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CHAPTER 54: SEWER RATES

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GENERAL PROVISIONS

§ 54.01 DEFINITIONS.

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

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

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three

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feet outside the building wall.

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

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

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

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

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

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

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term Asubstantial degree@ is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Minor incidental removals in the order of 10% to 30% are not considered substantial. Examples of the additional pollutants which may be considered compatible includes:

- (1) Chemical oxygen demand;
- (2) Total organic carbon;
- (3) Phosphorus and phosphorus compounds;
- (4) Nitrogen and nitrogen compounds; and
- (5) Fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

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

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others.

FECAL COLIFORM. Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

FLOATABLE OIL. Oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the city.

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

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

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

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

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

INFLOW. The water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, and combined sewers, does not include, and is distinguished from Airinfiltration.

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

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MAJOR CONTRIBUTING INDUSTRY. An industry that:

- (1) Has a flow of 50,000 gallons or more per average work day;
- (2) Has a flow greater than 5% of the flow carried by the municipal system receiving the waste;
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of PL 92-500; or
- (4) Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

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

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

NPDES PERMIT. A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.

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

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

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

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

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PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

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

(1) **COLLECTOR SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges.

(2) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

(3) **FORCE MAIN.** A pipe in which wastewater is carried under pressure.

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

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

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

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

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

(2) **INDUSTRIAL SEWAGE.** A combination of liquid and water carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

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

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SEWER. A pipe or conduit for carrying sewage.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than ten minutes more than three times the average 24 hours concentration of flows during normal operation and shall adversely affect the collection system.

STANDARD METHODS. The laboratory procedures set forth in the latest edition, at the time of analysis, of AStandard Methods for the Examination of Water and Wastewater@ prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and AGuidelines Establishing Test Procedures for Analysis of Pollutants,@ Regulation 40 CFR Part 136, published in the Federal Register on October 16, 1973.

STORM SEWER. A sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

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

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TOTAL SOLIDS. The sum of suspended and dissolved solids.

TOXIC AMOUNT. Concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of PL 92-500.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

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

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

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

§ 54.02 USE OF PUBLIC SEWER REQUIRED.

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

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

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

§ 54.03 USE OF PRIVATE DISPOSAL SYSTEM.

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

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

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

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

(E) *Abandonment.* At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in division (D) of this section, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

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

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

(>79 Code, § 20-53) (Ord. passed 5-10-076) Penalty, see § 54.99

§ 54.04 UNLAWFUL DISCHARGES GENERALLY.

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

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

(C) *Use of storm sewers.* Storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted

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industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the city. No new connection shall be made unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids.

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

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

(>79 Code, § 20-54) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.05 BUILDING SEWERS.

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

(B) *Classification of permits; fees.* There shall be two classes of building sewer permits for residential and commercial service, and for service to establishment producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of \$25 for a residential or commercial building sewer permit and \$50 for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

(C) *Costs or expenses.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

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

(F) *Construction regulations.* The size, slope alignment, material of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations for the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.A.S.T.M. and W.P.C.F. Manual of Practice No. 9" shall apply.

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

(H) *Connection to sources of groundwater prohibited.* No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(I) *Connection regulations.* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations for the city, or the procedures set forth in appropriate specifications of the A.A.S.T.M. and W.P.C.F. Manual of Practice No. 9.@ All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(J) *Inspections.* The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his or her representative.

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(K) *Excavations.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (>79 Code, § 20-55) (Ord. passed 5-10-76) Penalty, see § 54.99

RESTRICTIONS ON USE

§ 54.15 UNPOLLUTED WATERS.

(A) *Prohibited in sanitary sewer.* No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface, drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(B) *Proper discharge of unpolluted waters.* Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

(>79 Code, § 20-56) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.16 UNLAWFUL DISCHARGES.

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

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

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to human or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(C) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel for the sewage works;

(D) Solid or viscous substances in quantities or of such size capable of causing

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obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
(>79 Code, § 20-56) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.17 DISCHARGES PROHIBITED WHEN DEEMED HARMFUL BY SUPERINTENDENT.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the 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. All waste limitations or prohibitions shall conform to NPDES permit requirements, pretreatment standards, and all other unspecified state and federal regulations. The substances prohibited are:

(A) Any liquid or vapor having a temperature higher than 65° C.;

(B) Any water or waste containing fats, wax, grease oils whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 0° and 65° C.;

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor 3/4 horsepower 90.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(E) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials;

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

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

(H) Any waters or wastes having a pH in excess of 9.5;

(I) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller=s earth, lime slurries, and lime residue) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

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

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

(4) Unusual volume of flow or concentration of wastes constituting Aslug@ as defined in § 54.01; and

(5) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(>79 Code, § 20-56) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.18 DISCHARGES – POSSIBLE ACTIONS.

(A) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 54.17 of this subchapter, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent shall:

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(1) Require new industries or industries with significant increase in discharges to submit information on wastewater characteristics and obtain prior approval for discharges;

(2) Reject the wastes in whole or in part for any reason deemed appropriate by the city;

(3) Require pretreatment of such wastes to within the limits if normal sewage as defined in § 54.01;

(4) Require control or flow equalization of such wastes so as to avoid any Aslug@ loads or excessive loads that may be harmful to the treatment works; or

(5) Require payment of a surcharge on any excessive flows or loading discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

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

(>79 Code, § 20-56) (Ord. passed 5-10-76)

§ 54.19 MAINTENANCE OF PRELIMINARY TREATMENT FACILITIES.

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

(>79 Code, § 20-56) (Ord. passed 5-10-76)

§ 54.20 USE OF CONTROL MANHOLE.

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

(>79 Code, § 20-56) (Ord. passed 5-10-76)

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§ 54.21 MEASUREMENT AND TESTS.

All measurement, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of AStandard Methods for the Examination of Water and Wastewater,@ published by the American Public Health Association, and in conformance with AGuidelines Establishing Test Procedures for Analysis of Pollutants,@ Regulation 40 CFR Part 136, published in the Federal Register on October 16, 1973, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH=s are determined from periodic grab samples.

(>79 Code, § 20-56) (Ord. passed 5-10-76)

§ 54.22 SPECIAL AGREEMENTS FOR TREATING WASTES.

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern, at such rates as are compatible with the rate provisions.

(>79 Code, § 20-56) (Ord. passed 5-10-76)

§ 54.23 PRETREATMENT OF INDUSTRIAL WASTES FROM MAJOR CONTRIBUTING INDUSTRIES.

Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the rules and regulations adopted by the United States Environmental Protection Agency (USEPA) and published in the Federal Register on November 8, 1973 (40 CFR Part 128), and AFederal Guidelines Establishing Test Procedures for Analysis of Pollutants,@ published in the Federal Register on October 16, 1973 (40 CFR Part 136), in addition to any more stringent requirements established by the city, and any subsequent state or federal guidelines and rules and regulations. All major contributing industries shall be in compliance with pretreatment requirements no

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later than December 31, 1976 and shall commence construction of pretreatment facilities no later than June 10, 1976 except as provided for in Section 128.140 (40 CFR Part 128) where effluent guidelines pursuant to Section 301(b) and 304(b) of Public Law 92-500 were not promulgated prior to December 10, 1973. In such cases, major contributing industries shall be in compliance within three years and construction shall be commenced within 18 months of the date of promulgation. (>79 Code, § 20-57) (Ord. passed 5-10-76)

§ 54.24 PLANS AND SPECIFICATIONS OF PRETREATMENT FACILITIES; MAINTENANCE.

Plans, specifications and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the city and the state and no construction of such facilities shall be commenced until approval in writing, is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his or her expense and shall be subject to periodic inspection by the city to determine that such facilities are being operated in conformance with applicable federal, state and local laws and permits. The owner shall maintain operating records and shall submit to the city a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against city monitoring records. (>79 Code, § 20-58) (Ord. passed 5-10-76)

§ 54.25 UNPOLLUTED WATER FROM AIR CONDITIONERS, COOLING, CONDENSING SYSTEMS OR SWIMMING POOLS.

Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the city. Where a storm sewer is not available, discharge may be to a natural outlet approved by the city and by the state. Where a storm sewer, combined sewer, or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the city. (>79 Code, § 20-59) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.26 INDUSTRIAL COOLING WATER.

Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with § 54.25. (>79 Code, § 20-60) (Ord. passed 5-10-76) Penalty, see § 54.99

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§ 54.27 FLOW CHARACTERISTICS REQUIRED FROM SOME USERS.

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

(>79 Code, § 20-61) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.28 STRUCTURES REQUIRED FOR OBSERVATION, SAMPLING AND MEASUREMENT OF WASTES.

The owner of any property serviced by a building sewer carrying industrial wastes or other nonresidential wastewater may be required by the city to install a suitable structure together with such necessary meters and other appurtenances in the building to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the city. The structures shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times. Agents of the city, the state water pollution control agencies, and the USEPA shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling and testing.

(>79 Code, § 20-62) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.29 DETERMINATION OF WASTEWATER STRENGTH FOR ESTABLISHMENT OF CHARGES.

The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the rate provisions, from samples taken at the structure in § 54.28 at any period of time and of such duration and in such manner as the city may elect, or, at any place mutually agreed upon between the user and the city. Appropriate charges for sampling and analysis may be assessed to the user at the option of the city. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the city.

(>79 Code, § 20-63) (Ord. passed 5-10-76)

§ 54.30 MEASUREMENTS, TESTS AND ANALYSIS GENERALLY.

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with latest edition of *Standard Methods* except for application for NPDES permits and reports thereof which shall be conducted in accordance with

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rules and regulations adopted by the USEPA, published in the Federal Register October 16, 1973 (40 CFR Part 136) and any subsequent revisions subject to approval by the city.

(>79 Code, § 20-64) (Ord. passed 5-10-76)

§ 54.31 USE OF GREASE, OIL AND SAND INTERCEPTORS MAY BE REQUIRED.

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

(>79 Code, § 20-66) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.32 NOTIFICATION BY USERS OF UNUSUAL FLOWS OR WASTES.

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

(>79 Code, § 20-66) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.33 COMPLIANCE WITH STATE AND FEDERAL REQUIREMENTS.

All provisions of this subchapter and limits set herein shall comply with any applicable state or federal requirements now, or projected to be in effect.

(>79 Code, § 20-67) (Ord. passed 5-10-76) Penalty, see § 54.99

§ 54.34 TAMPERING WITH SEWAGE WORKS PROHIBITED.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(>79 Code, § 20-68) (Ord. passed 5-10-76) Penalty, see § 54.99

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§ 54.35 RIGHT OF ENTRY ON PRIVATE PROPERTY FOR ENFORCEMENT.

(A) The Superintendent, Inspector and other duly authorized employees of the city, state water pollution control employees and USEPA employees bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his or her representatives, the state water pollution control employees and USEPA employees shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in § 54.24, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 54.21.

(C) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(>79 Code, § 20-69) (Ord. passed 5-10-76) Penalty, see § 54.99

RATES AND CHARGES

§ 54.45 DEFINITIONS.

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

CITY. The City of Garrett, Indiana, acting by and through the Common Council of the city, or any duly authorized officials acting in its behalf.

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COUNCIL. The Common Council of the city, or any duly authorized officials acting upon its behalf.

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

EQUIPMENT. All movable, non-fixed items necessary to the wastewater treatment process.

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

INDUSTRIAL WASTES. Any solid, liquid or gaseous substance or form of energy discharge, permitted to flow or escaping from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person or industrial user as defined by this subchapter.

NPDES. National Pollutant Discharge Elimination System.

OPERATION AND MAINTENANCE COSTS. All cost, direct and indirect, including but not limited to replacement costs, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related federal, state and local requirements.

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

PERSON. Any and all persons, natural or artificial, including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

REAL PROPERTY. All non-movable fixed in place items such as structures and buildings housing equipment or otherwise used in the wastewater treatment plant process.

REPLACEMENT COSTS. The expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which

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such works were designed and constructed.

SANITARY SEWAGE. Sewage discharge from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and free from storm water, surface water and industrial wastes.

SERVICE LIFE. The period of time during which a component of a wastewater sewage works will be capable of performing a function; and shall mean a period of 25 years for equipment and 50 years for real property, other than land.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

SEWAGE WORKS. All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge.

SEWERAGE SYSTEM. The network of sewers and appurtenances used for collecting, transporting and pumping sewage to the wastewater treatment plant.

STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of AStandard Methods for the Examination of Water and Waste Water@, publishes jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation and set forth in the Congressional Record 40 CFR 136.

USER CHARGE. A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works. The method of computing the initial user charge and debt service charge is contained in a report prepared by H. J. Umbaugh and Associates, Certified Public Accountants, Indianapolis, Indiana, and is incorporated as a part hereof.

USER CLASS. The division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental) in the user charge system and as industrial and nonindustrial in the industrial cost recovery system.

(1) **COMMERCIAL USER.** Any establishment listed in the Office of Management and Budget=s AStandard Industrial Classification Manual (SICM)@ (1972 edition) involved in a commercial enterprise, business or service which, based on a determination by the city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

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

(3) **INDUSTRIAL USER.** Any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works. Industrial users shall be as identified in the ASICM@ under divisions A, B, D, E or I.

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

(5) **RESIDENTIAL USER.** A user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

WASTEWATER TREATMENT PLANT. The wastewater treatment facilities of the Garrett Municipal Sewage Works.
(>79 Code, § 20-78) (Ord. passed 5-17-76; Am. Ord. passed 6-16-92; Am. Ord. 52692-3, passed 6-16-92)

§ 54.46 BASED ON SERVICES PROVIDED.

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

(B) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency, published in the Federal Register August 21, 1973 (38 CFR 22523) and on February 11, 1974 (39 CFR 5252). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewage works plant and equipment.

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

(1) Class I – Residential.

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(2) Class II – Commercial.

(3) Class III – Institutional.

(4) Class IV – Governmental.

(5) Class V – Industrial.

(>79 Code, § 20-79) (Ord. passed 6-10-76; Am. Ord. passed 7-21-81; Am. Ord. 52692-3, passed 6-16-92; Am. Ord. 97-27, passed 12-2-97; Am. Ord. 2001-5, passed 6-19-01)

§ 54.47 SCHEDULE.

(A) For the use of and the service rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the city sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the city. Such rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(B) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, except as herein otherwise provided. Water meters will be read once each month, and sewage service bills shall be rendered once each month (or period equaling a month). The water usage schedule on which the amount of the rates and charges shall be determined shall be as follows:

(1) User Class I through V.

<i>QUANTITY OF WATER USED PER MONTH BY ALL USER CLASSES (GALLONS)</i>	<i>TOTAL RATE</i>
Residential	
First 3,000	\$ 9.99
Over 3,000	8.69

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Commercial and Institutional	
First 3,000	9.99
Next 7,000	8.69
Next 15,000	7.40
Next 25,000	6.18
Over 50,000	4.84
Governmental and Industrial	
First 3,000	9.99
Next 7,000	8.69
Next 15,000	7.40
Next 25,000	6.18
Next 50,000	4.84
Over 100,000	4.06

(C) The minimum charge for any service where the use is a metered consumer shall be based on the size of such water meter and shall be as follows:

<i>MINIMUM MONTHLY CHARGE</i>	
<i>METER SIZE (IN INCHES)</i>	<i>TOTAL</i>
5/8 - 3/4	\$ 29.97
1	53.19
1 3	84.71
1 2	117.63
2	169.06
3	250.43

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4	331.97
6	469.87
Provided, however, that the minimum charge shall be based on a meter size of not more than one size smaller than the service line in which the meter is installed.	

(D) Other charges shall be as follows:

<i>OTHER CHARGES</i>	<i>TOTAL</i>
Unmetered Users	
Per single family equivalent	\$47.35
Extra Units Charge	
Per additional unit per month	9.02
Excessive Strength Surcharge	
Suspended Solids (in excess of 250 mg/1) (per pound)	.17
BOD (in excess of 200 mg/1) (per pound)	.16
Phosphorus (in excess of 10 mg/1) (per pound)	1.66

('79 Code, § 20-80) (Ord. passed 6-10-76; Am. Ord. passed 8-6-86; Am. Ord. 82190-1, passed 8-21-90; Am. Ord. 52692-3, passed 6-16-92; Am. Ord. 97-27, passed 12-2-97; Am. Ord. 2001-5, passed 6-19-01; Am. Ord. 2002-27, passed 11-19-02)

§ 54.48 USE OF WATER SOURCES OTHER THAN CITY=S.

The quantity of water discharged into the sanitary sewerage system and obtained from sources other than the utility that serves the city shall be determined by the city in such manner as the city shall reasonably elect, and the sewage service shall be billed at the appropriate rates in § 54.47. Further, as is hereinafter provided in this section, the city may make proper allowances in

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determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the city that such quantities do not enter the sanitary sewage system:

(A) If a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the water utility serving the city, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the city, then the amount of water used shall be otherwise measured or determined by the city. In order to ascertain the rate or charge provided in this subchapter, the owner or other interested party shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

(B) If a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, is a user of water supplied by the water utility serving the city and, in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the city, then the amount of water used shall be otherwise measured or determined by the city. In order to ascertain the rates or charges, the owner or other interested parties shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

(C) If two or more residential lots, parcels of real estate or buildings discharging sanitary sewage water or other liquids into the city's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.

(D) If two or more dwelling units such as mobile homes, manufactured homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case billing shall be for a single service in the manner set out elsewhere herein, except that there will be an additional charge of \$.90 \$2.85 per month for each additional unit. In the case of mobile home parks and in the case of manufactured home parks, the number of dwelling units shall be computed and

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interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A **DWELLING UNIT** shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

(E) In order that the single-family domestic and residential users of sewage service shall not be penalized for sprinkling lawns during the summer months of July, August and September, the billing for sewage service for residences or domestic users for such months shall be based upon the water usage for the previous months of January, February and March. If the water usage for such previous months is greater than the water usage for such summer months then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic or residential sewage service as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and used as a single-family residence. Such sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. If a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential proportion of the premises is served through a separate meter and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

(F) If a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, and uses water in excess of 45,000 gallons per quarter, and it can be shown to the satisfaction of the city that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

(>79 Code, § 20-81) (Ord. passed 5-10-76; Am. Ord. passed 2-28-79; Am. Ord. 52692, passed 6-16-92)

(G) In order that single-family domestic and residential users of sewage service shall not be penalized for water used in connection with swimming pool fills or refills, such users shall not be charged for sewage service based upon water usage for the following purposes:

- (1) The initial fill-up of a newly constructed swimming pool.
- (2) The fill-up of an existing pool that has been completely drained for

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repair or rehabilitation of the pool structure or of a pool liner.

(3) The partial fill-up necessary in the spring of the year or when a pool is reopened after winter closure. This exception is limited to one time per year, any additional partial fill-ups occasioned as a result of evaporation, leakage, backwashing filters or other causes is not included in this exception.

(>79 Code, § 20-81) (Am. Ord. 4792-2, passed 4-7-92)

(H) In order that the Parks and Recreation Department, or its successors, shall not be penalized for water used in connection with the municipal swimming pool located at Feick Park, there shall not be a charge for sewage service based upon water usage for water metered at the pump house used to fill or refill the swimming pool, without limitation.

(>79 Code, § 20-81) (Ord. 4792, passed 4-7-92; Am. Ord. 52692, passed 6-16-92; Am. Ord. 7792, passed 7-7-92)

§ 54.49 RATE SURCHARGE FOR INDUSTRIAL USERS.

(A) In order that the rates and charges may be justly and equitably adjusted to the service rendered to industrial users, the city shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The city shall require the industrial user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner and by such method as the city may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The industrial user shall furnish a central sampling point available to the city at all times.

(B) Normal sewage domestic waste; strength should not exceed a BOD of 200 mg/l of fluid, suspended solids in excess of 250 mg/l fluid. Additional charges for treating stronger-than-normal domestic waste are set forth in § 54.47.

(C) The determination of suspended solids and five day BOD contained in the waste shall be in accordance with the latest copy of AStandard Methods for the Examination of Water, Sewage and Industrial Wastes,@ as written by the American Public Health Association, the American Water Works Association, the Water Pollution Control Federation, and in conformance with AGuidelines Establishing Test Procedures for Analysis of Pollutants,@ Regulations CFR Part 136, published in the Federal Register on October 16, 1973.

(>79 Code, § 20-82) (Ord. passed 5-10-76)

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§ 54.50 BILLING; DELINQUENT ACCOUNTS.

(A) Sewage charges for sewerage service shall be prepared, and billed by the city along with the bills for water service and shall be payable at the same time as the water bills.

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

(C) As is provided by IC 36-9-23-31, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of 10% of the amount of the rates or charges shall thereupon attach hereto. The time at which such rates or charges shall be paid shall be determined by the city in its discretion and be printed on the bill.

(D) Charges for sewerage service levied pursuant to this subchapter shall be due and payable on or before the due date shown on the bills. Any service charge not paid by the due date (approximately 15 days after the bill is rendered) shall be considered delinquent. Such delinquent charge together with any applied penalties shall be collectible as hereinafter set forth.

(E) As provided by the statutes of the state, delinquent sewerage service charges may be made a lien against the property served through certification to the Auditor and the Recorder of the county. In such case, the delinquent service charges, together with the mandatory penalty of 10%, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.

(F) In addition to the foregoing remedies, the city shall have the right to bring a civil action to recover any delinquent charges, together with a penalty of 10% and a reasonable attorney's fee. It shall also have the right, as provided by the statutes of the state, to foreclose any lien established under the provisions of this subchapter with recovery of the charge, a penalty of 10% and a reasonable attorney's fee as provided by state law.

(G) There shall be a charge of \$1.50 for each duplicate bill prepared by the city.

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(>79 Code, § 20-83) (Ord. passed 5-10-76, Am. Ord. 52692, passed 6-16-92; Am. Ord. 52692-3, passed 6-16-92; Am. Ord. 97-27, passed 12-2-97)

§ 54.51 REVIEW OF FAIRNESS OF RATES.

(A) In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users of user classes, the city's shall cause a study to be made within a reasonable period of time following the first 12 months of operation, following the date on which this chapter went into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems.

(B) Thereafter, on an annual basis, within a reasonable period of time following the normal accounting period, the city shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis. Such studies shall be conducted by officers or employees of the city or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the city shall determine to be best under the circumstances.

('79 Code, § 20-84) (Ord. passed 5-10-76; Am. Ord. 52692, passed 6-16-92; Am. Ord. 52692-3, passed 6-16-92)

§ 54.52 ENFORCEMENT.

(A) The city shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical and efficient management of the city's sewerage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewerage system, and for the regulation, collection, rebating and refunding of such rates and charges.

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

(>79 Code, § 20-85) (Ord. passed 5-10-76; Am. Ord. 52692, passed 6-16-92;

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Am. Ord. 52692-3, passed 6-16-92)

§ 54.53 SEWER CONNECTION FEES.

(A) The fee or charge that shall be paid to the city for the right to connect to any city sanitary sewer shall be as follows:

(1) Residential in city limits (per each dwelling; multiple-dwelling units shall pay a fee equal to the connection fee times each separately numbered unit for postal services): \$1,500, with a maximum connection fee in connection with a multiple dwelling residential unit of \$5,000.

(2) Non-residential in city limits: \$1,500 per Equivalent Dwelling Unit (EDU), with a maximum connection fee of \$5,000.

(3) All residential connections outside city limits: \$1,500, with a maximum connection fee in connection with a multiple dwelling residential unit of \$5,000.

(4) Non-residential outside city limits: \$1,500 per Equivalent Dwelling Unit (EDU), with a maximum connection fee of \$5,000.

(B) ***EQUIVALENT DWELLING UNITS (EDU)*** shall mean the average wastewater flow, estimated or metered of 310 gallons per day. All EDU calculations shall be rounded to the next highest integer. All single-family residential customers shall be deemed to be one EDU.

(>79 Code, § 20-86) (Ord. passed 8-16-83; Am. Ord. 52692, passed 6-16-92; Am. Ord. 52692-3, passed 6-16-92; Am. Ord. 2001-5, passed 6-19-01; Am. Ord. 2005-1, passed 2-1-05)

§ 54.54 SPECIAL RATE CONTRACTS.

The Council is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs. (Ord. 52692-3, passed 6-16-92)

§ 54.55 DEPOSIT.

No applicant or consumer shall be hereafter connected for service by the sewage works or entitled to receive service from the sewage works utility until such applicant or consumer shall apply at the utility office for such service, pay all delinquencies, if any, standing against such consumer, wheresoever incurred, and

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shall make a deposit with the city in the amount of \$100.
(Ord. 2001-5, passed 6-19-01; Am. Ord. 2002-27, passed 11-19-02)

INDUSTRIAL RECOVERY CHARGES

§ 54.65 DEFINITIONS.

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

ACT. The Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, adopted by the 92nd Congress on October 18, 1972.

AMOUNTS FOR RECONSTRUCTION AND EXPANSION. Those amounts which represent a minimum of 80% of the amount retained by the city, together with interest earned thereon. These amounts shall be used solely for the eligible costs of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the act. The city shall obtain the written approval of the regional administrator of the United States Environmental Protection Agency (USEPA) prior to commitment of the retained amounts for any expansion and reconstruction. The remaining 20% of retained amounts may be used at the discretion of the city.

FEDERAL GRANT AMOUNTS, That portion of the total construction costs for Project Number C-180394 01 which was sponsored by the United States Environmental Protection Agency. Total eligible construction costs will amount to approximately \$735,800. The federal grant will amount to approximately \$551,850.

INDUSTRIAL COST RECOVERY PERIOD. That period during which the grant amount allocable to the treatment of wastes from industrial users is recovered from the industrial users of such works, which shall be a period of 30 years.

INDUSTRIAL USER. Any nongovernmental user of the treatment works identified in the AStandard Industrial Classification Manual,@ 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (1) Division A – Agriculture, Forestry and Fishing.
- (2) Division B – Mining.

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(3) Division D – Manufacturing.

(4) Division E – Transportation, Communication, Electric, Gas and Sanitary Services.

(5) Division I – Services.

A user in the divisions listed may be excluded if it is determined that such user will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

NONINDUSTRIAL USER. Any governmental or residential user. The term also includes commercial, institutional and other industrial users where it has been determined that the wastes contributed by these users is primarily segregated domestic wastes or wastes from sanitary conveniences.

NORMAL DOMESTIC WASTES. Wastes which do not exceed a biochemical oxygen demand (BOD) strength of 200 mg/1 of fluid, a suspended solids strength in excess of 250 mg/1 of fluid. Also, it shall mean wastewaters from segregated domestic or sanitary conveniences as distinct from wastes from industrial processes, or a phosphorus strength of 10 mg/1 of fluid.

PAYMENT TO UNITED STATES TREASURY. That portion of the recovered amounts that must be returned to the United States Treasury on an annual basis. The annual payments to the United States Treasury shall amount to 50% of the annual recovered amounts, together with interest earned thereon.

PROJECT NUMBER C-180394 01. A separate and distinct construction project for construction of the municipal sewage works which was sponsored by the United States Environmental Protection Agency under the provisions of Public Law 92-500. This project does not include past or future construction, equipment or other services not included under the specific project number and the approved plans, specifications and approved change orders for the project which are on file in the city hall, and by reference made a part of this subchapter as fully as if same were attached hereto or incorporated herein.

RECOVERED AMOUNTS. The annual payments from industrial users for their share of the federal grant allocable to the cost of treating industrial waste, which is determined by dividing the amount of the total federal grant, allocable to the treatment of industrial waste, by the recovery period.

RETAINED AMOUNTS. That portion of the recovered amounts retained by the

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city. The retained amounts shall be equal to 50% of the recovered amounts, together with interest earned thereon.

SEGREGATED DOMESTIC WASTES. Wastes from nonresidential sources, resulting from normal domestic activities and measurable and set apart from industrial trade or process discharges.

(>79 Code, § 20-93) (Ord. passed 5-10-76)

§ 54.66 DETERMINATION.

In order to comply with federal regulations, in the case of federal grant assistance for the construction of waste treatment works, where it has been determined that "industrial users" defined in § 54.65, or as amended by appropriate federal regulations, are required to reimburse a portion of the federal grant amount allocable to the capital cost of constructing facilities for the treatment of "industrial wastes," rates and charges shall be collected from each industrial user connected to the municipal sewerage works or who otherwise discharges sewage, water or liquids, either directly or indirectly, into the municipal waste treatment system, which charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(A) The industrial cost recovery charges for the treatment of industrial wastes shall be based upon the volume of sewage flow billed to industrial users, as determined in accordance with appropriate provisions for determining billed flow included in § 54.15 through 54.35 and the total strength and character of industrial wastes which is introduced into the waste treatment system. The strength and character of industrial wastes shall be measured at the industrial users expense as provided for in § 54.15 through 54.35 and furnished to the city. The owner or industrial user shall furnish a central sampling point available to the city at all times. If the measurement of the strength and character of industrial wastes are not provided to the city on a timely basis, the measurements of the strength and character of industrial wastes shall be determined by the city on the basis of a sample, authorized hereunder, to be taken by the city for the purpose of appropriate billing. The industrial cost recovery rates for the treatment of wastes shall be as follows:

(1) Monthly volume flow, which includes normal domestic wastes (BOD 200 mg/l, suspended solids 250 mg/l and phosphorus of 10 mg/l), per 1,000 gallons, \$.0631.

(2) Monthly pounds of BOD in excess of 200 mg/l, per pound, \$.0097.

(3) Monthly pounds of suspended solids in excess of 250 mg/l, per

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pound, \$.0087.

(4) Monthly pounds of phosphorus in excess of 10 mg/l, per pound, \$.0431.

(B) However, if an Aindustrial user@ can and does show to the satisfaction of the city that a portion of the total monthly billed sewage flow is from sanitary conveniences, then the flow and pollutant loadings to which the industrial cost recovery charge is applied, shall be determined on the basis of net flow and pollutant loadings excluding sanitary conveniences.

(C) The industrial cost recovery charges for treatment services on or after the effective date as stated in § 54.71, shall be prepared and billed quarterly. (>79 Code, § 20-94) (Ord. passed 5-10-76)

§ 54.67 USERS SUBJECT TO CHARGES.

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

(A) The city shall require appropriate employees of the sewage works to review billing records and prepare a list of all potential users, as identified in each of the divisions listed in § 54.65.

(B) The list of all potential industrial users shall be analyzed on the basis of data available at the sewage works billing office (i.e., type of business, volume charges, excessive loading charges, estimated number of employees and the like) for the purpose of developing preliminary lists of probable Aindustrial@ and probable Anonindustrial@ users.

(C) The city shall conduct an immediate survey of all probable Aindustrial@ users in order to substantiate the validity of classifying a particular user as an Aindustrial@ user. Each user initially classified as an industrial user, shall be notified as to their classification.

(D) After completing the survey of all probable Aindustrial@ users, the city shall review the list of probable Anonindustrial@ users to determine if the initial classification of any of these users should be reconsidered. Where appropriate, individual users will be contacted in order to determine the proper classification.

(E) After completing the survey of all probable Aindustrial@ users, the city shall review the list of probable Anonindustrial@ users to determine if the initial classification of any of these users should be reconsidered. Where appropriate,

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individual users will be contacted in order to determine the proper classification.

(F) Within a reasonable period of time following completion of the sewerage works construction project, the city shall have completed the initial classification of all industrial users. During the first calendar year of operation, subsequent to completion of the construction project, and annually thereafter, the city will review, classify and reclassify all users as either industrial or nonindustrial users based upon measurements and data obtained by the city or furnished by individual users. Normally, each user will retain his or her classification until the next succeeding classification period. However, if there is a substantial change in the strength, volume or delivery flow rate characteristics introduced into the treatment works by an individual user, then the classification of that user may be reviewed and established during the year in the light of the conditions and attending circumstances of each case.

(>79 Code, § 20-95) (Ord. passed 5-10-76)

§ 54.68 BASIS FOR CHARGES.

The basis for the industrial cost recovery rates and charges included in § 54.66, are as follows:

(A) Total estimated federal grant amount to be awarded for the plant improvements and interceptor sewers under Project Number C-180394 01 amounts to approximately \$551,850.

(B) The consulting engineers estimate that an equitable distribution on a percentage basis of the total cost of construction and equipment included in the treatment plant project would be as follows:

(1) Treatment of sanitary waste flow, 0%

(2) Treatment of suspended solids, 45%

(3) Treatment of BOD, 45%

(4) Treatment of phosphorus, 10%

(C) The design flow capacity of 292 M.G.

(1) Flow. Annual design flow capacity of 292 M.G.

(2) Suspended solids. Design capacity 250 mg/l, times annual flow capacity 292 M.G., times weight will result in 608,309# average annual design

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capacity.

(3) BOD. Design capacity 200 mg/l, times annual flow capacity 292 M.G., times weight will result in 486,647# average annual design capacity.

(4) Phosphorus. Design capacity 10 mg/l times annual flow capacity 292 M.G., times weight will result in 24,332# average annual design capacity.

(D) Industrial cost recovery period will be 30 years.

(E) Average annual basis for the cost recovery charge will amount to \$18,395 (\$551,850 federal grant, divided by 30 years recovery period, \$10,485 allocated to plant and \$7,910 allocated to the collection system).

(F) Total annual basis for the cost recovery charge allocated to treatment functions, is as follows:

(1) Treatment of waste volume (\$10,485 x 0%), \$0.00.

(2) Treatment of suspended solids (\$10,485 x 45%), \$4,718.

(3) Treatment of BOD (\$10,485 x 45%), \$4,718.

(4) Treatment of phosphorus (\$10,485 x 10%), \$1,049.

(G) The industrial cost recovery rates for the treatment charges are computed on the basis of the annual functional costs of treatment, divided by average annual design capacity in the following manner:

(1) Treatment of sanitary waste volume. Annual functional cost of \$7,910 (plant \$0 plus collection system of \$7,910) divided by annual capacity 292 M.G., equals \$.0271 per 1,000 gallons.

(2) Treatment of suspended solids. Annual functional cost of \$4,718 divided by annual capacity of 608,309 pounds equals \$.0078 per pound.

(3) Treatment of biochemical oxygen demand. Annual functional cost of \$4,718 divided by annual capacity of 486,647 equals \$.0097 per pound.

(4) Treatment of phosphorus. Annual functional cost of \$1,049 divided by annual capacity of 24,332 pounds equals \$.0431 per pound.

(H) The rates computed in division (G) above, would result in total recovery of

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the federal grant amount if all users were subject to the industrial cost recovery requirements, and provided that the treatment plant was operated at capacity during the cost recovery period. Therefore, these rates will ensure that each industrial user will pay only that portion of the federal grant amount applicable to the costs of the treatment facilities actually utilized to treat industrial wastes, as determined by each industrial users flow and pollutant loadings.

(>79 Code, § 20-96) (Ord. passed 5-10-76)

§ 54.69 ACCOUNTING OF FUNDS.

The city shall account for all industrial cost recovery payments in the following manner:

(A) All revenues derived from the industrial cost recovery rates and charges shall be segregated and kept in a special fund, separate and apart from all other funds of the city. The special fund shall be designated the Asewage works industrial cost recovery fund@ and payment of the amount into the fund shall be deemed a reasonable expense of operation of the sewage works for the purpose of computing net operating revenue.

(B) Within 45 days following the end of the first calendar year after completion of construction of the sewerage facilities and annually thereafter, the city shall return 50% of the amounts recovered through the industrial cost recovery charges, together with any interest earned thereon, to the United States Treasury. Pending use, the city shall invest the retained amounts for reconstruction and expansion in:

(1) Obligations of the United States government;

(2) Obligations guaranteed as to principal and interest by the united States Government or any agency thereof; or

(3) Shall deposit such amounts in accounts fully collateralized by obligations of the United States Government of by obligations fully guaranteed as to principal and interest by the United States Government or any agency thereof.

(C) Eighty percent of the funds retained by the city in the Asewage works industrial cost recovery fund@ or authorized investments and the interest earned thereon, shall be expended only for the purpose of eligible costs of expansion or reconstruction of the treatment works. The city shall obtain the written approval of the regional administrator of the United States Environmental Protection Agency prior to commitment of the retained amounts for any expansion and reconstruction. The remaining 20% of the funds retained by the city may be

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utilized for any authorized use associated with the sewerage works.
(>79 Code, § 20-97) (Ord. passed 5-10-76)

§ 54.70 REVIEW OF RECORDS TO DETERMINE FLOW CHARACTERISTICS.

Upon request from EPA, the city shall encourage each industrial user to permit representatives of the United States Environmental Protection Agency to review appropriate industrial sewage records for the purpose of independently verifying the flow and characteristics of industrial wastes which are introduced into the treatment works. No waste introduced into the waste treatment system shall interfere with the operation or performance of the sewage treatment works. All users are subject to the requirements of pretreatment standards established by federal and state law.

(>79 Code, § 20-98) (Ord. passed 5-10-76)

§ 54.71 BILLING.

(A) The industrial cost recovery rates and charges shall be prepared, billed and collected in the manner provided by law, this code and any other ordinances of the city.

(B) The industrial cost recovery charges for treatment services shall become effective for services rendered during the first calendar quarter following completion of construction and shall be prepared and billed quarterly.

(>79 Code, § 20-99) (Ord. passed 5-10-76)

SEWER-EXCAVATOR CONTRACTOR REGISTRATION

§ 54.85 DEFINITIONS.

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

SEWER-EXCAVATOR CONTRACTOR. Any person, firm or corporation engage in the business of installing, altering or repairing of private sewers or drain lines conducting wastewater, stormwater, liquid waste or human excrement outside the foundation walls of any building over private property to the property line for tap-in or connection with a public sewer.

SEWER EXCAVATION. The performance of the work, labor and services as described in the foregoing definition of Asewer-excavator contractor.@

(>79 Code, § 7-60) (Ord. passed 3-18-80)

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§ 54.86 REGISTRATION.

It shall be unlawful for any sewer-excavator contractor to engage in sewer-excavation work without first having registered with the Clerk-Treasurer or his or her designee.

(>79 Code, § 7-60.1) (Ord. passed 3-18-80)

§ 54.87 FORM.

Registration shall be on the form prescribed by the Board of Public Works and Safety and each applicant shall complete the form provided giving true and correct information concerning business address, experience and such other information as may be required.

(>79 Code, § 7-60.2) (Ord. passed 3-18-80)

§ 54.88 APPROVAL AND FEE.

(A) The application shall be submitted to the Common Council for review and official action. If the Common Council approves the application, the Clerk-Treasurer shall be directed to issue to such applicant a registration certificate upon the payment by the applicant of a fee of \$25 as registration fee, which funds shall be deposited in the city general fund. Such certificate shall expire on the next succeeding December 31.

(B) If the Common Council rejects the application, the applicant shall be permitted to file a request in writing within 30 days for a hearing to review the application and present such evidence as the applicant may deem pertinent, and thereafter the Common Council upon receiving such request shall grant the applicant the right of a review hearing in open meeting.

(>79 Code, § 7-60.3) (Ord. passed 3-18-80)

§ 54.89 CERTIFICATES NONTRANSFERABLE.

Registrants must have the certificates so issued on the premises of every work project performed in connection with such sewer-excavation work and the certificates shall be nontransferable to other persons, firms or corporations.

(>79 Code, § 7-60.4) (Ord. passed 3-18-80)

§ 54.90 CERTIFICATED REGISTRANT PRESENT ON EVERY PROJECT.

Each and every time that a certificated registrant contracts to perform a sewer excavation work service, the registrant must report the project to the Clerk-Treasurer or his or her designee and obtain a digging tap-in permit. If employees

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are retained to assist the certificated registrant, the certified person must be present on the job project to supervise the work at all times and all work must be performed with the materials prescribed by the Common Council or its agent and designees, and in the manner they shall direct. All sewer tap-in and excavation work, laying of pipe or conduit, shall be subject to the inspection by the agent or designee of the Common Council and no such excavation shall be filled in until a written approval of the work is given by the Superintendent of the Sewer Department. All work shall be performed in conformance with the AFederal Sewage Work Grant Project C-180772, Project Engineers Sewer Tap Line Recommendations,@ a copy of which shall be provided to all certificated registrants. Any work with improper material, or performed in an unworkmanlike manner in the judgment of the Superintendent of the Sewer Department , shall be subject to an order that it be redone or a cease and desist order shall be issued from the Sewer Department Superintendent which, if ignored by the registrant, shall subject the registrant to litigation in a court of proper jurisdiction in actions for injunctions by the city as the plaintiff-petitioner; and should such court in such proceeding find that such cease and desist order was wilfully and knowingly ignored, the court may, in addition to the imposition of an injunctive order, levy a fine as prescribed in § 54.99(C).

(>79 Code, § 7-60.5) (Ord. passed 3-18-80) Penalty, see § 54.99(C)

§ 54.91 RENEWAL.

All certified registrants shall renew their applications annually by the resubmission of a new application and payment of renewal fee of \$25.

(>79 Code, § 7-60.6) (Ord. passed 3-18-80)

§ 54.92 PERFORMING WORK WITHOUT CERTIFICATE OR PERMIT.

Any person performing the work described herein without first receiving a registrant=s certificate or any certificated registrant performing the work described herein without first obtaining a project dig permit as described herein shall be subject to prosecution by the city attorney for the commission of a Class C infraction as provided by the criminal code of the state in any court of proper jurisdiction of such matters.

(>79 Code, § 7-60.7) (Ord. passed 3-18-80) Penalty, see § 54.99(C)

§ 54.98 VIOLATIONS.

Any person found to be violating any provision of this chapter except § 54.34 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease

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all violations.

(>79 Code, § 20-70) (Ord. passed 5-10-76)

§ 54.99 PENALTY.

(A) Any person who shall continue any violation beyond the time limited provided for in § 54.99 shall be guilty of a violation of this chapter punishable as set forth in § 10.99.

(B) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city or downstream users by reason of such violation. (>79 Code, 5-10-76)

(C) (1) Should the court in such proceeding described in § 54.90 find that a cease and desist order was wilfully and knowingly ignored, the court may, in addition to the imposition of an injunctive order, levy a fine not to exceed \$5,000 and the costs of the action against the certificated registrant in charge of the project. (>79 Code, § 7-60.5)

(2) Any person who shall violate § 54.92 shall be fined in the amount of \$1,000 plus court costs assessed therein. A second violation within a period of one year from the date of the first offense is committed shall be treated as a Class B infraction and the fine imposed shall be \$2,500.
(>79 Code, § 7-60.7) (Ord. passed 3-18-80)