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## CH11 11 .4 - Municipal Sewage Works

### Amendments and Repeals

Sections of this ordinance have since been Amended By - [9-2008](#) [1-2009](#) [2-2014](#) [6-2015](#) [2-2018](#)

The Board of Trustees of the Town of Lapel, Indiana enters into a contract with the Public Service Company of Indiana, Inc. for electric energy for power and light for operating a municipal WATER PUMPING AND SEWAGE DISPOSAL system. (Ord 4 1984, passed 7/25/84)

Codifer's note:

ORDINANCE NO. 22-1978 PROVIDED:

"An ordinance establishing a schedule of rates and charges to

be collected by the Town of Lapel from the owners of property served by the sewage works of said Town and other matters connected therewith.

WHEREAS, the Board . . . has heretofore approved plans, specifications and estimates and determined to establish, construct, equip, own, operate and maintain the sewage works provided for therein, and a sewage treatment plant under and pursuant to Chapter 284 of the Acts of the General Assembly of the State of Indiana for the year 1967, [[IND. CODE 36-9-22-2](#)] and all acts supplemental thereto, and

WHEREAS, the Town is the recipient of a grant from the U.S. Environmental Protection Agency and the State of Indiana; and

WHEREAS, the Town will sell revenue bonds to fund that portion of the cost of the sewage works not covered by grants; and

WHEREAS, it is necessary to establish a schedule of rates and charges to produce sufficient revenue to pay expenses of maintenance and operation to pay the principal and interest on outstanding revenue bonds, and to provide funds for necessary replacements and improvements to the sewage works, all in a manner in accordance with guidelines of the U.S. Environmental Protection Agency; now therefore

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAPEL, INDIANA:

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ORDINANCE NO. 5-1978 PROVIDED:

"An ordinance providing for the establishment of an industrial cost recovery system, to recover from industrial users of the sewage treatment plant that portion of the federal grant, allocable to industrial users, for the construction of the Lapel Municipal Sewage Treatment Plant.

WHEREAS, the Town . . . has received a federal grant for the construction of waste treatment facilities which is identified by the U.S. Environmental Protection Agency as Project Number C-180556; and

WHEREAS, in order to comply with special grant conditions under Public Law 92-500, [33 U.S.C. 1251 et. seq.] which requires the Town to recover from industrial users of the waste treatment facilities, that portion of the grant amount allocable to the treatment of industrial wastes; and

WHEREAS, the Town must establish a system of industrial cost recovery based upon federal guidelines; now therefore,

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAPEL, INDIANA:

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- a. Unless the context specifically indicates otherwise, the meaning of terms used in this section shall be as follows:
1. "Amounts for reconstruction and expansion" shall mean those amounts which represent a minimum of Eighty percent (80%) of the amount retained by the Town, together with interest earned thereon. These amounts shall be used solely for reconstruction and expansion of waste treatment facilities which must be approved by the U.S. Environmental Protection Agency. The remaining Twenty percent (20%) of retained amounts may be used at the discretion of the Town.
  2. "Biochemical oxygen demand" (BOD) shall mean the quantity of oxygen expressed in mg/1, utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees centigrade (20° C).
  3. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.
  4. "Building drain - sanitary" -- A building drain which conveys sanitary or industrial sewage only.

5. "Building drain - storm " -- A building drain which conveys storm water or other clearwater drainage, but no wastewater.
6. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, and is identical to a house connection.
7. "Building sewer - sanitary" -- A building sewer which conveys sanitary or industrial sewage only.
8. "Building sewer - storm" -- A building sewer which conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage.
9. "Collector sewer" shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.
10. "Combined sewage" shall mean wastes including sanitary sewage, industrial sewage, stormwater, infiltration and inflow carried to the water system facilities by a combined sewer.
11. "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
12. "Commercial User" shall mean any establishment listed in the Office of Management Budget's Standard Industrial Classification Manual, 1972 edition, as amended.
13. "Compatible pollutant" shall mean biochemical oxygen demand, suspended solids, ph, and decal 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 eighty (80) percent or greater. Minor incidental removals in the order of ten (10) to thirty (30) percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:
  - a. chemical oxygen demand,
  - b. total organic carbon,
  - c. phosphorus and phosphorus compounds,
  - d. nitrogen and nitrogen compounds, and
  - e. fats, oils, and greases of animal or vegetable origin, except as prohibited where these materials would interfere with the operation of the treatment works.
14. "Debt service costs" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.
15. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
16. "Excessive strength surcharges" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
17. "Fecal coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewer is an indicator of pollution.
18. "Federal grant amounts" shall mean that portion of the total construction costs for Project Number c-180556 which was sponsored by the U.S. Environmental Protection Agency.
19. "Floatable oil" shall mean oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town.
20. "Force main" shall mean a pipe in which wastewater is carried under pressure.

21. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
22. "Governmental Use" shall mean any Federal, State, or local governmental user of the waste water treatment works.
23. "Incompatible pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.
24. "Industrial Classification Manual" (1972 Edition) involved in a commercial enterprise, business or service which, based on a determination by the Town, discharges primary segregated domestic wastes or wastes from sanitary conveniences.
25. "Industrial sewage" shall mean a combination of liquid and water carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment. This shall include the wastes from pretreatment facilities and polluted cooling water.
26. "Industrial user" shall mean
  1. any non-governmental, non-residential user of the Town's sewage works which discharges more than the equivalent of Twenty Five Thousand (25,000) gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972.
    - o Office of Management and Budget, as amended and supplemented under on of the following divisions:
      - o Division A - Agriculture, Forestry and Fishing
      - o Division B - Mining
      - o Division D - Manufacturing
      - o Division E - Transportation, Communications, Electric, Gas and Sanitary
      - o Division I - Services
    - o The Town will exclude domestic wastes or discharges from sanitary conveniences in determining the amount of a user's discharge for purposes of industrial cost recovery.
    - o After applying the sanitary waste exclusion above, discharge in the above divisions that have a volume exceeding Twenty Five Thousand (25,000) gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (S.S) equivalent to that weight found in Twenty Five Thousand (25,000) gpd of sanitary waste are considered industrial users. Sanitary waste shall have the same meaning as normal domestic waste defined in (40) of this subsection.
  2. Any non-governmental user of the Town's sewage works which discharges waste-water to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or interfere with any sewage or treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.
27. "Industrial wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.

28. "Infiltration" shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include and is distinguished from inflow.
29. "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
30. "Inflow" shall mean the water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration.
31. "Inspector" shall mean the person or persons duly authorized by the Board to inspect and approve the installation of building sewers and their connection to the public sewer system.
32. "Institutional User" shall mean any establishment listed in the "SICM" involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town, discharges primarily segregated domestic wastes from sanitary conveniences.
33. "Interceptor sewer" shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
34. "Major contributing industry" shall mean an industry that:
- a. has a flow of Fifty Thousand (50,000) gallons or more per average work day;
  - b. has a flow greater than five (5%) percent of the flow carried by the municipal system receiving the waste;
  - c. has in its waste a toxic pollutants in toxic amounts as defined in standards issued under 33 U.S.C. 1251 et. seq., as amended;
  - d. has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.
35. "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
36. "Non-industrial users" shall mean any user of the Town's sewage works not included in the definition of Industrial User.
37. "Normal domestic sewage" for the purpose of determining surcharges shall mean wastewater or sewage having an average daily concentration as follows:
- BOD not more than 160 mg/1
  - S.S. not more than 186 mg/1
  - As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.
38. "Normal domestic wastes" shall mean wastes which do not exceed 160 milligrams per liter of fluid, or a suspended solid strength in excess of 186 milligrams per liter of fluid.
39. "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to 33 U.S.C. 1251, seq., as amended.

40. "Operation and maintenance costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. These costs include replacement.
41. "other service charges" shall mean tap charges, connection charges, area charges, and other identifiable charges, other than User Charges, debt service charges and excessive strength surcharges.
42. "Payment to U.S. Treasury" shall mean 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 Fifty (50) percent of the annual recovered amounts, together with interest earned thereon.
43. "Person" shall mean any individual, firm, company, association, society, corporation or group discharging any wastewater to WWTW.
44. "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.
45. "Pretreatment" shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.
46. "Private sewer" shall mean a sewer which is not owned by a public authority.
47. "Project Number C-180556" is defined as a separate and distinct construction project for construction of the Town Municipal Sewage Works which was sponsored by the U.S. Environmental Protection Agency under the provisions of 33 U.S.C. 1251, et seq., as amended. 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 available for inspection in the Town Hall, and are incorporated herein by reference.
48. "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (2) inch in any dimension.
49. "Public sewer" shall mean a sewer which is owned and controlled by the public authority consisting of a collector sewer, interceptor sewer, force main and pumping station.
50. "Pumping station" shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.
51. "Recovered amounts" shall mean 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.
52. "Recovery period" shall mean the industrial cost recovery period, which is hereby defined as a period of thirty (30) years.
53. "Replacement costs" shall mean 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.

54. "Residential User" shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.
55. "Retained amount" shall mean that portion of the recovered amounts retained by the Town. The retained amounts shall be equal to Fifty percent (50%) of the recovered amounts, together with interest earned thereon.
56. "Sanitary sewage" shall mean the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.
57. "Sanitary sewer" shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.
58. "Segregated domestic wastes" shall mean wastes from non-residential sources, resulting from normal domestic activities and measurable and set apart from industrial trade or process discharges.
59. "Sewage" shall mean the combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water, sanitary sewage, industrial sewage, and combined sewage.
60. "Sewage works" shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.
61. "Sewer" shall mean a pipe or conduit for carrying sewage.
62. "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than ten (10) minutes more than three (3) times the average twenty-four (24) hours concentration or flows during normal operation and shall adversely affect the collection system.
63. "Standard methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, The American Water Works Association and the Water Pollution Control Federation.
64. "Storm sewer" shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.
65. "Superintendent" shall mean the Superintendent of the Town sewage works or his or her authorized deputy, agent or representative.
66. "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.
67. "Total solids" shall mean the sum of suspended and dissolved solids.
68. "Toxic amount" shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to 33 U.S.C. 1251, *et. seq.*, as amended.
69. "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and water system facilities provided.

70. "User Charge" shall mean a charge levied on users of the water system works for the cost of operation and maintenance of such works pursuant to 33 U.S.C. 1251, et.seq., as amended.
71. "User class" shall mean the division of water system 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 non-industrial in the Industrial Cost Recovery System.
72. "Volatile organic matter" shall mean the material in the sewage solids transformed to gases or vapors when heated at Five Hundred Fifty degrees centigrade (550 C) for fifteen (15) to twenty (20) minutes.
73. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

b. Prohibited Activity:

1. No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the Town, any human or animal excrement, garbage or other objectionable waste.
2. No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. The Town shall require the removal of unpolluted waters from any wastewater collection or treatment facility if such removal is cost-effective and is in the best interest of all users of these facilities.
3. Stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the Town. No new connection shall be made 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.
4. No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this section and the NPDES Permit.
5. No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this section and the NPDES Permit.
6. Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
7. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting any street, alley or right-of-way in which there is now located a public sanitary or combined sewer of the Town, 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 section, within ninety



(90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

c. Private Sewage Disposal System:

1. Where a public sanitary or combined sewer is not available under the provisions of (b)(8) the building sewer shall be connected to a private sewer disposal system complying with the provisions of this section.
2. 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 Town, 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 Twenty-Five Dollars (\$25.00) shall be paid to the Town at the time the application is filed.
3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He 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 twenty-four (24) hours of the receipt of notice by the Superintendent.
4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
5. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in (c)(4), a direction connection shall be made to the public sewer in compliance with this section, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
6. The owner shall operate and maintain the private sewer disposal facilities in a sanitary manner at all times, at no expense to the Town.
7. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

d. Building Sewers

1. 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.
2. There shall be two (2) classes of building sewer permits:
  - a. for residential and commercial service, and
  - b. for service to establishments producing industrial wastes.
  - c. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other

information considered pertinent in the judgment of the Inspector. A permit and inspection fee of Ten Dollars (\$10.00) for a residential or commercial building sewer permit and Twenty-Five Dollars (\$25.00) for an industrial building sewer permit shall be paid to the Clerk Treasurer at the time the application is filed.

3. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
  4. A separate and independent building sewer shall be provided for every building. Except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.
  5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this section.
  6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, place of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of this code or other applicable Town rules and regulations. 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.
  7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
  8. No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
  9. The connection of the building sewer into the public sewer shall conform to the requirements of this code or other applicable Town rules and regulations, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
  10. The applicant of the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his or her representative.
  11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
- e. Improper Discharges into System:
1. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
    - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

- b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  - c. Any waters or wastes having a pH lower than five and one half (5.5) , or having other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of 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, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
2. 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 Superintendent 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. The substances prohibited are:
- a. Any liquid or vapor having a temperature higher than sixty five (65) degrees centigrade.
  - b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit/ (0 and 65) degrees C.
  - c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 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 water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting and 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 waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction 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 nine and one half (9.5).
  - i. Materials which exert or cause:
    - i. Unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries, and lime residues or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
    - ii. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
    - iii. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
    - iv. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in this section.
  - j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes 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.
3. 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 (e)(4) of this section, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
- a. Require new industries or industries with significant increase in discharges to submit information on wastewater characteristics and obtain prior approval for discharges.
  - b. Reject the wastes in whole or in part for any reason deemed appropriate by the Town.
  - c. Require pretreatment of such wastes to within the limits of normal sewage as defined.
  - d. Require control or flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, or
  - e. Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.
  - f. 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.
4. 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.
5. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

6. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. 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 of life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.
  7. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate subsection.
- f. 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 (40CFR Part 136), in addition to any more stringent requirements established by the Town, and any subsequent State or Federal Guidelines, Rules and Regulations.
  - g. Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the Town and no construction of such facilities shall be commenced until approval in writing, is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the Town to determine that such facilities are being operated in conformance with applicable Federal, State and local laws and permits. The owner shall maintain operating records and shall submit to the Town a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against Town monitoring records.
  - h. Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer where it is available, or to a combined sewer approved by the Town. Where a storm sewer is not available, discharge may be to a natural outlet approved by the Town and by the State. Where a storm sewer, combined sewer, or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the Town.
  - i. 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 clearer water shall be discharge in accordance with (h).

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

k. ...

1. The owner of any property serviced by a building sewer carrying industrial wastes or other non-residential wastewater may be required by the Town 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 Town. The structures shall be installed by the owner at his expense and shall be maintained by him as to be safe and accessible at all times.

2. Agents of the Town, the state water Pollution Control Agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling and testing.

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

m. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with latest edition of "Standard Methods", except for applications for the 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 (38 CFR 20758), and any subsequent revisions subject to approval by the Town.

n. Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding extreme changes in temperatures and shall be of substantial construction, be gas tight, water tight, and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

o. Users of the treatment works shall immediately notify the Town of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

p. All provisions of this section and limits set herein shall comply with any applicable State and/or Federal Requirements now or subsequently in effect.

q. No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works.

r. ...

1. The Superintendent, Inspector and other duly authorized Town 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 section. The Superintendent or his or her representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
    - a. The Town, through its employees and agents, shall be given authority to conduct inspections for code violations, fire code compliance, and zoning ordinance compliance of non-residential business properties. Such inspections shall be conducted upon application for utility services by nonresidential business properties and prior to such utility connection. (Res. No. 1-1993, passed 1/19/93)
  2. While performing the necessary work on private properties referred to in (r)(1) above, the Superintendent or duly authorized Town employees shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees. The Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in subsection (e).
  3. The Superintendent and other duly authorized Town employees bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- s. 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" as defined in (a), above, 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 Town sewage works or who otherwise discharges sewage, water or liquids, either directly or indirectly, into the Town waste treatment system, which charges shall be payable in an amount determinable as follows:
1. 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 the subsection on rates 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 user's expense as provided in the subsection on rates and furnished to the Town. The owner or industrial user shall furnish a central sampling point available to the Town at all times. If a measurement of the strength and

character of industrial wastes is not provided to the Town on a timely basis, the measurement of the strength and character of industrial wastes shall be determined by the Town on the basis of a sample to be taken by the Town for the purpose of appropriate billing. The industrial cost recovery rates for the treatment of wastes shall be as follows:

- MEASUREMENT

- Treatment Plant:

- Monthly volume flow, which includes normal domestic wastes (BOD 160 mg/1 and suspended solids 186 mg/1)  $\quad\quad\quad$  \$.17 per 1,000 Gal.
- Monthly pounds of BOD in excess of  $\quad\quad\quad$  160 mg/1  
\$.03 per pound
- Monthly pounds of suspended solids in excess of 186 mg/1  $\quad\quad$  \$.03 per pound
- Sewer collection system:
  1. The industrial cost recovery charges applicable to Project C-180556 shall be recovered from present or future industrial users who will be connected to that segment of the collection system directly served by the sewer additions identified with Project C-180556.
  2. Measurement and rate:
    - Monthly volume flow, which includes normal domestic wastes (BOD 160 mg/1 and suspended solids 186 mg/1).  $\quad\quad$  \$.11 per 1,000
  3. If an "industrial user" can and does show to the satisfaction of the Town 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.
  4. The industrial cost recovery charges for treatment services shall be prepared and billed quarterly.

t. The Town shall determine which users are subject to paying the industrial cost recovery charges, in the following manner:

1. The Town shall require appropriate employees of the sewage works to review billing records and prepare a list of all potential industrial users, as identified in each of the divisions listed in (a)(26) above.
2. 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, etc. for the purpose of developing preliminary lists of probable "industrial" and probable "non-industrial" users.
3. The Town 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 of their classification.
4. After completing the survey of all probable "industrial" users, the Town shall review the list or probable "non-industrial" users to determine if the initial classification of any of these users



should be reconsidered. Individual users shall be contacted in order to determine the proper classification.

5. After an industrial user has been notified of his or her classification, the user may request reconsideration by furnishing data and measurements acceptable to the Town for the determination of sewage discharges. The Town shall have the right to measure and determine the strength and content of all sewage and waste discharges, either directly or indirectly, into the Town's sanitary sewage system, in such manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of each case in order to determine the proper user classification.
6. Within a reasonable period of time following completion of the sewage works construction project, the Town shall complete 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 Town will review, classify and reclassify all users as either industrial or nonindustrial users based upon measurements and data obtained by the Town 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 circumstances of each case.
7. The rates computed in (s)(1) above, would result in total recovery of the federal grant amount if all users were subject to the industrial cost recovery requirement, and provided that the treatment plant was operated at capacity during the cost recovery period. Therefore, these rates will insure 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 user's flow and pollutant loadings.

u. The Town shall account for all industrial cost recovery payments in the following manner:

1. 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 Town. The special fund shall be designated the "Sewage Works Industrial Cost Recovery Fund" and payment of said amount into said fund shall be deemed a reasonable expense of operation of the sewage works for the purpose of computing net operating revenue.
2. Within forty-five (45) days following the end of the first calendar year after completion of construction of the sewage facilities and annually thereafter, the town shall return fifty percent (50%) of the amounts recovered through the industrial cost recovery charges, together with any interest earned thereon, to the U.S. Treasury. The remaining fifty percent (50%) retained by the Town shall be invested in authorized obligations of the U.S. Government or any agency thereof.
3. Eighty percent (80%) of the funds retained by the Town 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. All such expansion or reconstruction programs must be approved by the U.S. Environmental Protection Agency prior to commitment or expenditure of the retained funds. The remaining twenty percent

(20%) of the funds retained by the Town may be utilized for any authorized use associated with the sewage works.

v. Upon request from the U.S. Environmental Protection Agency, the Town shall require each industrial user to permit representatives of the U.S. 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 in to the treatment works. No waste introduced into the waste treatment system shall interfere with the operation or performance of the sewage treatment works.

w. ...

1. The industrial cost recovery rates and charges shall be prepared, billed and collected in the manner provided for in this section.

2. The industrial cost recovery charges for treatment services shall be prepared and billed quarterly.

x. Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, as definition 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 within each user class.

1. 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), as subsequently amended. 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.

2. The various classes of users of that treatment works for the purpose of this section, shall be as follows CLASS-:

1. Residential

2. Commercial

3. Governmental

4. Institutional

5. Wholesale residential

6. Industrial

y. The quantity of water discharged into the sanitary sewerage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates. The Town may make proper allowances in determining these wage bills for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town not to enter the sanitary sewerage system.

1. If a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the Town water utility, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. The owner or other interested party shall at his or her expense, install and maintain meters, wires, volumetric measuring devices or any

adequate and approved method of measurement acceptable to the Town to determine the sewage discharge and the rates charged under this section.

2. If a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the sanitary sewerage system, either directly or indirectly, is a user of water supplied by the Town water utility and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. The owner or other interested parties shall, at his or her expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town to determine the sewage discharge and the rates charged under this section.
  3. If two (2) or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.
  4. The billing for sewage service for residences and/or domestic users for the months of June through September inclusive shall be based upon the water usage for the previous months of December, January, February, and March. If the water usage for said previous months is greater than the water usage for said 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 and/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. The sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. If a portion of the premises shall be used for commercial or industrial purposes, the owner may separate the water service so that the residential portion of the premises is served through a separate meter. In such cases the water usage as registered by the water meter serving such portion of the premises used for residential purposes shall qualify under the sprinkling rate.
  5. If a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the sanitary sewerage system, either directly or indirectly, and uses water in excess of Fifteen Thousand (15,000) gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his or her expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- z. The Town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The Town shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewerage system, in such manner and by such method as the Town may deem practicable in the light of the conditions and attending circumstances of the case, in order to

determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

1. Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of One Hundred and Sixty (160) milligrams per liter of fluid or suspended solids in excess of One Hundred and Eighty-Six (186) milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis.
    - a. Rate Surcharge Based Upon Suspended Solids - There shall be an additional charge of nine (9) cents per pound of suspended solids for suspended solids received in excess of One Hundred and Eighty-Six (186) milligrams per liter of fluid.
    - b. Rate Surcharge Based Upon BOD - There shall be an additional charge of ten (10) cents per pound of biochemical oxygen demand for BOD received in excess of One Hundred and Sixty (160) milligrams per liter of fluid.
  2. The determination of Suspended Solids and Five (5) day Biochemical Oxygen Demand contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants," Regulation CFR Part 136, published in the Federal Register on October 16, 1973, as subsequently amended.
- aa. The owner of any lot, parcel of real estate or building connecting to the sewage works shall, prior to being permitted to make a connection, pay a connection charge in the amount of Nine Hundred and forty-five Dollars (\$945.00) for each connection. The Board now finds such a connection charge to be a reasonable and equitable pro rata cost of construction of a local or lateral sewer adequate to serve the property so connecting, and the cost of providing a connection to the sewer, excavation, backfilling, pavement replacement and installation of a sewer line from the sewer to the property line. (Ord. 9-1997, passed 8/19/97)
- ab. Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by this section.
1. The rates and charges for all users shall be prepared and billed monthly.
  2. The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein requested. The owner's of properties occupied by a tenant or tenants, shall have the right to examine the Town collection records to determine if bills have been paid by the tenant or tenants. Such examinations shall be made at the office at which said records are kept and during regular business hours.
  3. All rates or charges shall be due seventeen (17) days after the date of mailing of the bill. all rates and charges not paid when due are delinquent. A penalty of ten per cent (10%) of the amount of the rates or charges shall be attached to all delinquent charges.
- ac. The Town shall compile a study each year within a reasonable period of time following the normal accounting period. The study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluent from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works

and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems.

- o The study shall be conducted by Town officers or employees or by a firm of certified public accountants, or a firm of consulting engineers with experience in conducting such studies, or by any combination of officers, employees, certified public accountants, or engineers which the Town shall determine to be best under the circumstances.

ad. ...

1. The Town shall make and enforce the by-laws and regulations it deems necessary for the safe, economical and efficient management of the Town's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage system, and for the regulation, collections, rebating and refunding of rates and charges.
2. The Town may prohibit dumping of wastes into the sewage system which it deems harmful to the operation of the sewage treatment works, or may require pretreatment of wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works.

ae. ...

1. Any person violating any provision of this section except subsection (q) shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in the notice, permanently cease all violations.
2. Any person who shall continue any violation beyond the time limit provided for in (ee)(1) shall be fined an amount not exceeding Five Hundred Dollars (\$500.00) for each violation. Each day any violation continues beyond the time limited shall be deemed a separate offense.
3. Any person violating any of the provisions of this section including subsection (q) shall be liable to the Town for any expense, loss, or damage resulting from the violation.

af. The Board establishes the following rates and charges based upon the use of water supply for the waterworks system:

1. Treatment rate -- User charge shall be Two Dollars and Forty Cents (\$2.40) per one thousand (1,000) gallons of usage.
2. Sewer Rate Schedule- Monthly
  - Base Rate
    - 5/8 to 3/4 inch - \$18.50
    - 1 inch meter - \$25.35
    - 1/2 inch meter - \$39.60
    - 2 inch meter - \$139.30
    - 3 inch meter - \$315.05
    - 4 inch meter \$555.65
    - Sewer Tap Fee is \$945.00 (Ord. No. 2-1978)(Ord. 6-1995, passed 7/18/95)
  - Metered Rates Per Month (Per 1,000 Gallons)
    - First 2,000 gallons - \$5.75
    - Next 4,000 gallons - \$5.22

- Next 9,000 gallons - \$4.44
- Next 15,000 gallons - \$4.03
- Next 30,000 gallons - \$2.91
- **Minimum Charge Per Month**
  - Each user shall pay the minimum charge in accordance with the following applicable size of meter installed, for which the user will be entitled to the quantity of water set out in the above schedule of rates:
  - **Gallows Allowed**
    - 5/8 - 3/4 inch meter - 2,000 minimum, \$11.50 per month.
    - 1 inch meter - 3,117 minimum, \$17.30 per month
    - 1 - 1/4 inch meter - 5,325 minimum, \$28.87 per month
    - 1 - 2 inch meter - 7,736 minimum, \$40.36 per month
    - 2 inch meter - 9,009 minimum, \$46.21
    - 3 inch meter - 11,509 minimum, \$57.70
    - 4 inch meter - 19,624 minimum, \$92.43
    - 6 inch meter - 33,433 minimum, \$144.30

### 3. New Service Tap Charge

- The tap charge shall be \$690.00 for connections requiring a meter less than one inch in size. For taps requiring a one inch or larger meter, the charge shall be the actual expense of labor, materials and equipment required for the utility to make the connection. (Ord 6-1995, passed 7/18/95)

### 4. Fire Protection Service (Utility Maintained)

- Public Hydrant Rental - per Hydrant - \$259.93
- Private Hydrant Rental - per Hydrant - \$259.93
- The foregoing rates and charges shall become effective with the May, 2000, billing period, and shall be reflected on the customer bills due and payable in June, 2000.
- This Ordinance shall be in full force and effect from and after its passage and adoption. Except as hereby amended and revised, the Prior Ordinance shall remain in full force and effect. Ord. 5-2000, passed 5/11/2000
- **Utility Maintained**
  - Automatic sprinkler service connection - per annum ( in areas maintained by utility)
  - 1 inch connection - \$ 7.50
  - 2 inch connection - \$30.15
  - 3 inch connection - \$67.75
  - 4 inch connection - \$120.45
  - 6 inch connection - \$271.00

### 5. Disconnect Notice and Reconnect Charges

- A written disconnection notice shall be sent to allow 14 days from the date of mailing, for disconnection of services. The reconnection charge is \$20.00 per utility service upon the payment in full of the delinquent bill, for that particular service, by the customer. The Town will continue the practice of entering into separate agreements with customers of the Lapel

Municipal Gas System, Water System, and Sewage System for repayment of delinquent bills in an attempt to avoid the disconnection of such services.

a. It will be the policy of the Town of Lapel to assess a \$20.00 service charge, to utility customers, who present payment by check and that check is returned due to non-sufficient funds (NSF) or such check is presented on a closed account. Notification of assessment, by the town, of the \$20.00 service charge, will be submitted in writing and due and payable in 30 days upon written notification to the customer.

b. Disconnect Procedures

1. If property is a rental property, notify the property owner of impending disconnection to verify whether the utilities are to be left on in the owners name or disconnected.
2. If property has been sold, verify when new owner will be in to make meter deposits. If no deposits are received, the utilities will be disconnected until the new owner makes meter deposits.
3. If rental property and property owner requests utilities be left on in property owner's name, the new tenant will not be billed until all meter deposits have been paid. If no deposits are received, utility bills will remain in the property owner's name.
4. Seasonal shut-off/reconnect fee for the utilities of water and gas shall be in the following amounts:
  - Shut-off/reconnect of water \$20.00
  - Shut-off/reconnect of gas \$20.00
  - Shut-off/reconnect of gas and water \$25.00 (Ord. 6-1998, passed 6/18/98)

6. Collection and Deferred Payment Charges

- Any user of the sewer system whose building or connected sewer is located outside the town shall pay the above rate unless otherwise determined by the Board. All bills for water service not paid within 17 days from the date of mailing. Bills unpaid eighteen days following beginning of collection period shall include a collection fee of 10% on the first \$3.00 and 3% on the excess over \$3.00.

7. Temporary Users

- Water furnished to temporary users, such as contractors, etc., shall be charged on the basis of the metered gallon rates hereinbefore set forth as estimated and established by the waterworks superintendent.
- 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 towns sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the towns sanitary sewerage system. There shall be individual water meters for each and every lot and each and every user. These rates and charges including User charges, debt service costs, excessive strength surcharges and other service charges which rates and charges shall be payable as provided and shall be in an amount determined according to the as follows procedures:

1. That certain monthly base rates and charges to customers of the Lapel Sewer Company shall be established according to the size of water meters servicing said customers, which said monthly base rates and charges shall hereafter be levied in accordance with the following scale:
  - a. 5/8 x 3/4 inch - \$18.50
  - b. 1 inch - \$25.35
  - c. 1-1/2 inch - \$39.60
  - d. 2 inch - \$139.30
  - e. 3 inch - \$315.05
  - f. 4 inch - \$555.65
2. That sewage treatment charges shall be levied at the rate of \$5.85 per 1,000 gallons of water usage.
3. That sewage treatment charges for all unmetered residential structures shall be charged a flat rate of \$47.75 per month which shall assume a usage of 5,000 gallons of water per month.
4. That hereafter be established a separate charge to customers of the Lapel Municipal Sewer Company which shall hereafter be termed Excessive Surcharge which shall be established as follows:
  - a. Biochemical Oxygen Demand (in excess of 160 milligrams per liter) \$0.57 per pound.
  - b. Suspended Solids (in excess of 160 milligrams per liter) \$0.51 per pound. (Ord. 8-1997, passed 8/19/97) (Ord. No. 3-2000, passed 5/11/2000) (Ord. No. 102005, passed Date
5. The foregoing rates and charges contained in new Sections 1 through 4 of the prior ordinance shall become effective with the billing period of May, 2000, and shall be reflected on the customer bills due and payable in June, 2000.
6. This Ordinance shall be in full force and effect from and after its passage and adoption. Except as hereby amended and revised, the Prior Ordinance shall remain in full force and effect.
7. ...
  - a. Beginning with the calendar month of October 2004 (and to be reflected in November billing) and continuing until the month in which sanitary sewer service is available in the Fishersburg Service Area, pursuant to Indiana Code [36-9-23-27](#), customers in the Fishersburg Service Area shall pay a monthly interim rate of \$10.00 to cover interest costs on the indebtedness incurred to bring sanitary sewer service to the Fishersburg Service Area and to pay other expenses incurred by the Town prior to service availability.
  - b. Beginning with the calendar month in which sewer service becomes available to the Fishersburg Service Area (and to be reflected in the billing in the immediately succeeding month), the monthly rate for sewer utility service for customers in the Fishersburg Service Area shall be \$51.25. ( Ord. 10-2005, passed Date



- c. Customers in the Fishersburg Service Area that are not receiving service from the Towns municipal water utility shall be required to make a deposit prior to receiving service from the sewer utility in an amount equal to the estimated average payment due from such customer for a two (2) month period (based upon the rate provided for in Section 7(b) hereof) as provided for an subject to the terms of Indiana Code [36-9-23-28](#).
- d. The Town reserves the right to discontinue service to any customer in the Fishersburg Service Area who has an unpaid bill of more than sixty (60) days by any lawful means. In the event of any such discontinuance of service, the customer must pay a reconnection fee of \$275 in order to have service restored.
- e. The Town reserves all other rights and remedies provided for under Indiana law to ensure the timely payment of the monthly rate established in this Section 7 with respect to the Fishersburg Service Area. Customers in the Fishersburg Service Area shall be subject to a late fee of 10% for unpaid sewer bills in the same manner as other customers of the sewer utility of the Town.
- f. The Clerk-Treasurer is authorized to require a service agreement to be entered into prior to providing service to any property in the Fishersburg Service Area between the Town and the owner of the property to be served establishing the obligations of such owner to (i) pay for sewer utility service and (ii) comply with any use regulations of the sewer utility of the Town.”

8. This Ordinance shall be in full force and effect from and after its passage and adoption. Except as hereby amended and revised, the Prior Ordinance shall remain in full force and effect. Ord. No 9-2004, passed 9/16/2004

ag. The rights and obligations of the town concerning the issuance of water system bonds under the authority of ordinances adopted prior to the enactment of this code, including Ordinances W1-59, W2-59, and W2-60 are in no way impaired by the adoption of this Code.

('82 Code, Ord. No. 9-1982, passed 12/22/82) (Ord. No 6-1984, passed 9/12/84),

(Ord. No. 1-1986, passed 12/10/86), (Ord. No. 2-1990, passed 12/28/90), Res. 11992, passed 5/19/92), (Res. No. 1-1993, passed 1/19/93)(Ord 6-1995, passed

7/18/95) (Ord. 6-1998, passed 6/18/98)

## **SEWER RECONSTRUCTION & REPAIR**

In conjunction with the reconstruction and repair of the current sanitary sewer system and the need for future routine maintenance, improvement or elimination of deteriorated sewer pipes, structures and the need to eliminate or reduce extraneous infiltration or inflows, it may be necessary to abandon existing sewer pipes and install, construct, realign or otherwise replace those sewers with new material and structures. The new sewer installation shall include, where applicable, new realigned or rehabilitated service lines for the reconnection of the present user along the sewer routes.

The Town of Lapel Sewer Utility representative shall inspect existing sewer lateral, and the home owner/property owner shall make the lateral accessible for the town inspector. That inspection along with other methods employed by the Town of Lapel shall determine the accessibility of that lateral sewer for the continued use or its removal and replacement by the home owner/land owner with acceptable materials as described and specified in the Towns Sewer Use Ordinance.

The owner shall be notified by the Town when appropriate to disconnect an existing sewer lateral and install the new sewer lateral to the provided connection. This connection shall be completed within 90 days of the notice, so as not to delay the use of the new sewer system or cause any discharge of sanitary waste to disconnected main sanitary sewers or to sewers which may have been converted to other uses.

Should the owner fail to complete the new lateral connection within the 90 day period, then the Town may impose a fine of \$40.00 per day for each and every day that the owner fails to install the new system beyond the 90-day allocated period.

If the owner fails to connect to the new sewer lateral, within the 90-day period after the required notice, the Town shall be required to cap the existing lateral. That the cap of the existing lateral will take place ten (10) days after the expiration of the above reference 90-day period. That the cap will require the disconnection of any existing water service.

That the \$40.00-per-day fine will continue to be imposed against the owner, for each and every day that the owner fails to install the new system beyond the 90-day allocated period.

In addition, the owner shall be required to pay the sewer tap fee, which tap fee schedule is currently in place by ordinance, representing the additional expense to the Town for the cap of the owners existing sewer lateral. That the cap fee will be in addition to the \$40.00 -per-day fine that is referenced above.

That the purpose of this ordinance is to satisfy the requirement for the completion of the sewer project as dictated by the Indiana Department of Environmental Management in conjunction with the rehabilitation of existing sewer service lines. \

That all terms and condition of Ordinance No.9, 1999, shall remain in full force and effect.

The owner shall notify the Town when the new lateral is ready to be inspected, and the town inspector shall have access to the replaced line for the purpose of inspection, prior to the lateral being covered and/or backfilled, and prior to its connection to the town sewer. Failure to have the owners new lateral sewer inspected by the Town of Lapel shall be cause for its being uncovered inspected, and recovered at the owners expense.

Ord. No. 9-1999, passed 10/19/1999. Ord. No. 2-2001, passed 3/15/2001

In conjunction with the construction of the sanitary sewer system in Fishersburg, Madison County, Indiana.

The Town of Lapel Sewer Utility representative shall inspect the newly constructed sewer lateral, and the home owner/property owners shall make the lateral accessible for the town inspector. The sewer later shall be installed with acceptable materials as described and specified in the Towns Sewer Use Ordinance.

The owner shall be notified by the Town when it is appropriate to install the new sewer lateral to the provided connection. This connection shall be completed within 90 days of the notice, so as not to delay the use of the new sewer system.

Should the owner fail to complete the new lateral connection within the 90day period, then the Town may impose a fine of \$40.00 per day for each and every day that the owner fails to install the new system beyond the 90-day allocated period.

The owner shall notify the Town when the new lateral is ready to be inspected, and the town inspector shall have access to the line for the purpose of inspection, prior to the lateral being covered and/or backfilled, and prior to its connection to the town sewer. Failure to have the owners new lateral sewer inspected by the Town of Lapel shall be cause for its being uncovered, inspected and recovered at the owners expense. The lateral inspection cost to the Fishersburg homeowner will be \$30.00

(Ord 7-2005, passed 2/3/2005)