pole, or at such other point as deemed appropriate by the Utility; or

(2) The customer's failure to pay all amounts due the city utilities by the deadline as stated in the past due Utility bill from the Utility.

(Ord. 2006-2, passed 1-17-06; Am. Ord. 2014-01, passed 1-21-14)

§ 53.29 TAMPERING FEE.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, in any manner, with any structure, appurtenance, equipment, including, but not limited to, wires, meters, and meter bases, which is a part of the municipal electric distribution system. In the event of such breakage, damage, destruction, uncovering, defacing, or tampering, the customer shall be charged and shall pay a tampering fee of \$200 per occurrence.

(Ord. 2006-2, passed 1-17-06; Am. Ord. 2014-01, passed 1-21-14)

§ 53.30 ANNUAL REVIEW.

The Common Council of the City of Garrett shall review and adjust the rates and charges on an annual basis. The Clerk-Treasurer is directed to cause a rate consultant's report to be prepared and submitted annual to the Common Council of the City of Garrett. The report shall be based on the most year end data and submitted to the Council on or before May 1 of each year.

(Ord. 2014-01, passed 1-21-14)

§ 53.31 FIBER CONNECTION FEES.

(A) The city shall charge an infrastructure fee in the amount of \$16 per active subscriber per month. The purpose of said fee shall be used to pay for insurance, repairs and maintenance of the infrastructure overbuild.

(B) The city shall charge and collect a connection fee by class of customer as follows per active subscriber per month. The purpose of the connect fee shall be used to pay for future capital expansions and to recapture the capital cost of Phase I of the infrastructure overbuild.

Electricity

<i>Service Class</i>	<i>1 - 60 Months</i>	<i>Thereafter</i>
Enterprise subscriber	\$150	\$50
Small business subscriber	\$75	\$25
Residential subscriber	\$15	\$5

(C) Pursuant to the terms of the Services Agreement, the city delegates to the City of Auburn d/b/a Auburn Essential Services the duty and responsibility of charging and collecting said fees and remitting said fees to the city with the supporting and corroborating documentation as required by the Services Agreement.

(Ord. 2014-13, passed 12-1-14)

CHAPTER 54: SEWER RATES

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GENERAL PROVISIONS**§ 54.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen expressed in mg/l, utilized in the biochemical oxidation of organic matters under standard laboratory procedures in five days at 20° C.

BUILDING DRAIN. 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 feet outside the building wall.

BUILDING DRAIN, SANITARY. A building drain which conveys sanitary or industrial sewage only.

BUILDING DRAIN, STORM. A building drain which conveys storm water or other clear water drainage, but no wastewater.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal (also called "house connection").

BUILDING SEWER, SANITARY. A building sewer which conveys sanitary or industrial sewage only.

BUILDING SEWER, STORM. A building sewer which conveys storm water or other clear water drainage, but no sanitary or industrial sewage.

COMBINED SEWER. A sewer intended to receive both wastewater and storm of surface water.

COMPATIBLE POLLUTANT. 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% or greater. Minor incidental removals in the order of 10% to 30% are not considered substantial. Examples of the additional pollutants which may be considered compatible includes:

- (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).

EASEMENT. An acquired legal right for the specific use of land owned by others.

FECAL COLIFORM. 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.

FLOATABLE OIL. 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 city.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a “compatible pollutant,” including nonbiodegradable dissolved solids.

INDUSTRIAL WASTES. The wastewater discharges from industrial, trade or business processes as the distinct from the employees’ wastes from any sanitary conveniences.

INFILTRATION. The water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. **INFILTRATION** does not include and is distinguished from “inflow.”

INFILTRATIONS/INFLOW. The total quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW. The water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders, 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, does not include, and is distinguished from “infiltration.”

INSPECTOR. The person or persons duly authorized by the city, through its Common Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.

MAJOR CONTRIBUTING INDUSTRY. An industry that:

- (1) Has a flow of 50,000 gallons or more per average work day;
- (2) Has a flow greater than 5% 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) of PL 92-500; or
- (4) Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

NORMAL DOMESTIC SEWAGE (for the purpose of determining surcharges). Wastewater or sewage having an average daily suspended solids concentration of not more than 250 mg/l, and average daily BOD of not more than 200 mg/l (an average daily total phosphorus concentration of 10 mg/l and containing not more than 100 mg/l of Hexanne soluble matter (grease and oil). As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences ad distinct from wastes from industrial processes.

NPDES PERMIT. 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.

PERSON. Any individual, firm, company, association, society, corporation or group discharging any wastewater to WWTW.

pH. The reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter solution.

PRETREATMENT. The treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.

PRIVATE SEWER. A sewer which is not owned by a public authority.

PROPERLY SHREDDED GARBAGE. 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 inch in any dimension.

PUBLIC SEWER. A sewer which is owned and controlled by the public authority and will consist of the following increments.

- (1) **COLLECTOR SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges.
- (2) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
- (3) **FORCE MAIN.** A pipe in which wastewater is carried under pressure.

(4) **PUMPING STATION.** A station positioned in the public sewer system at which wastewater is pumped to a higher level.

SANITARYSEWER. A sewer which carries sanitary and industrial wastes, and to which storm, surface and ground water are not intentionally admitted.

SEWAGE WORKS. The structures, equipment and process required to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

SEWAGE. The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, (including polluted cooling water). The three most common types of sewage are:

(1) **COMBINED SEWAGE.** Wastes including sanitary sewage, industrial sewage, storm water, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

(2) **INDUSTRIAL SEWAGE.** 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) **SANITARY SEWAGE.** The combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.

SEWER. A pipe or conduit for carrying sewage.

SLUG. 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 ten minutes more than three times the average 24 hours concentration of flows during normal operation and shall adversely affect the collection system.

STANDARD METHODS. 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, and "Guidelines Establishing Test Procedures for Analysis of Pollutants," Regulation 40 CFR Part 136, published in the Federal Register on October 16, 1973.

STORM SEWER. 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.

SUPERINTENDENT. The Superintendent of the Municipal Sewage Works of the city, or his or her authorized deputy, agent or representative.

SUSPENDED SOLIDS. 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.

TOTAL SOLIDS. The sum of suspended and dissolved solids.

TOXIC AMOUNT. 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.

UNPOLLUTED WATER. 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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

VOLATILE ORGANIC MATTER. Them material in the sewage solids transformed to gases or vapors when heated at 550° C. for 15 to 20 minutes.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.

('79 Code, §§ 20-43, 20-51) (Ord. passed 5-10-76)

§ 54.02 USE OF PUBLIC SEWER REQUIRED.

(A) 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.

(B) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the city is hereby required at his or her 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 90 days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line.

('79 Code, § 20-52) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.03 USE OF PRIVATE DISPOSAL SYSTEM.

(A) *When permitted.* Where a public sanitary or combined sewer is not available under the provisions of § 54.02(B), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) *Permit required; fee.* Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$25 shall be paid to the city at the time the application is filed.

(C) *Inspection.* A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

(D) *Compliance with State Board of Health recommendations.* This 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 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) *Abandonment.* At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in division (D) of this section, a direct

connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(F) *Operation and maintenance.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(G) *Requirements to Health Officer.* No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(H) *Connection to public sewer.* When a public sewer becomes available, the building sewer shall be connected to the sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
(‘79 Code, § 20-53) (Ord. passed 5-10-076) Penalty, see § 54.99

§ 54.04 UNLAWFUL DISCHARGES GENERALLY.

(A) *Objectionable waste.* It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

(B) *Unpolluted water.* No person shall discharge or cause to be discharged into any sanitary sewer, either directly or indirectly, storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. The city shall require the removal of unpolluted water from any wastewater collection or treatment facility if such removal is cost-effective and is in the best interest of all users of those facilities.

(C) *Use of storm sewers.* Storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the city. No new connection shall be made unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids.

(D) *Compliance with the chapter and NPDES permit for discharges onto public or private property.* No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the city, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit.

(E) *Compliance with this chapter and NPDES permit for discharges into natural outlets.* No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted wastes except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit.
(‘79 Code, § 20-54) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.05 BUILDING SEWERS.

(A) *Permit required.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.

(B) *Classification of permits; fees.* There shall be two classes of building sewer permits for residential and commercial service, and for service to establishment producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of \$25 for a residential or commercial building sewer permit and \$50 for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

(C) *Costs or expenses.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(D) *Separate sewer for each building; exception.* A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through and adjoining alley, court, yard or driveway, the building sewer from the front building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(E) *Use of old sewers.* Old building sewers may be used in connection with new buildings only when they are found, on examination, and test by the Inspector, to meet all requirements of this chapter.

(F) *Construction regulations.* The size, slope alignment, material 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 to the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the "A.S.T.M. and W.P.C.F. Manual of Practice No. 9" shall apply.

(G) *Elevation.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(H) *Connection to sources of groundwater prohibited.* No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(I) *Connection regulations.* 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 to the city, or the procedures set forth in appropriate specifications of the "A.S.T.M. and W.P.C.F. Manual of Practice No. 9." All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(J) *Inspections.* The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his or her representative.

(K) *Excavations.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

('79 Code, § 20-55) (Ord. passed 5-10-76) Penalty, see § 54.99

RESTRICTIONS ON USE**§ 54.15 UNPOLLUTED WATERS.**

(A) *Prohibited in sanitary sewer.* No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface, drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(B) *Proper discharge of unpolluted waters.* Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

('79 Code, § 20-56) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.16 UNLAWFUL DISCHARGES.

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

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

(B) Any waters or wastes containing toxic 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 human or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(C) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel to the sewage works;

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

('79 Code, § 20-56) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.17 DISCHARGES PROHIBITED WHEN DEEMED HARMFUL BY SUPERINTENDENT.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintended that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. All waste limitations or prohibitions shall conform to NPDES permit requirements, pretreatment standards, and all other unspecified state and federal regulations. The substances prohibited are:

(A) Any liquid or vapor having a temperature higher than 65° C.;

(B) Any water or waste containing fats, wax, grease oils whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 0° and 65° C.;

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor 3/4 horsepower 90.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(E) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials;

(F) Any water or wastes containing phenols, or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters;

(G) 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;

(H) Any waters or wastes having a pH in excess of 9.5;

(I) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residue) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

(4) Unusual volume of flow or concentration of wastes constituting "slug" as defined in § 54.01; and

(5) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
(‘79 Code, § 20-56) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.18 DISCHARGES - POSSIBLE ACTIONS.

(A) 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 § 54.17 of this subchapter, 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 shall:

- (1) Require new industries or industries with significant increase in discharges to submit information on wastewater characteristics and obtain prior approval for discharges;
- (2) Reject the wastes in whole or in part for any reason deemed appropriate by the city;
- (3) Require pretreatment of such wastes to within the limits if normal sewage as defined in § 54.01;
- (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 loading discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

(B) 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. ('79 Code, § 20-56) (Ord. passed 5-10-76)

§ 54.19 MAINTENANCE OF PRELIMINARY TREATMENT FACILITIES.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. ('79 Code, § 20-56) (Ord. passed 5-10-76)

§ 54.20 USE OF CONTROL MANHOLE.

When required by the Superintendent, the owner or 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 accessible 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 or her expense, and shall be maintained by him or her so as to be safe and accessible at all times. ('79 Code, § 20-56) (Ord. passed 5-10-76)

§ 54.21 MEASUREMENT AND TESTS.

All measurement, 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 in conformance with “Guidelines Establishing Test Procedures for Analysis of Pollutants,” Regulation 40 CFR Part 136, published in the Federal Register on October 16, 1973, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. 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 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 suspended solids

analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.
(‘79 Code, § 20-56) (Ord. passed 5-10-76)

§ 54.22 SPECIAL AGREEMENTS FOR TREATING WASTES.

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern, at such rates as are compatible with the rate provisions.

(‘79 Code, § 20-56) (Ord. passed 5-10-76)

§ 54.23 PRETREATMENT OF INDUSTRIAL WASTES FROM MAJOR CONTRIBUTING INDUSTRIES.

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) and published in the Federal Register on November 8, 1973 (40 CFR Part 128), and “Federal Guidelines Establishing Test Procedures for Analysis of Pollutants,” published in the Federal Register on October 16, 1973 (40 CFR Part 136), in addition to any more stringent requirements established by the city, and any subsequent state or federal guidelines and rules and regulations. All major contributing industries shall be in compliance with pretreatment requirements no later than December 31, 1976 and shall commence construction of pretreatment facilities no later than June 10, 1976 except as provided for in Section 128.140 (40 CFR Part 128) where effluent guidelines pursuant to Section 301(b) and 304(b) of Public Law 92-500 were not promulgated prior to December 10, 1973. In such cases, major contributing industries shall be in compliance within three years and construction shall be commenced within 18 months of the date of promulgation.

(‘79 Code, § 20-57) (Ord. passed 5-10-76)

§ 54.24 PLANS AND SPECIFICATIONS OF PRETREATMENT FACILITIES; MAINTENANCE.

Plans, specifications and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the city and the state 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 or her expense and shall be subject to periodic inspection by the city to determine that such facilities are being operated in conformance with applicable federal, state and local laws and permits. The owner shall maintain operating records and shall submit to the city a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against city monitoring records.

(‘79 Code, § 20-58) (Ord. passed 5-10-76)

§ 54.25 UNPOLLUTED WATER FROM AIR CONDITIONERS, COOLING, CONDENSING SYSTEMS OR 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 city. Where a storm sewer is not available, discharge may be to a natural outlet approved by the city and by the state. Where a storm sewer, combined sewer, or natural sewer is not

available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the city.

('79 Code, § 20-59) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.26 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 § 54.25.

('79 Code, § 20-60) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.27 FLOW CHARACTERISTICS REQUIRED FROM SOME USERS.

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

('79 Code, § 20-61) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.28 STRUCTURES REQUIRED FOR OBSERVATION, SAMPLING AND MEASUREMENT OF WASTES.

The owner of any property serviced by a building sewer carrying industrial wastes or other nonresidential wastewater may be required by the city to install a suitable structure together with such necessary meters and other appurtenances in the building to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the city. The structures shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times. Agents of the city, the state water pollution control agencies, and the USEPA shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling and testing.

('79 Code, § 20-62) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.29 DETERMINATION OF WASTEWATER STRENGTH FOR ESTABLISHMENT OF CHARGES.

The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the rate provisions, from samples taken at the structure in § 54.28 at any period of time and of such duration and in such manner as the city may elect, or, at any place mutually agreed upon between the user and the city. Appropriate charges for sampling and analysis may be assessed to the user at the option of the city. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the city.

('79 Code, § 20-63) (Ord. passed 5-10-76)

§ 54.30 MEASUREMENTS, TESTS AND ANALYSIS GENERALLY.

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with latest edition of "Standard Methods" except for application for NPDES permits and reports thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA, published in the

Federal Register October 16, 1973 (40 CFR Part 136) and any subsequent revisions subject to approval by the city.
(‘79 Code, § 20-64) (Ord. passed 5-10-76)

§ 54.31 USE OF GREASE, OIL AND SAND INTERCEPTORS MAY BE REQUIRED.

Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors or types 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 city and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gastight, watertight, and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.
(‘79 Code, § 20-66) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.32 NOTIFICATION BY USERS OF UNUSUAL FLOWS OR WASTES.

Users of the treatment works shall immediately notify the city of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.
(‘79 Code, § 20-66) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.33 COMPLIANCE WITH STATE AND FEDERAL REQUIREMENTS.

All provisions of this subchapter and limits set herein shall comply with any applicable state or federal requirements now, or projected to be in effect.
(‘79 Code, § 20-67) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.34 TAMPERING WITH SEWAGE WORKS PROHIBITED.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, 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.
(‘79 Code, § 20-68) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.35 RIGHT OF ENTRY ON PRIVATE PROPERTY FOR ENFORCEMENT.

(A) The Superintendent, Inspector and other duly authorized employees of the city, state water pollution control employees and USEPA employees bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his or her representatives, the state water pollution control employees and USEPA employees shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in § 54.24, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable

to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 54.21.

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

('79 Code, § 20-69) (Ord. passed 5-10-76) Penalty, see § 54.99

RATES AND CHARGES

§ 54.45 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Garrett, Indiana, acting by and through the Common Council of the city, or any duly authorized officials acting in its behalf.

COUNCIL. The Common Council of the city, or any duly authorized officials acting upon its behalf.

DEBT SERVICE COSTS. The average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.

EQUIPMENT. All movable, non-fixed items necessary to the wastewater treatment process.

EXCESSIVE STRENGTH SURCHARGES. An additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage."

INDUSTRIAL WASTES. Any solid, liquid or gaseous substance or form of energy discharge, permitted to flow or escaping from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person or industrial user as defined by this subchapter.

NPDES. National Pollutant Discharge Elimination System.

OPERATION AND MAINTENANCE COSTS. All cost, direct and indirect, including but not limited to replacement costs, 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.

OTHER SERVICE CHARGES. Tap charges, connection charges, area charges and other identifiable charges, other than user charges, debt service charges and excessive strength surcharges.

PERSON. 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.

REAL PROPERTY. All non-movable fixed in place items such as structures and buildings housing equipment or otherwise used in the wastewater treatment plant process.

REPLACEMENT COSTS. The expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

SANITARY SEWAGE. Sewage discharge from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and free from storm water, surface water and industrial wastes.

SERVICE LIFE. The period of time during which a component of a wastewater sewage works will be capable of performing a function; and shall mean a period of 25 years for equipment and 50 years for real property, other than land.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

SEWAGEWORKS. All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge.

SEWERAGE SYSTEM. The network of sewers and appurtenances used for collecting, transporting and pumping sewage to the wastewater treatment plant.

STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Waste Water", publishes jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation and set forth in the Congressional Record 40 CFR 136.

USER CHARGE. A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works. The method of computing the initial user charge and debt service charge is contained in a report prepared by H. J. Umbaugh and Associates, Certified Public Accountants, Indianapolis, Indiana, and is incorporated as a part hereof.

USER CLASS. 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 and as industrial and nonindustrial in the industrial cost recovery system.

(1) **COMMERCIAL USER.** Any establishment listed in the Office of Management and Budget's "Standard Industrial Classification Manual (SICM)" (1972 edition) involved in a commercial enterprise, business or service which, based on a determination by the city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(2) **GOVERNMENTAL USER.** Any federal, state or local governmental user of the wastewater treatment works.

(3) **INDUSTRIAL USER.** Any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works. Industrial users shall be as identified in the "SICM" under divisions A, B, D, E or I.

(4) **INSTITUTIONAL USER.** Any establishment listed in the "SICM" involved in a social, charitable, religious or educational function which, which based on a determination by the city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(5) **RESIDENTIAL USER.** 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.

WASTEWATER TREATMENT PLANT. The wastewater treatment facilities of the Garrett Municipal Sewage Works.
(‘79 Code, § 20-78) (Ord. passed 5-17-76; Am. Ord. passed 6-16-92; Am. Ord. 52692-3, passed 6-16-92)

§ 54.46 BASED ON SERVICES PROVIDED.

(A) Every person whose premises are served by the 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.

(B) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency, published in the Federal Register August 21, 1973 (38 CFR 22523) and on February 11, 1974 (39 CFR 5252). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewage works plant and equipment.

(C) The various classes of users of the treatment works for the purposes of this subchapter shall be as follows:

- (1) Class I - Residential.
- (2) Class II - Commercial.
- (3) Class III - Institutional.
- (4) Class IV - Governmental.
- (5) Class V - Industrial.

(‘79 Code, § 20-79) (Ord. passed 6-10-76; Am. Ord. passed 7-21-81; Am. Ord. 52692-3, passed 6-16-92; Am. Ord. 97-27, passed 12-2-97; Am. Ord. 2001-5, passed 6-19-01)

§ 54.47 SCHEDULE.

(A) For the use of and the service rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the city sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the city. 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:

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(B) 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, except as herein otherwise provided. Water meters will be read once each month, and sewage service bills shall be rendered once each month (or period equaling a month). The water usage schedule on which the amount of the rates and charges shall be determined shall be as follows:

- (1) User Class I through V.

<i>QUANTITY OF WATER USED PER MONTH BY ALL USER CLASSES (GALLONS)</i>	<i>TOTAL RATE</i>
Residential	
First 3,000	\$15.00
Over 3,000	13.05
Commercial and Institutional	
First 3,000	15.00
Next 7,000	13.05
Next 15,000	11.11
Next 25,000	9.28
Over 50,000	7.26
Governmental and Industrial	
First 3,000	15.00
Next 7,000	13.05
Next 15,000	11.11
Next 25,000	9.28
Next 50,000	7.26
Over 100,000	6.09

(C) The minimum charge for any service where the use is a metered consumer shall be based on the size of such water meter and shall be as follows:

MINIMUM MONTHLY CHARGE		
METER SIZE (IN INCHES)	GALLONS ALLOWED	TOTAL
5/8 - 3/4	3,000	\$ 45.00
1	5,671	79.85
1 ¼	9,297	127.16
1 ½	13,084	176.59
2	19,001	253.80
3	28,362	375.95
4	37,743	498.36
6	53,608	705.38
Provided, however, that the minimum charge shall be based on a meter size of not more than one size smaller than the service line in which the meter is installed.		

(D) Other charges shall be as follows:

OTHER CHARGES	TOTAL
Unmetered Users	
Per single family equivalent	\$ 71.08
Extra Units Charge	
Per additional unit per month	13.54
Excessive Strength Surcharge	
Suspended Solids (in excess of 250 mg/l) (per pound)	.25
BOD (in excess of 200 mg/l) (per pound)	.24
Phosphorus (in excess of 10 mg/l) (per pound)	2.49

('79 Code, § 20-80) (Ord. passed 6-10-76; Am. Ord. passed 8-6-86; Am. Ord. 82190-1, passed 8-21-90; Am. Ord. 52692-3, passed 6-16-92; Am. Ord. 97-27, passed 12-2-97; Am. Ord. 2001-5, passed 6-19-01; Am. Ord. 2002-27, passed 11-19-02; Am. Ord. 2013-02, passed 2-5-13; Am. Ord. 2013-08, passed 5-7-13; Am. Ord. 2015-06, passed 11-17-15)

§ 54.48 USE OF WATER SOURCES OTHER THAN CITY'S.

The quantity of water discharged into the sanitary sewerage system and obtained from sources other than the utility that serves the city shall be determined by the city in such manner as the city shall reasonably elect, and the sewage service shall be billed at the appropriate rates

in § 54.47. Further, as is hereinafter provided in this section, the city may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the city that such quantities do not enter the sanitary sewage system:

(A) If a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the water utility serving the city, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the city, then the amount of water used shall be otherwise measured or determined by the city. In order to ascertain the rate or charge provided in this subchapter, the owner or other interested party shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

(B) If a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, is a user of water supplied by the water utility serving the city and, in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the city, then the amount of water used shall be otherwise measured or determined by the city. In order to ascertain the rates or charges, the owner or other interested parties shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

(C) If two or more residential lots, parcels of real estate or buildings discharging sanitary sewage water or other liquids into the city'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 minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.

(D) If two or more dwelling units such as mobile homes, manufactured homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the city'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, except that there will be an additional charge of \$.90 \$2.85 per month for each additional unit. In the case of mobile home parks and in the case of manufactured home parks, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A **DWELLING UNIT** shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

(E) In order that the single-family domestic and residential users of sewage service shall not be penalized for sprinkling lawns during the summer months of July, August and September, the billing for sewage service for residences or domestic users for such months shall be based upon the water usage for the previous months of January, February and March. If the water usage for such previous months is greater than the water usage for such summer months then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic or residential sewage service as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and used as a single-family residence. Such sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. If a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential proportion of the premises is served through a separate meter and in such case the water usage ad registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

(F) If a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, and uses water in excess of 45,000 gallons per quarter, and it can be shown to the satisfaction of the city that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewerage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge. ('79 Code, § 20-81) (Ord. passed 5-10-76; Am. Ord. passed 2-28-79; Am. Ord. 52692, passed 6-16-92)

(G) In order that single-family domestic and residential users of sewage service shall not be penalized for water used in connection with swimming pool fills or refills, such users shall not be charged for sewage service based upon water usage for the following purposes:

(1) The initial fill-up of a newly constructed swimming pool.

(2) The fill-up of an existing pool that has been completely drained for repair or rehabilitation of the pool structure or of a pool liner.

(3) The partial fill-up necessary in the spring of the year or when a pool is reopened after winter closure. This exception is limited to one time per year, any additional partial fill-ups occasioned as a result of evaporation, leakage, backwashing filters or other causes is not included in this exception.

('79 Code, § 20-81) (Am. Ord. 4792-2, passed 4-7-92)

(H) In order that the Parks and Recreation Department, or its successors, shall not be penalized for water used in connection with the municipal swimming pool located at Feick Park, there shall not be a charge for sewage service based upon water usage for water metered at the pump house used to fill or refill the swimming pool, without limitation.

('79 Code, § 20-81) (Ord. 4792, passed 4-7-92; Am. Ord. 52692, passed 6-16-92; Am. Ord. 7792, passed 7-7-92)

§ 54.49 RATE SURCHARGE FOR INDUSTRIAL USERS.

(A) In order that the rates and charges may be justly and equitably adjusted to the service rendered to industrial users, the city shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The city shall require the industrial 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 city may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The industrial user shall furnish a central sampling point available to the city at all times.

(B) Normal sewage domestic waste; strength should not exceed a BOD of 200 mg/l of fluid, suspended solids in excess of 250 mg/l fluid. Additional charges for treating stronger-than-normal domestic waste are set forth in § 54.47.

(C) The determination of suspended solids and five day BOD 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, the Water Pollution Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants," Regulations CFR Part 136, published in the Federal Register on October 16, 1973.

('79 Code, § 20-82) (Ord. passed 5-10-76)

§ 54.50 BILLING; DELINQUENT ACCOUNTS.

(A) Sewage charges for sewerage service shall be prepared, and billed by the city along with the bills for water service and shall be payable at the same time as the water bills.

(B) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the city for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

(C) As is provided by IC 36-9-23-31, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of 10% of the amount of the rates or charges shall thereupon attach hereto. The time at which such rates or charges shall be paid shall be determined by the city in its discretion and be printed on the bill.

(D) Charges for sewerage service levied pursuant to this subchapter shall be due and payable on or before the due date shown on the bills. Any service charge not paid by the due date (approximately 15 days after the bill is rendered) shall be considered delinquent. Such delinquent charge together with any applied penalties shall be collectible as hereinafter set forth.

(E) As provided by the statutes of the state, delinquent sewerage service charges may be made a lien against the property served through certification to the Auditor and the Recorder of the county. In such case, the delinquent service charges, together with the mandatory penalty of 10%, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.

(F) In addition to the foregoing remedies, the city shall have the right to bring a civil action to recover any delinquent charges, together with a penalty of 10% and a reasonable attorney's fee. It shall also have the right, as provided by the statutes of the state, to foreclose any lien established under the provisions of this subchapter with recovery of the charge, a penalty of 10% and a reasonable attorney's fee as provided by state law.

(G) There shall be a charge of \$1.50 for each duplicate bill prepared by the city. ('79 Code, § 20-83) (Ord. passed 5-10-76, Am. Ord. 52692, passed 6-16-92; Am. Ord. 52692-3, passed 6-16-92; Am. Ord. 97-27, passed 12-2-97)

§ 54.51 REVIEW OF FAIRNESS OF RATES.

(A) 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 of user classes, the city shall cause a study to be made within a reasonable period of time following the first 12 months of operation, following the date on which this chapter went 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 or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems.

(B) Thereafter, on an annual basis, within a reasonable period of time following the normal accounting period, the city shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis. Such studies shall be conducted by officers or employees of the city 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 city shall determine to be best under the circumstances.
(‘79 Code, § 20-84) (Ord. passed 5-10-76; Am. Ord. 52692, passed 6-16-92; Am. Ord. 52692-3, passed 6-16-92)

§ 54.52 ENFORCEMENT.

(A) The city shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical and efficient management of the city's sewerage system, pumping stations and sewage treatment works, 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.

(B) The city is hereby authorized to prohibit dumping of wastes into the city's sewerage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the city, or to require methods affecting pretreatment of the wastes to comply with the pretreatment standards included in the NPDES permit issued to the sewage works.
(‘79 Code, § 20-85) (Ord. passed 5-10-76; Am. Ord. 52692, passed 6-16-92; Am. Ord. 52692-3, passed 6-16-92)

§ 54.53 SEWER CONNECTION FEES.

(A) The fee or charge that shall be paid to the city for the right to connect to any city sanitary sewer shall be as follows:

(1) Residential in city limits (per each dwelling; multiple-dwelling units shall pay a fee equal to the connection fee times each separately numbered unit for postal services): \$1,500, with a maximum connection fee in connection with a multiple dwelling residential unit of \$5,000.

(2) Non-residential in city limits: \$1,500 per Equivalent Dwelling Unit (EDU), with a maximum connection fee of \$5,000.

(3) All residential connections outside city limits: \$1,500, with a maximum connection fee in connection with a multiple dwelling residential unit of \$5,000.

(4) Non-residential outside city limits: \$1,500 per Equivalent Dwelling Unit (EDU), with a maximum connection fee of \$5,000.

(B) **EQUIVALENT DWELLING UNITS (EDU)** shall mean the average wastewater flow, estimated or metered of 310 gallons per day. All EDU calculations shall be rounded to the next highest integer. All single-family residential customers shall be deemed to be one EDU.
(‘79 Code, § 20-86) (Ord. passed 8-16-83; Am. Ord. 52692, passed 6-16-92; Am. Ord. 52692-3, passed 6-16-92; Am. Ord. 2001-5, passed 6-19-01; Am. Ord. 2005-1, passed 2-1-05)

§ 54.54 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 special rates shall be based on such costs.
(Ord. 52692-3, passed 6-16-92)

§ 54.55 DEPOSIT.

No applicant or consumer shall be hereafter connected for service by the sewage works or entitled to receive service from the sewage works utility until such applicant or consumer shall apply at the utility office for such service, pay all delinquencies, if any, standing against such consumer, wheresoever incurred, and shall make a deposit with the city in the amount of \$100. (Ord. 2001-5, passed 6-19-01; Am. Ord. 2002-27, passed 11-19-02)

INDUSTRIAL RECOVERY CHARGES**§ 54.65 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, adopted by the 92nd Congress on October 18, 1972.

AMOUNTS FOR RECONSTRUCTION AND EXPANSION. Those amounts which represent a minimum of 80% of the amount retained by the city, together with interest earned thereon. These amounts shall be used solely for the eligible costs of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the act. The city shall obtain the written approval of the regional administrator of the United States Environmental Protection Agency (USEPA) prior to commitment of the retained amounts for any expansion and reconstruction. The remaining 20% of retained amounts may be used at the discretion of the city.

FEDERAL GRANT AMOUNTS, That portion of the total construction costs for Project Number C-180394 01 which was sponsored by the United States Environmental Protection Agency. Total eligible construction costs will amount to approximately \$735,800. The federal grant will amount to approximately \$551,850.

INDUSTRIAL COST RECOVERY PERIOD. That period during which the grant amount allocable to the treatment of wastes from industrial users is recovered from the industrial users of such works, which shall be a period of 30 years.

INDUSTRIAL USER. Any nongovernmental user of the treatment works identified in the "Standard Industrial Classification Manual," 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (1) Division A - Agriculture, Forestry and Fishing.
- (2) Division B - Mining.
- (3) Division D - Manufacturing.
- (4) Division E - Transportation, Communication, Electric, Gas and Sanitary Services.
- (5) Division I - Services.

A user in the divisions listed may be excluded if it is determined that such user will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

NONINDUSTRIAL USER. Any governmental or residential user. The term also includes commercial, institutional and other industrial users where it has been determined that the wastes contributed by these users is primarily segregated domestic wastes or wastes from sanitary conveniences.

NORMAL DOMESTIC WASTES. Wastes which do not exceed a biochemical oxygen demand (BOD) strength of 200 mg/l of fluid, a suspended solids strength in excess of 250 mg/l of fluid. Also, it shall mean wastewaters from segregated domestic or sanitary conveniences as distinct from wastes from industrial processes, or a phosphorus strength of 10 mg/l of fluid.

PAYMENT TO UNITED STATES TREASURY. That portion of the recovered amounts that must be returned to the United States Treasury on an annual basis. The annual payments to the United States Treasury shall amount to 50% of the annual recovered amounts, together with interest earned thereon.

PROJECT NUMBER C-180394 01. A separate and distinct construction project for construction of the municipal sewage works which was sponsored by the United States Environmental Protection Agency under the provisions of Public Law 92-500. This project does not include past or future construction, equipment or other services not included under the specific project number and the approved plans, specifications and approved change orders for the project which are on file in the city hall, and by reference made a part of this subchapter as fully as if same were attached hereto or incorporated herein.

RECOVERED AMOUNTS. The annual payments from industrial users for their share of the federal grant allocable to the cost of treating industrial waste, which is determined by dividing the amount of the total federal grant, allocable to the treatment of industrial waste, by the recovery period.

RETAINED AMOUNTS. That portion of the recovered amounts retained by the city. The retained amounts shall be equal to 50% of the recovered amounts, together with interest earned thereon.

SEGREGATED DOMESTIC WASTES. Wastes from nonresidential sources, resulting from normal domestic activities and measurable and set apart from industrial trade or process discharges.

('79 Code, § 20-93) (Ord. passed 5-10-76)

§ 54.66 DETERMINATION.

In order to comply with federal regulations, in the case of federal grant assistance for the construction of waste treatment works, where it has been determined that "industrial users" defined in § 54.65, or as amended by appropriate federal regulations, are required to reimburse a portion of the federal grant amount allocable to the capital cost of constructing facilities for the treatment of "industrial wastes," rates and charges shall be collected from each industrial user connected to the municipal sewerage works or who otherwise discharges sewage, water or liquids, either directly or indirectly, into the municipal waste treatment system, which charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(A) The industrial cost recovery charges for the treatment of industrial wastes shall be based upon the volume of sewage flow billed to industrial users, as determined in accordance with appropriate provisions for determining billed flow included in §§ 54.15 through 54.35 and the total strength and character of industrial wastes which is introduced into the waste treatment system. The strength and character of industrial wastes shall be measured at the industrial users expense as provided for in §§ 54.15 through 54.35 and furnished to the city. The owner or industrial user shall furnish a central sampling point available to the city at all times. If the

measurement of the strength and character of industrial wastes are not provided to the city on a timely basis, the measurements of the strength and character of industrial wastes shall be determined by the city on the basis of a sample, authorized hereunder, to be taken by the city for the purpose of appropriate billing. The industrial cost recovery rates for the treatment of wastes shall be as follows:

- (1) Monthly volume flow, which includes normal domestic wastes (BOD 200 mg/l, suspended solids 250 mg/l and phosphorus of 10 mg/l), per 1,000 gallons, \$.0631.
- (2) Monthly pounds of BOD in excess of 200 mg/l, per pound, \$.0097.
- (3) Monthly pounds of suspended solids in excess of 250 mg/l, per pound, \$.0087.
- (4) Monthly pounds of phosphorus in excess of 10 mg/l, per pound, \$.0431.

(B) However, if an "industrial user" can and does show to the satisfaction of the city that a portion of the total monthly billed sewage flow is from sanitary conveniences, then the flow and pollutant loadings to which the industrial cost recovery charge is applied, shall be determined on the basis of net flow and pollutant loadings excluding sanitary conveniences.

(C) The industrial cost recovery charges for treatment services on or after the effective date as stated in § 54.71, shall be prepared and billed quarterly.
(‘79 Code, § 20-94) (Ord. passed 5-10-76)

§ 54.67 USERS SUBJECT TO CHARGES.

The city shall determine which users are subject to paying the industrial cost recovery charges, in the following manner.

(A) The city shall require appropriate employees of the sewage works to review billing records and prepare a list of all potential users, as identified in each of the divisions listed in § 54.65.

(B) The list of all potential industrial users shall be analyzed on the basis of data available at the sewage works billing office (i.e., type of business, volume charges, excessive loading charges, estimated number of employees and the like) for the purpose of developing preliminary lists of probable "industrial" and probable "nonindustrial" users.

(C) The city shall conduct an immediate survey of all probable "industrial" users in order to substantiate the validity of classifying a particular user as an "industrial" user. Each user initially classified as an industrial user, shall be notified as to their classification.

(D) After completing the survey of all probable "industrial" users, the city shall review the list of probable "nonindustrial" users to determine if the initial classification of any of these users should be reconsidered. Where appropriate, individual users will be contacted in order to determine the proper classification.

(E) After completing the survey of all probable "industrial" users, the city shall review the list of probable "nonindustrial" users to determine if the initial classification of any of these users should be reconsidered. Where appropriate, individual users will be contacted in order to determine the proper classification.

(F) Within a reasonable period of time following completion of the sewerage works construction project, the city shall have completed the initial classification of all industrial users. During the first calendar year of operation, subsequent to completion of the construction project,

and annually thereafter, the city will review, classify and reclassify all users as either industrial or nonindustrial users based upon measurements and data obtained by the city or furnished by individual users. Normally, each user will retain his or her classification until the next succeeding classification period. However, if there is a substantial change in the strength, volume or delivery flow rate characteristics introduced into the treatment works by an individual user, then the classification of that user may be reviewed and established during the year in the light of the conditions and attending circumstances of each case.
(‘79 Code, § 20-95) (Ord. passed 5-10-76)

§ 54.68 BASIS FOR CHARGES.

The basis for the industrial cost recovery rates and charges included in § 54.66, are as follows:

(A) Total estimated federal grant amount to be awarded for the plant improvements and interceptor sewers under Project Number C-180394 01 amounts to approximately \$551,850.

(B) The consulting engineers estimate that an equitable distribution on a percentage basis of the total cost of construction and equipment included in the treatment plant project would be as follows:

- (1) Treatment of sanitary waste flow, 0%
- (2) Treatment of suspended solids, 45%
- (3) Treatment of BOD, 45%
- (4) Treatment of phosphorus, 10%

(C) The design flow capacity of 292 M.G.

(1) Flow. Annual design flow capacity of 292 M.G.

(2) Suspended solids. Design capacity 250 mg/l, times annual flow capacity 292 M.G., times weight will result in 608,309# average annual design capacity.

(3) BOD. Design capacity 200 mg/l, times annual flow capacity 292 M.G., times weight will result in 486,647# average annual design capacity.

(4) Phosphorus. Design capacity 10 mg/l times annual flow capacity 292 M.G., times weight will result in 24,332# average annual design capacity.

(D) Industrial cost recovery period will be 30 years.

(E) Average annual basis for the cost recovery charge will amount to \$18,395 (\$551,850 federal grant, divided by 30 years recovery period, \$10,485 allocated to plant and \$7,910 allocated to the collection system).

(F) Total annual basis for the cost recovery charge allocated to treatment functions, is as follows:

- (1) Treatment of waste volume (\$10,485 x 0%), \$0.00.
- (2) Treatment of suspended solids (\$10,485 x 45%), \$4,718.
- (3) Treatment of BOD (\$10,485 x 45%), \$4,718.

(4) Treatment of phosphorus (\$10,485 x 10%), \$1,049.

(G) The industrial cost recovery rates for the treatment charges are computed on the basis of the annual functional costs of treatment, divided by average annual design capacity in the following manner:

(1) Treatment of sanitary waste volume. Annual functional cost of \$7,910 (plant \$0 plus collection system of \$7,910) divided by annual capacity 292 M.G., equals \$.0271 per 1,000 gallons.

(2) Treatment of suspended solids. Annual functional cost of \$4,718 divided by annual capacity of 608,309 pounds equals \$.0078 per pound.

(3) Treatment of biochemical oxygen demand. Annual functional cost of \$4,718 divided by annual capacity of 486,647 equals \$.0097 per pound.

(4) Treatment of phosphorus. Annual functional cost of \$1,049 divided by annual capacity of 24,332 pounds equals \$.0431 per pound.

(H) The rates computed in division (G) above, would result in total recovery of the federal grant amount if all users were subject to the industrial cost recovery requirements, and provided that the treatment plant was operated at capacity during the cost recovery period. Therefore, these rates will ensure that each industrial user will pay only that portion of the federal grant amount applicable to the costs of the treatment facilities actually utilized to treat industrial wastes, as determined by each industrial users flow and pollutant loadings.

('79 Code, § 20-96) (Ord. passed 5-10-76)

§ 54.69 ACCOUNTING OF FUNDS.

The city shall account for all industrial cost recovery payments in the following manner:

(A) All revenues derived from the industrial cost recovery rates and charges shall be segregated and kept in a special fund, separate and apart from all other funds of the city. The special fund shall be designated the "sewage works industrial cost recovery fund" and payment of the amount into the fund shall be deemed a reasonable expense of operation of the sewage works for the purpose of computing net operating revenue.

(B) Within 45 days following the end of the first calendar year after completion of construction of the sewerage facilities and annually thereafter, the city shall return 50% of the amounts recovered through the industrial cost recovery charges, together with any interest earned thereon, to the United States Treasury. Pending use, the city shall invest the retained amounts for reconstruction and expansion in:

(1) Obligations of the United States government;

(2) Obligations guaranteed as to principal and interest by the united States Government or any agency thereof; or

(3) Shall deposit such amounts in accounts fully collateralized by obligations of the United States Government or by obligations fully guaranteed as to principal and interest by the United States Government or any agency thereof.

(C) Eighty percent of the funds retained by the city in the "sewage works industrial cost recovery fund" or authorized investments and the interest earned thereon, shall be expended only for the purpose of eligible costs of expansion or reconstruction of the treatment works. The

city shall obtain the written approval of the regional administrator of the United States Environmental Protection Agency prior to commitment of the retained amounts for any expansion and reconstruction. The remaining 20% of the funds retained by the city may be utilized for any authorized use associated with the sewerage works.
(‘79 Code, § 20-97) (Ord. passed 5-10-76)

§ 54.70 REVIEW OF RECORDS TO DETERMINE FLOW CHARACTERISTICS.

Upon request from EPA, the city shall encourage each industrial user to permit representatives of the United States Environmental Protection Agency to review appropriate industrial sewage records for the purpose of independently verifying the flow and characteristics of industrial wastes which are introduced into the treatment works. No waste introduced into the waste treatment system shall interfere with the operation or performance of the sewage treatment works. All users are subject to the requirements of pretreatment standards established by federal and state law.
(‘79 Code, § 20-98) (Ord. passed 5-10-76)

§ 54.71 BILLING.

(A) The industrial cost recovery rates and charges shall be prepared, billed and collected in the manner provided by law, this code and any other ordinances of the city.

(B) The industrial cost recovery charges for treatment services shall become effective for services rendered during the first calendar quarter following completion of construction and shall be prepared and billed quarterly.
(‘79 Code, § 20-99) (Ord. passed 5-10-76)

SEWER-EXCAVATOR CONTRACTOR REGISTRATION

§ 54.85 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SEWER-EXCAVATOR CONTRACTOR. Any person, firm or corporation engage in the business of installing, altering or repairing of private sewers or drain lines conducting wastewater, stormwater, liquid waste or human excrement outside the foundation walls of any building over private property to the property line for tap-in or connection with a public sewer.

SEWER EXCAVATION. The performance of the work, labor and services as described in the foregoing definition of “sewer-excavator contractor.”
(‘79 Code, § 7-60) (Ord. passed 3-18-80)

§ 54.86 REGISTRATION.

It shall be unlawful for any sewer-excavator contractor to engage in sewer-excavation work without first having registered with the Clerk-Treasurer or his or her designee.
(‘79 Code, § 7-60.1) (Ord. passed 3-18-80)

§ 54.87 FORM.

Registration shall be on the form prescribed by the Board of Public Works and Safety and each applicant shall complete the form provided giving true and correct information concerning business address, experience and such other information as may be required.

('79 Code, § 7-60.2) (Ord. passed 3-18-80)

§ 54.88 APPROVAL AND FEE.

(A) The application shall be submitted to the Common Council for review and official action. If the Common Council approves the application, the Clerk-Treasurer shall be directed to issue to such applicant a registration certificate upon the payment by the applicant of a fee of \$25 as registration fee, which funds shall be deposited in the city general fund. Such certificate shall expire on the next succeeding December 31.

(B) If the Common Council rejects the application, the applicant shall be permitted to file a request in writing within 30 days for a hearing to review the application and present such evidence as the applicant may deem pertinent, and thereafter the Common Council upon receiving such request shall grant the applicant the right of a review hearing in open meeting.

('79 Code, § 7-60.3) (Ord. passed 3-18-80)

§ 54.89 CERTIFICATES NONTRANSFERABLE.

Registrants must have the certificates so issued on the premises of every work project performed in connection with such sewer-excavation work and the certificates shall be nontransferable to other persons, firms or corporations.

('79 Code, § 7-60.4) (Ord. passed 3-18-80)

§ 54.90 CERTIFICATED REGISTRANT PRESENT ON EVERY PROJECT.

Each and every time that a certificated registrant contracts to perform a sewer excavation work service, the registrant must report the project to the Clerk-Treasurer or his or her designee and obtain a digging tap-in permit. If employees are retained to assist the certificated registrant, the certified person must be present on the job project to supervise the work at all times and all work must be performed with the materials prescribed by the Common Council or its agent and designees, and in the manner they shall direct. All sewer tap-in and excavation work, laying of pipe or conduit, shall be subject to the inspection by the agent or designee of the Common Council and no such excavation shall be filled in until a written approval of the work is given by the Superintendent of the Sewer Department. All work shall be performed in conformance with the "Federal Sewage Work Grant Project C-180772, Project Engineers Sewer Tap Line Recommendations," a copy of which shall be provided to all certificated registrants. Any work with improper material, or performed in an unworkmanlike manner in the judgment of the Superintendent of the Sewer Department, shall be subject to an order that it be redone or a cease and desist order shall be issued from the Sewer Department Superintendent which, if ignored by the registrant, shall subject the registrant to litigation in a court of proper jurisdiction in actions for injunctions by the city as the plaintiff-petitioner; and should such court in such proceeding find that such cease and desist order was wilfully and knowingly ignored, the court may, in addition to the imposition of an injunctive order, levy a fine as prescribed in § 54.99(C).

('79 Code, § 7-60.5) (Ord. passed 3-18-80) Penalty, see § 54.99(C)

§ 54.91 RENEWAL.

All certified registrants shall renew their applications annually by the resubmission of a new application and payment of renewal fee of \$25.
(‘79 Code, § 7-60.6) (Ord. passed 3-18-80)

§ 54.92 PERFORMING WORK WITHOUT CERTIFICATE OR PERMIT.

Any person performing the work described herein without first receiving a registrant’s certificate or any certificated registrant performing the work described herein without first obtaining a project dig permit as described herein shall be subject to prosecution by the city attorney for the commission of a Class C infraction as provided by the criminal code of the state in any court of proper jurisdiction of such matters.
(‘79 Code, § 7-60.7) (Ord. passed 3-18-80) Penalty, see § 54.99(C)

§ 54.98 VIOLATIONS.

Any person found to be violating any provision of this chapter except § 54.34 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
(‘79 Code, § 20-70) (Ord. passed 5-10-76)

§ 54.99 PENALTY.

(A) Any person who shall continue any violation beyond the time limited provided for in § 54.99 shall be guilty of a violation of this chapter punishable as set forth in § 10.99.

(B) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city or downstream users by reason of such violation. (‘79 Code, § 5-10-76)

(C) (1) Should the court in such proceeding described in § 54.90 find that a cease and desist order was wilfully and knowingly ignored, the court may, in addition to the imposition of an injunctive order, levy a fine not to exceed \$5,000 and the costs of the action against the certificated registrant in charge of the project. (‘79 Code, § 7-60.5)

(2) Any person who shall violate § 54.92 shall be fined in the amount of \$1,000 plus court costs assessed therein. A second violation within a period of one year from the date of the first offense is committed shall be treated as a Class B infraction and the fine imposed shall be \$2,500.
(‘79 Code, § 7-60.7) (Ord. passed 3-18-80)

