TITLE V: PUBLIC WORKS

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CHAPTER 50: ELECTRICITY

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GENERAL PROVISIONS

§ 50.01 METER DEPOSIT FOR ELECTRICAL SERVICE.

The required deposit for the initial provision of electrical service to a customer by the town shall be $75, payable prior to service being provided by the town.
(Ord. 1994-5, passed 12-14-94)

§ 50.02 PEAK MANAGEMENT CREDIT.

(A) *Established.* There shall be and there is hereby established, for the use of and the service rendered by the town electric utility, the Peak Management Credit described in division (B) of this section.

(B) *Description.*

(1) *Availability.* Peak Management Credits are available to any residential customer of the municipally-owned electric utility of the town, with an Indiana Municipal Power Agency-owned peak management switch installed on a central air conditioner or electric water heater. Rules and provisions for participation in the Peak Management Program are available at the utility's office.

(2) *Credits.*

(a) The credits for participation in the Peak Management Program will be as follows:

1. Electric water heater: $1 per switch per month, January through December.

2. Central air conditioner: $2 per switch per month, June through September.

(b) These credits will be included on participating customer's monthly bills. A customer participating in the program may withdraw at any time upon notifying the utility. Credits will stop with the first bill following customer withdrawal from the Peak Management Program, the termination of the Program, or the Program's termination by the Indiana Municipal Power Agency.

(3) *Scope of provisions.* All other terms and conditions of the utility's applicable residential service rate schedule apply to this Program.
(Ord. 1996-5, passed 12-4-96)

RATES AND CHARGES

§ 50.10 RESIDENTIAL (TOWN AND RURAL).

(A) *Availability.* Available for single-phase residential service, including all lighting, cooking, water heating, refrigeration, residential air conditioning, and all household appliances up to three horsepower in single unit of electric motors.

(B) *Character of service.* Alternating current, 60 cycle, at a voltage of approximately 115 volts two-wire, or 115/230 volts three-wire, where available.

(C) *Rates.*

First	30 KWH used per month per KWH	$0.1047
Next	70 KWH used per month per KWH	$0.0709
Next	400 KWH used per month per KWH	$0.0645
Next	500 KWH used per month per KWH	$0.0582
Over	Over 1,000 KWH used per month per KWH	$0.0518
Minimum charge per month		$1.61

(D) *Adjustments.*

(1) *Cooking range and water heater service.* The charges derived in the above rates are subject to adjustment for cooking range and water heater service. Where a standard approved type of electric water heater of from 30 to 74 gallon capacity is in regular use, and/or a standard approved type of electric cooking range with a maximum load of not more than 3,000 watt hours or greater capacity is in regular use, the following rate is applicable.

Electric water heater of 30 to 74 gallon capacity Last 400 KWH used in excess of 150 KWH	$0.0349
Electric cooking range with maximum load of 3,000 watt hours or less Last 200 KWH used in excess of 150 KWH	$0.0349
Both electric water heater and electric cooking range in use Last 600 KWH used in excess of 150 KWH	$0.0349

(2) *Rate adjustment.* Refer to Appendix.

(3) *Fuel cost adjustment.* Refer to Appendix.
(Ord. 2010-01, passed 1-5-10)

§ 50.12 POWER (TOWN AND RURAL).

(A) *Availability.* Available to all electric motors of three-phase, 220-volt current of three horsepower in single unit and over.

(B) *Character of service.* Alternating current having a frequency of 60 cycles furnished in accordance with the provisions set forth.

(C) *Rates.*

First	30 KWH used per month per KWH	$0.1047
Next	30 KWH used per month per KWH	$0.0709
Next	440 KWH used per month per KWH	$0.0518
Next	500 KWH used per month per KWH	$0.0444
Over	Over 1,000 KWH used per month per KWH	$0.0381
Minimum charge per month		$1.45

(D) *Adjustments.*

(1) *Cooking range and water heater service.* The charges derived in the above rates are subject to adjustment for cooking range and water heater service. Where a standard approved type of electric water heater of from 30 to 74 gallon capacity is in regular use, and/or a standard approved type of electric cooking range with a maximum load of not more than 3,000 watt hours or greater capacity is in regular use, the following rate is applicable.

Electric water heater of 30 to 74 gallon capacity Last 400 KWH used in excess of 150 KWH	$0.0349
Electric cooking range with maximum load of 3,000 watt hours or less Last 200 KWH used in excess of 150 KWH	$0.0349
Both electric water heater and electric cooking range in use Last 600 KWH used in excess of 150 KWH	$0.0349

(2) *Rate adjustment.* Refer to Appendix.

(3) *Fuel cost adjustment.* Refer to Appendix.
(Ord. 2010-01, passed 1-5-10)

§ 50.11 COMMERCIAL (TOWN AND RURAL).

(A) *Availability.* Available for all lighting and appliances in business, factories, hotels, tourist camps, rooming and boarding houses, offices, public buildings, circuses and shows.

(B) *Character of service.* Alternating current, 60 cycle, at a voltage of approximately 115 volts two-wire, or 115/230 volts three-wire, where available.

(C) *Rate.*

First	50 KWH used per month per KWH	$0.0983
Next	100 KWH used per month per KWH	$0.0783
Next	150 KWH used per month per KWH	$0.0709
Next	200 KWH used per month per KWH	$0.0645
Next	500 KWH used per month per KWH	$0.0582
Next	9,000 KWH used per month per KWH	$0.0476
Next	10,000 KWH used per month per KWH	$0.0444
Over	Over 20,000 KWH used per month per KWH	$0.0412
Minimum charge per HP-connected load per month		$0.67
Minimum charge per meter per month (4.5 HP)		$3.00

(D) *Adjustments.* The charges derived in the above rate are subject to adjustment for:

(1) *Rate adjustment.* Refer to Appendix.

(2) *Fuel cost adjustment.* Refer to Appendix.
(Ord. 2010-01, passed 1-5-10)

§ 50.13 MUNICIPAL.

(A) *Availability.* Available for service to the Paoli Municipal Water Utility.

(B) *Character of service.* Alternating current, 60 cycle, at a voltage and phase that is standard in the area served.

(C) *Rate.*

First	2,000 KWH used per month	5.5816¢ per KWH
Over	2,000 KWH used per month	4.4415¢ per KWH.

(D) *Adjustments.* The charges derived in the above rate are subject to adjustment for:

(1) *Rate adjustment.* Refer to Appendix.

(2) *Fuel cost adjustment.* Refer to Appendix.
(Ord. 2010-01, passed 1-5-10)

§ 50.14 MUNICIPAL STREET LIGHTING SERVICE.

(A) *Availability.* Available for service to street lighting facilities for the Town of Paoli only.

(B) *Rate.*

For each 400-watt, mercury-vapor light	$47.97 per annum
For each 175-watt, mercury-vapor light	$19.99 per annum

(Ord. 2010-01, passed 1-5-10)

§ 50.15 SECURITY LIGHT SERVICE.

(A) *Availability.* Available to any customer within the area served by the Paoli Electric Utility for outdoor lighting.

(B) *Character of service.* A 120-volt, mercury-vapor-type luminaire controlled by a photoelectric cell will be installed, operated, and maintained by the Utility.

(C) *Charge for service.*

For each of	175-watt capacity	$5.33
For each of	400-watt capacity	$9.00
For each of	1,000-watt capacity	$15.32

(Ord. 2010-01, passed 1-5-10)

§ 50.16 DEFICIENCY POLICY.

(A) *Deficiencies.* The Town Electric Department may issue a deficiency notice to any town resident whose service does not meet the requirements of state law, federal law, any town policy and/or ordinance, or any service that poses a safety threat/hazard. It shall be the responsibility of the Electric Foreman of the town to determine whether a deficiency exists.

(B) *Deficiency notice.* A notice of deficiency (the "notice") will be sent by the Town Clerk-Treasurer to any town resident that is found in violation of this section. The notice will list any and all deficiencies that need to be corrected and the amount of time the violator has to correct said deficiencies. The amount of time to correct deficiencies will be determined by the Electric Foreman of the town and will be dependent on the safety threat of the deficiency.

(C) *Penalties.*

(1) A disconnection of service may occur if a person is found in violation of division (A) or (B) of this section and fails to correct the deficiency in the amount of time specified in the notice.

(2) An immediate disconnection may occur if the Electric Foreman of the town determines that a resident's deficiency poses a severe and immediate risk to the public or property owner.
(Ord. 2012-12, passed 9-4-12)

APPENDIX: ADJUSTMENTS

Section

1. Rate adjustment
2. Fuel cost adjustment

1. RATE ADJUSTMENT.

(A) Applicable to residential, commercial, power and municipal rate schedules (§§ 50.10 through 50.13).

(B) The rate adjustment shall be on the basis of a purchased power cost adjustment tracking factor, occasioned solely by changes in the cost of purchased power, in accordance with the order of the Public Service Commission of Indiana, approved December 17, 1976, in Cause No. 34614 as follows:

Rate adjustment applicable to the above-listed rate schedules	$0.00000 per KWH used per month

2. FUEL COST ADJUSTMENT.

(A) Applicable to residential, commercial, power and municipal rate schedules (§§ 50.10 through 50.13).

(B) The fuel cost adjustment in dollars per kilowatt hour shall be the same as most recently billed to the Paoli Municipal Electric Utility by its purchased power supplier, less $0.00000 per KWH. See Appendix FC for fuel adjustment factor.
(Ord. 2010-01, passed 1-5-10)

CHAPTER 51: SEWERS

Section

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GENERAL PROVISIONS

§ 51.01 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/1 utilized in the biochemical oxidation of organic matter under standard laboratory procedures with nitrification inhibition 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.

(1) ***BUILDING DRAIN, SANITARY.*** A building drain which conveys sanitary or industrial sewage only.

(2) ***BUILDING DRAIN, STORM.*** A building drain which conveys storm water or other clearwater drainage, but no wastewater.

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

(1) ***BUILDING SEWER, SANITARY.*** A building sewer which conveys sanitary or industrial sewage only.

(2) ***BUILDING SEWER, STORM.*** A building sewer which conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage.

COMBINED SEWER. A sewer which carries both storm, surface, groundwater runoff, and wastewater.

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 include:

(1) Chemical oxygen demand;

(2) Total organic carbon;

(3) Phosphorus and phosphorus compounds;

(4) Nitrogen and nitrogen compounds; and

(5) Fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

COUNCIL. The Town Council of the Town of Paoli, Indiana, or any duly authorized officials acting in its behalf.

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

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

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

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 town.

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 non-biodegradable dissolved solids.

INDUSTRIAL WASTES. The wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.

INFILTRATION. The water entering a sewer system, including sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

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

INFLOW. The water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage. ***INFLOW*** does not include, and is distinguished from, infiltration.

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

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 Pub. L. 92-500, § 307(a), being 33 USC 1317(a); or

(4) Has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

MAY. This term is permissive.

NH_3N. The same as ammonia nitrogen measured as nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in this section.

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 Pub. L. 92-500, § 402, being 33 USC 1345.

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, shall mean wastewater or sewage having an average daily concentration as follows: BOD not more than 200 mg/l.; S.S. not more than 200 mg/l. As defined by origin, wastewaters from segregated domestic or sanitary conveniences are distinct from wastes from industrial processes.

OPERATION AND MAINTENANCE COSTS. Includes 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.

OTHER SERVICE CHARGES. Tap charges, connection charges, area charges, and other identifiable charges, other than user charges, debt service charges and excessive strength surcharges.

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

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.

PHOSPHORUS or ***P.*** The chemical element phosphorus.

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 in which all owners of abutting property have equal rights and which is controlled by public authority.

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 SEWER. A sewer which carries wastewater and to which storm, surface, groundwaters and unpolluted industrial wastewater are not intentionally admitted.

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

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

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 laid for carrying wastewater and other liquids.

SEWER USE ORDINANCE. That portion of this chapter which regulates the connection to and use of public and private sewers.

SHALL. This term is mandatory.

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.

STORM SEWER. A sewer which carries storm, surface, and groundwater drainage but excludes wastewater.

SUPERINTENDENT. The Superintendent of the municipal sewage works of the town, 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 under standard laboratory procedure.

TOTAL SOLIDS. The sum of suspended and dissolved solids.

TOWN. The Town of Paoli, Indiana, acting by and through the Town Council.

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 Pub. L. 92-500, § 307(a), being 33 USC 1317(a).

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.

USER CHARGE. A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to 33 USC 1284(b).

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).

(1) *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 and the like.

(2) *COMMERCIAL USER.* Any establishment involved in a commercial enterprise, business or service which based on a determination by the town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(3) *INSTITUTIONAL USER.* Any establishment involved in a social, charitable, religious or educational function which, based on a determination by the town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(4) *GOVERNMENTAL USER.* Any federal, state, or local governmental user of the wastewater treatment works.

(5) *INDUSTRIAL USER.* Any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.

VOLATILE ORGANIC MATTER. The material in the sewage solids transformed to gases or vapors when heated to 55°C for 15 to 20 minutes.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.
(Ord. 1986-2, passed 5-12-86; Am. Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94; Am. Ord. 2014-03, passed 3-18-14)

§ 51.02 PROPER DISCHARGE OF SEWAGE.

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

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

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

(D) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the town any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit.

(E) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit.

(F) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(G) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary 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 chapter, within 60 days after date of official notice to do so, provided that the public sewer is within 300 feet of the property line.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94) Penalty, see § 51.99

§ 51.03 PRIVATE SEWAGE DISPOSAL SYSTEM.

(A) Where a public sanitary or combined sewer is not available under the provisions of § 51.02(G), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of $25 shall be paid to the town at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He 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 24 hours of the receipt of notice by the Superintendent.

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

(E) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in 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 materials.

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

(G) When a public sewer becomes available, the building sewer shall be connected to such sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(H) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94) Penalty, see § 51.99

§ 51.04 SEWER PERMITS; BUILDING SEWER SPECIFICATIONS.

(A) No unauthorized person shall uncover, make any connections with or opening into, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.

(B) There shall be two classes of building sewer permits:

(1) For residential and commercial service; and

(2) For service to establishments producing industrial wastes. In either case, the owner or his or her 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 $25 for a residential or commercial building sewer permit and $25 for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

(C) 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.

(D) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(E) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the inspector, to meet all requirements of this chapter.

(F) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. FD-5 shall apply.

(G) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(H) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. FD-5. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installations.

(J) The applicant for the building sewer permit shall notify the 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) 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.

(L) The town shall prohibit any new connections from inflow sources into the sanitary sewer portions of the sewerage system and shall ensure that new sewers and connections to the sanitary sewers are properly designed and connected.

(M) Construction of new combined sewers is prohibited.

(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94; Am. Ord. 2014-03, passed 3-18-14)
Penalty, see § 51.99

§ 51.05 ILLEGAL DISCHARGES.

(A) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers.

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic 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 plan.

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

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper, dishes, cups, mild containers, and the like, either whole or ground by garbage grinder.

(5) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies or jurisdiction of such discharge to the receiving waters.

(6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

(7) Any waters or wastes having pH in excess of 9.5.

(8) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(9) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable 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.

(B) (1) 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 division (A) 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 other large users) or industries (or other large users) with significant increase in discharges to submit information on wastewater quantities 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.

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

(C) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(D) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained so as to be safe and accessible at all times.

Agents of the town, the state water pollution control agencies, and the United States Environmental Protection Agency ("U.S. EPA") shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.

(E) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standards 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 such control which shall be conducted in accordance with rules and regulations adopted by the U.S. EPA (40 CFR 136). In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH's are determined from periodic grab samples.

(F) 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 ordinance.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94) Penalty, see § 51.99

§ 51.06 TAMPERING WITH SEWAGE WORKS EQUIPMENT.

No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94) Penalty, see § 51.99

§ 51.07 INSPECTION; RIGHT OF ENTRY.

(A) The Superintendent, inspector and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. 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.

(B) While performing the necessary work on private properties referred to in division (A) of this section, the Superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.05(E).

(C) The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94)

§ 51.08 NOTICE OF VIOLATION.

Any person found to be violating any provision of this chapter shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94) Penalty, see § 51.99

§ 51.09 LIABILITY FOR EXPENSES.

Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss or damage occasioned the town by reason of such violation.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94)

PRETREATMENT OF WASTES

§ 51.20 CONFORMANCE WITH CITY AND SUBSEQUENT STATE OR FEDERAL RULES AND REGULATIONS.

Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the rules and regulations adopted by the United States

Environmental Protection Agency ("U.S. EPA") (40 CFR 403), and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR 136), in addition to any more stringent requirements established by the town and any subsequent state or federal guidelines and rules and regulations.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94) Penalty, see § 51.99

§ 51.21 PRETREATMENT OR CONTROL FACILITIES; SUBMISSION OF PLANS, SPECIFICATIONS AND OTHER INFORMATION.

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 or her expense and shall be subject to periodic inspection by the town to determine that such facilities are being operated in conformance with applicable federal, state and local laws and permits. The owner shall maintain operating records and shall submit to the town a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against town monitoring records.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94) Penalty, see § 51.99

§ 51.22 DISCHARGING UNPOLLUTED WATER INTO STORM OR COMBINED SEWER.

Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the town. Where a storm sewer is not available, discharge may be to a natural outlet approved by the town and by the State of Indiana. Where a storm sewer, combined sewer, or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the town.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94) Penalty, see § 51.99

§ 51.23 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 § 51.22.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94) Penalty, see § 51.99

§ 51.24 WASTEWATER FLOWS AND CHARACTERISTICS; INFORMATION.

The town may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows and characteristics. Such measurements, tests, and analysis shall be

made at the users expense. If made by the town, an appropriate charge may be assessed to the user at the option of the town.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94)

§ 51.25 DETERMINATION OF STRENGTH OF WASTEWATER; CHARGES.

The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the Rate Ordinance, from samples taken at the aforementioned structure at any period of time and of such duration and in much 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 the determination of charges after verification by the town.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94)

§ 51.26 GREASE, OIL AND SAND INTERCEPTORS OR TRAPS.

Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the town and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be 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.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94) Penalty, see § 51.99

§ 51.27 NOTIFICATION OF UNUSUAL FLOWS OR WASTES.

Users of the treatment works shall immediately notify the town of any unusual flows or wastes that are discharged accidently or otherwise to the sewer system.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94) Penalty, see § 51.99

§ 51.28 COMPLIANCE WITH STATE AND FEDERAL REQUIREMENTS.

All provisions of this chapter and limits set herein shall comply with any applicable state and/or federal requirements now, or projected to be in effect.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94)

DISCHARGE OF SEWAGE AND SLUDGE

§ 51.35 DEFINITIONS.

Unless otherwise clearly indicated by its context, the words and terms defined in this subchapter shall have the specified meanings.

SEPTAGE. The liquid or solid material removed from a septic tank, cesspool, portable toilet, or a similar system that receives sewage.

SEWAGE. Liquid and solid waste carried off in sewers or drains.

SEWAGE SLUDGE. A solid, semi-solid or liquid residue generated during the treatment of sewage in a treatment works.
(Ord. 2008-04, passed 3-18-08)

§ 51.36 DISCHARGE OF SEWAGE AND SLUDGE PROHIBITED.

(A) The treatment, storage, disposal, and/or land application of sewage or sewage sludge, and products derived from sewage or sewage sludge, are prohibited in the town.

(B) This section shall not apply to the discharge of sewage or sewage sludge by the town into any facility owned and/or operated by the town for the disposal of septage generated within the town.
(Ord. 2008-04, passed 3-18-08) Penalty, see § 51.99

RATES AND CHARGES

§ 51.40 USER CHARGES.

(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.

(1) User charges are subject to the rules and regulations adopted by the United State Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewage works equipment.

(2) The various classes of users of the treatment works for the purposes of this subchapter shall be as follows:

Class I: — Residential
— Commercial
— Governmental
— Institutional
— Industrial

(B) 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 town sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewerage system of the town. Such rates and surcharges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(1) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a base charge based on the size of the water meter installed, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed monthly (or period equaling a month). The water usage schedule on which the amount of such rates and charges shall be determined shall be as follows for all users:

(a) *Metered users.*

Monthly Base Charge	
Meter Size	***Charge***
5/8 - 3/4 inch	$17.19
1 inch	$39.84
1¼ inch	$62.47
1½ inch	$89.67
2 inch	$153.04
3 inch	$349.28
4 inch	$605.89
6 inch	$1,375.75
Monthly Flow Charge	
All users (per 1,000 gallons)	$6.59

(b) *Unmetered users (per month).*

Residential single-family (assuming 3,375 gallons per month)	$39.43

(c) *Monthly surcharges.*

Biological oxygen demand (BOD)	$0.32/lb in excess of 200 mg/l
Suspended solids (SS)	$0.43/lb in excess of 200 mg/l
Ammonia (NH_3)	$0.72/lb in excess of 30 mg/l

(2) Apartments and other multi-residence buildings shall pay on a monthly basis the 5/8 inch meter size rate times the number of units.

(3) For the service rendered to the town, the town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(4) In order to recover the cost of monitoring industrial wastes, the town shall charge the user the actual cost of monitoring but not less than $25 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this subchapter.

(C) *Late payment charge.* All bills for sewage works, not paid within ten days after the bill is mailed, shall be subject to a late payment charge of 10%.

(D) *Failure to pay; remedies/liens.* Failure to pay bills for sewage works within ten days after the payment is due, the amount thereof, together with a penalty of 10% and a reasonable attorney's fee, may be recovered by the town in a civil action and/or by filing a sewer lien for each property that is left with an outstanding balance as provided in I.C. 36-9-23-34.
(Ord. 1986-2, passed 5-12-86; Am. Ord. 1998-12, passed 11-18-98; Am. Ord. 2001-3, passed 2-6-01; Am. Ord. 2010-04, passed 5-11-10; Am. Ord. 2011-07, passed 9-6-11; Am. Ord. 2014-16, passed 10-7-14; Am. Ord. 2014-21, passed 12-16-14)

§ 51.41 QUANTITY OF WATER DISCHARGED.

(A) 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.

(B) Further, as is provided in this division, the town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the town that such quantities do not enter the sanitary sewerage system.

(1) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the town's sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the water utility serving the town, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the town, then the amount of water used shall be otherwise measured or determined by the town. In order to ascertain the rate or charge provided in this subchapter, 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.

(2) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the town's sanitary sewerage system, either directly or indirectly, is a user of water supplied by the water utility serving the town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the town, then the amount of water used shall be otherwise measured or determined by the town. In order to ascertain the rates or charges, the owner or other interested parties shall at his 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.

(3) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the town's sanitary sewerage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall at his 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.

(4) Where a metered water supply is used for fire protection as well as for other uses, the town may, in its discretion, make adjustments in the user charge as may be equitable.
(Ord. 1986-2, passed 5-12-86; Am. Ord. 2015-01, passed 2-17-15)

§ 51.42 STRENGTH AND CONTENT OF SEWAGE DISCHARGE.

(A) In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage, and the town shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage 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.

(B) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 mg/l or suspended solids in excess of 200 mg/l. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis.

(1) *Rate surcharge based upon suspended solids.* There shall be an additional charge of $.48 per pound of suspended solids for suspended solids received in excess of 200 mg/l.

(2) *Rate surcharge based upon BOD.* There shall be an additional charge of $.34 per pound of biochemical oxygen demand for BOD received in excess of 200 mg/l.

(C) The determination of suspended solids and five-day biochemical oxygen demand contained in the waste shall be in accordance with the latest copy of *Standard Methods for the Examination of Water, Sewage and Industrial Wastes*, as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in conformance with *Guidelines Establishing Test Procedures for Analysis of Pollutants*, 40 CFR 136, published in the Federal Register on October 16, 1973.
(Ord. 1986-2, passed 5-12-86)

§ 51.43 BILLING PROCEDURE.

(A) Such rates and charges shall be prepared, billed and collected by the town in the manner provided by law and ordinance.

(B) The rates and charges for all users shall be prepared and billed monthly. At the end of each year, each user shall be given a notice of the rates charged for operation, maintenance and replacement for the user in the next year.

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

(D) As is provided by statute, 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 thereto. The time at which such rates or charges shall be paid is now fixed at 15 days after the date of mailing of the bill.
(Ord. 1986-2, passed 5-12-86)

§ 51.44 REVIEW OF RATES AND CHARGES.

(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 or user classes, the town shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which this subchapter goes into effect. Such study shall include but not be limited to an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems.

(B) Thereafter, on an biennial basis, within a reasonable period of time following the normal accounting period, the town shall cause a similar study to be made for the purpose of reviewing the sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto, and maintaining proportionality among the user classes of the rates and charges for sewerage studies.

(C) The studies shall be conducted by officers or employees of the town, or by a firm of certified public accountants, or a firm of consulting engineers, which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the town shall determine to be best under the circumstances.
(Ord. 1986-2, passed 5-12-86)

§ 51.45 ADDITIONAL RULES AND REGULATIONS; ENFORCEMENT.

(A) The town shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical and efficient management of the town's sewerage system, pumping stations, sewage

treatment works, for the construction and use of house sewers and connections to the sewerage treatment works, for the construction and use of house sewers and connection to the sewerage system, and for the regulation, collection, rebating and refunding of such rates and charges. No free service shall be provided to any user of the water treatment facility.

(B) The town is hereby authorized to prohibit dumping of wastes into the town's sewerage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the town, or to require methods of affecting pretreatment of such wastes to comply with the pretreatment standards included in the NPDES permit issued to the sewage works.

(C) The Town Council is 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.

(D) The rules and regulations promulgated by the town, after approved by the Town Council, shall among other things provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the user charge to the Town Council and that any decision concerning user charges of the Town Council may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.
(Ord. 1986-2, passed 5-12-86)
Statutory reference:
Judicial review of administrative adjudications, see I.C. 4-21.5-5

§ 51.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provided in § 10.99.

(B) (1) Any person violating or suspected of violating § 51.02(B) shall be subjected to a penalty of $50 per month (or fraction thereof in which the violation occurs).

(2) A person may avoid payment of such penalty by consenting to an inspection described in § 51.04(J) for the purpose of establishing compliance with § 51.02(B).

(3) A person consenting to such an inspection and found in violation shall be given 90 days to comply with § 51.02(B) without being subject to a penalty.

(C) Any person who shall continue any violation beyond the time limit provided for in § 51.08 shall be guilty of a misdemeanor and in conviction thereof shall be fined in an amount not exceeding $500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(D) Any person who violates § 51.36 is guilty of a Class A infraction.
(Ord. 1986-3, passed 5-12-86; Am. Ord. 1994-1, passed 2-10-94; Am. Ord. 2008-04, passed 3-18-08)

February 15, 2011 Town of Paoli attorney's report

- Fullen sent out letters to all Town businesses which prepare food to stop dumping grease into the drains. Fullen received a call from Clint Smith at Taco Bell/KFC. Mr. Smith wanted the Town council to be informed that Taco Bell/KFC has grease traps installed which are closely monitored by them.

- Dr. Beachy had a question about a road he would like to use to get back to his farm. This is a Town road and can be used by him as well as anyone else from the public.

- Question regarding an individual that lives in town limits and wants to be on Town Sewer system—
    - If an individual lives within the Town of Paoli, Town Ordinance No. 51.02(G) states: The owners of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located a public sanitary 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 chapter, within 60 days after the date of official notice to do so, provided that the public sewer is within 300 feet of the property line.

    - Town Ordinance No. 51.03 provides that where a public sanitary or combined sewer is not available under the 51.02(g), the building sewer "shall be connected to a private sewage disposal system complying with the provisions of this section."

CHAPTER 52: SOLID WASTE DISPOSAL

Section

General Provisions

52.01 Items prohibited from pickup
52.02 Trash container defined
52.03 Trash containers prohibited on public sidewalks

Rates and Charges

52.15 Service charges for collection and removal of refuse
52.16 Charges added to utility bill; direct billing
52.17 Failure to pay charges; remedies
52.18 Revenue deposited in fund

GENERAL PROVISIONS

§ 52.01 ITEMS PROHIBITED FROM PICKUP.

The garbage service shall not include any of the following:

(A) Any items not in containers.

(B) Any garbage not drained of free liquid or wrapped in several thicknesses of paper.

(C) Hot ashes.

(D) Any liquids.

(E) Tree limbs.

(F) Any broken concrete, asphalt, building materials or earth.

(G) Hot water heaters, auto parts, furniture, appliances, carpet or any other extraordinary items.

(H) Wood manufacturing products.
(Ord. 1989-4, passed 10-2-89; Am. Ord. 1998-6, passed 7-15-98)

§ 52.02 TRASH CONTAINER DEFINED.

A ***TRASH CONTAINER*** shall mean a container for temporarily storing waste, which is usually made out of metal or plastic, and is capable of holding two or more cubic yards of waste.
(Ord. 2010-06, passed 10-19-10)

§ 52.03 TRASH CONTAINERS PROHIBITED ON PUBLIC SIDEWALKS.

(A) *Prohibition.* Trash containers maintained by users of a building in the town shall not obstruct any of the public sidewalks or streets within the town.

(B) *Penalty.* Whoever violates any provision of this section, for which no specific penalty is otherwise provided, shall, upon conviction thereof, pay a fine of not more than $500 and not less than $50. Each day any violation shall continue shall cause a separate offense.
(Ord. 2010-06, passed 10-19-10)

RATES AND CHARGES

§ 52.15 SERVICE CHARGES FOR COLLECTION AND REMOVAL OF REFUSE.

(A) There is hereby imposed on each owner, tenant or occupant of residential or commercial property in the town, to whom municipal refuse and garbage collection is made available by the town directly, or through any person, firm or corporation with which the town may contract for the furnishing of such service, a service charge for the collection and removal of refuse and garbage according to the schedule set forth in division (B).

(B) *Schedule of rates.*

(1) For a one-family dwelling or churches, $13 per month.

(2) For a multi-family or apartment dwelling, $13 per dwelling unit per month, is the base charge which may be varied according to number of pickups per week. However, if the town bills the apartment as a whole and not individually, there is a 20% discount from what the charge would be if each apartment unit were billed individually.

(3) For mobile home or trailer court, $13 per dwelling unit per month. However, if the town bills the court as a whole and not individually, there is a 20% discount from the charge if each separate dwelling unit were billed.

(4) For commercial establishments, with a 2 cubic yard container or less, $32.50 per container per pickup, per week.

(5) For commercial establishments, with a 3 cubic yard container, $45.50 per container per pickup, per week.

(C) Service charges as specified above shall be added to the utility bill charges and shall be payable as are bills for water, sanitation service and electricity. Such charges may be waived, on a case-by-case consideration, by the Town Council.

(D) The refuse and garbage service shall not include picking up any of the following:

(1) Trash, refuse and garbage brought in from outside the corporate limits of the Town of Paoli.

(2) Hazardous chemicals, as defined by I.C. 13-11-2-94; hazardous household products as defined by I.C. 13-11-2-95; hazardous material, as defined by I.C. 13-11-2-96; hazardous substances, as defined by I.C. 13-11-2-98; or, hazardous waste, as defined by I.C. 13-11-2-99.

(3) Any items not either bagged in plastic bags or in containers approved by the Town of Paoli.

(4) Any garbage not drained of free liquid or wrapped in several thicknesses of paper.

(5) Hot ashes.

(6) Any liquids.

(7) Tree limbs.

(8) Any broken concrete, asphalt, building materials or earth.

(9) Hot water heaters, auto parts, furniture or any other extraordinary items.

(10) Wood manufacturing products.

(E) In the event any recipient of municipal refuse and garbage collection service is not a recipient of municipal water service or electric service and does not therefore receive a utility bill, said recipient will be billed directly for said service and said bill will be payable on the same basis as are bills for municipal water and electricity service.

(F) Failure to pay service charges for refuse and garbage collection and/or violation of this chapter shall be grounds for discontinuance of refuse and garbage collection service, and, in addition, the town may pursue any one of the following remedies:

(1) If said service charge or any part thereof shall not be paid within 30 days after the payment is due, the amount thereof, together with a penalty of 10% and a reasonable attorneys' fee, may be recovered by the town in a civil action in the name of the town, and provided in I.C. 36-9-30-21.

(2) If any service charge remains unpaid for a period of six months, said charges may be certified to the Auditor of Orange County for placement upon the tax duplicate by the Auditor and collection as taxes are collected, as provided by Indiana Code.

(G) Revenue from service charge collections will be deposited in a separate fund. Only payments of costs incident to the service will be made from this fund. Any surplus accumulating in this fund will be retained to apply to any increases in the cost of providing the service, or to permit reduction in service charges, by action of the Town Council when feasible.

(H) No garbage container (other than 2 and 3 cubic yard containers) shall weigh more than 20 pounds empty.

(I) The town may direct location of containers and bags for pickup.

(J) The town has the right to require a customer to provide a 2 or 3 cubic yard container in order for the customer to have his or her trash taken by the town.

(K) Customers must keep containers in good condition for the town to pick up trash from the customer.

(L) A violation of this chapter is a Class B infraction.
(Ord. 1989-4, passed 10-2-89; Am. Ord. 1998-6, passed 7-15-98; Am. Ord. 2007-02, passed 6-5-07; Am. Ord. 2012-04, passed 2-21-12)

§ 52.16 CHARGES ADDED TO UTILITY BILL; DIRECT BILLING.

(A) Service charges as specified above shall be added to the utility bill charges and shall be payable as are bills for water, sanitation service, and electricity. Such charges may be waived on a case by case consideration by the Town Council.

(B) In the event any recipient of municipal refuse and garbage collection service is not a recipient of municipal water service or electric service and does not therefore receive a utility bill, such recipient will be billed directly for such service and such bill will be payable on the same basis as are bills for municipal water and electricity service.
(Ord. 1989-4, passed 10-2-89; Am. Ord. 1998-6, passed 7-15-98)

§ 52.17 FAILURE TO PAY CHARGES; REMEDIES.

(A) Failure to pay service charges for refuse and garbage collection shall be grounds for discontinuance of refuse and garbage collection service, and in addition, the town may pursue any one of the remedies set forth in division (B) and (C) of this section.

(B) If the service charge or any part thereof shall not be paid within 30 days after the payment is due, the amount thereof, together with a penalty of 10% and a reasonable attorneys fee, may be recovered by the town in a civil action in the name of the town, and provided in I.C. 36-9-30-21.

(C) If any service charge remains unpaid for a period of six months, such charges may be certified to the Auditor of Orange County for placement upon the tax duplicate by the Auditor and collection as taxes are collected, as provided by the Indiana Code.
(Ord. 1989-4, passed 10-2-89; Am. Ord. 1998-6, passed 7-15-98)

§ 52.18 REVENUE DEPOSITED IN FUND.

Revenue from service charge collections will be deposited in a separate fund. Only payments of costs incident to the service will be made from this fund. Any surplus accumulating in this fund will be retained to apply to any increases in the cost of providing the service, or to permit reduction in service charges, by action of the Town Council when feasible.
(Ord. 1989-4, passed 10-2-89; Am. Ord. 1998-6, passed 7-15-98)

CHAPTER 53: WATER

Section

53.01 Rates and charges
53.02 Conservation and rationing guidelines
53.03 Cross connection control

§ 53.01 RATES AND CHARGES.

(A) There shall be and there is hereby established for the use of and the service rendered by the waterworks system of the town the following schedule of rates and charges, based upon the use of water supplied by the waterworks system.

(B) The rates herein approved shall provide for a reasonable return on the water utility plant of the town and such other legal and necessary expenses as provided in I.C. 8-1.5-3-8.

(C) The Town Council hereby elects to pay the town, from water rates and charges, payment in lieu of property taxes as provided in I.C. 8-1.5-3-8.

(D) Schedule of rates and charges.

(1) *Metered user block schedule.* In amounts not to exceed the following:

Monthly Water Usage	*Monthly Rate Per 1,000 Gallons*
First 2,600 gallons	$9.90
Next 7,400 gallons	9.40
Next 20,000 gallons	8.71
Next 70,000 gallons	7.59
Next 400,000 gallons	5.87
Over 500,000 gallons	4.14

(2) *Metered user minimum schedule.* In amounts not to exceed the following:

Minimum Charges		
Meter Size	***Monthly Gallonage***	***Monthly Charge***
5/8 - 3/4-inch meter	2,500	$24.75
1-inch meter	6,420	61.65
1½-inch meter	20,632	187.90
2-inch meter	44,177	377.10
3-inch meter	77,517	630.15
4-inch meter	125,678	951.53
6-inch meter	150,000	1,094.30

(3) *Fire protection service per annum.*

(a) *Annual charge per automatic sprinkler.* In amounts not exceed the following:

Automatic Sprinklers	***Annual Charge***
1-inch connection	$19.00
1½-inch connection	42.95
2-inch connection	76.34
3-inch connection	171.67
4-inch connection	305.21
6-inch connection	686.61
8-inch connection	1,220.68
10-inch connection	1,907.23

(b) *Annual charge per fire hydrant.*

Type of Fire Hydrant	*Annual Charge*
Public hydrants - per hydrant*	$195.00
Private hydrants - per hydrant	$686.15
***NOTE:** The total annual charge for 265 public hydrants (at $195 per hydrant, for a total of $51,675) is to be paid out of the town's general budget.	

(4) *Fire protection service per month.* In amounts not to exceed the following:

Fire Hydrant Meter Size	*Monthly Charge*
5/8-inch meter	$5.50
1-inch meter	$14.00
1½-inch meter	$28.00
2-inch meter	$44.00
3-inch meter	$83.00
4-inch meter	$138.00
6-inch meter	$275.00

(5) *Late payment charge.* All bills for water service or for public or private fire protection, including sprinklers, not paid within ten days after the bill is mailed shall be subject to a late payment charge of 10% of the first $3.00 and 3% of the excess of $3.00.

(6) *Connection charges.* The minimum charge for connecting to the Municipal Waterworks shall be as follows, payable at the time application for connection is made:

Meter Size	*Charge*
5/8 - 3/4-inch meter	Cost of installation
Meters greater than 5/8 - 3/4-inch	Cost of installation

(7) *Reconnection charge.* The charge for reconnecting to the system after disconnection caused by failure of the customer to pay for water service shall be $30.

(8) *Temporary users.* Water furnished to temporary users, such as contractors, circuses, and the like, shall be charged on the basis of the above metered rates of usage as estimated by the Waterworks Superintendent.
(Ord. 1991-6, passed 10-21-91; Am. Ord. 2004-4, passed 5-12-04; Am. Ord. 2011-06, passed 9-6-11; Am. Ord. 2013-07, passed 11-19-13)

§ 53.02 CONSERVATION AND RATIONING GUIDELINES.

(A) From time to time climatic and other conditions, both natural and man-made, may arise or occur which cause a temporary shortage of water, and such conditions may affect the ability of the town's public water systems to provide an adequate supply of water or where the public water supply may be unable to maintain adequate water pressure in the delivery system; and In such an event it is imperative to the well-being of the customers/residents of the town's public water system that the use of water not essential to the health, welfare and safety of the town's public water system and its customers/residents be restricted.

(B) *Application.* These guidelines shall apply to all persons, firms, partnerships, associations, corporations, companies or organizations of any kind connected to the town's public water system or using water therefrom (hereafter, users).

(C) *Declaration of need.* Upon determining that the town's public water system is in imminent danger of a shortage of water or is experiencing a shortage of water, the governing body shall declare a water conservation emergency and establish the appropriate conservation measures and the duration thereof.

(D) *Voluntary conservation.* In accordance with division (H) below, users shall be requested to reduce water consumption by practicing voluntary conservation techniques. The governing body shall suggest reasonable and meaningful actions, which will alleviate existing or potential water shortage.

(E) *Mandatory conservation.* In accordance with division (H) below, users shall be prohibited from the water uses listed below, subject to reasonable terms, times and conditions as the governing body shall determine:

(1) Sprinkling, watering or irrigating of shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables or any other vegetation;

(2) Washing of automobiles, trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment;

(3) Cleaning or spraying of sidewalks, driveways, paved areas or other outdoor surfaces;

(4) Washing and cleaning of any business equipment or machinery;

(5) The filling of swimming pools, wading pools and ornamental fountains; and/or

(6) Knowingly allowing leakage through defective plumbing.

(F) *Rationing*. In addition to the mandatory conservation measures identified in division (E) above and in accordance with division (H) below, users shall be limited to water use per the following schedule:

(1) Residential use shall be limited to 100 gallons per person per day.

(2) Business, commercial and industrial users shall be limited to a percent of the volume of water used during the corresponding month of the preceding year. Business, commercial or industrial users that were not in business and operating in the area served by the town's public water system more than one year prior to the declaration of need shall be restricted to 80% of the average monthly volume of water used during the number of months such business, commercial and industrial user was in business and operating in the public water system area.

(G) *Exceptions*. The governing body of the town's public water system reserves the right to establish alternative rationing requirements for the following:

(1) Health care providers.

(2) A reasonable use of water to maintain adequate health and sanitary standards.

(3) Those industrial and agricultural activities declared to be necessary for the public health and well-being.

(H) *Notice*. Notice of voluntary conservation measures shall be by publication in a local newspaper of general circulation or other means as deemed appropriate by the governing body. Said notice shall be effective upon publication. Notice of mandatory conservation or rationing shall be by first class United States mail, or by other door-to-door distribution to each current user, and by electronic and print media. Said notice shall be deemed effective at the conclusion of door-to-door distribution, or at noon of the third day after depositing same in the United States mail.

(I) *Enforcement*. Water service may be terminated for any user who violates divisions (E) or (F) above.
(Ord. 2002-04, passed 7-2-02)

§ 53.03 CROSS CONNECTION CONTROL.

(A) *Definition*. A ***CROSS CONNECTION*** shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the town water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(B) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the town may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Town Council and by the Indiana Department of Environmental Management in accordance with 327 IAC 8-10.

(C) It shall be the duty of the town to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspection based on potential health hazards involved shall be established by the Town of Paoli.

(D) Upon presentation of credentials, the representative of the town shall have the right to request entry at any reasonable time to examine the property served by a connection to the town's public water system for cross connections. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections.

(E) The Town of Paoli is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this chapter exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this chapter.

(F) If it is deemed by the Town of Paoli that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the town's Clerk-Treasurer and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within ten days of such emergency discontinuance.

(G) All consumers using toxic or hazardous liquid; all hospitals, mortuaries, wastewater treatment plants, laboratories and all other hazardous users shall install and maintain a reduced-pressure principal backflow preventer in the main waterline serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.

(H) This chapter does not supersede the Indiana Plumbing Codes and the IDEM Rule 327 IAC 8-10, but is supplementary to them.
(Ord. 2002-03, passed 7-2-02)