

**TITLE V: PUBLIC WORKS**

Chapter

**50. SEWERS**

**51. SOLID WASTE DISPOSAL**

**52. WATER**



## CHAPTER 50: SEWERS

### Section

#### *General Provisions*

- 50.001 Purpose, policy, and objectives
- 50.002 Definitions
- 50.003 Prohibitions
- 50.004 Private sewage disposal systems
- 50.005 Damaging sewer equipment
- 50.006 Written permit required for use of public sewer
- 50.007 Connection to public sewer system required

#### *Building Sewers*

- 50.015 Inspections
- 50.016 Costs and expenses of installation and connection of building sewer; indemnification
- 50.017 Separate building sewer provided for every building
- 50.018 Use of old building sewers with new buildings
- 50.019 Specifications for construction
- 50.020 Gravity flow of building drain to public sewer
- 50.021 Surface runoff or groundwater
- 50.022 Repair and/or replacement of existing lines
- 50.023 Notification of inspector
- 50.024 Barricades and lights around sewer excavations

#### *Prohibited Discharges, Treatment, Monitoring, and Reporting*

- 50.030 Discharge of storm water and other unpolluted drainage
- 50.031 Prohibitions and limitations on wastewater discharges
- 50.032 Control of prohibited wastes
- 50.033 Industrial wastewater monitoring and reporting

#### *Enforcement; Enforcement Response Plan*

- 50.040 Enforcement procedures

#### *Penalty; Costs*

- 50.050 Penalty; costs
- 50.051 Additional enforcement action

## Salem - Public Works

### *Saving and Conflict Clauses*

- 50.060 Savings clause
- 50.061 Conflict

### *Private Wastewater Haulers*

- 50.080 Delivery and disposal of wastewater from private wastewater haulers regulated

### *Rates and Charges*

- 50.115 Rates to be collected
- 50.116 Water-based consumption charge
- 50.117 Review and adjustment of rates
- 50.118 Installation of acceptable meters
- 50.119 Surcharge for wastewater of excessive strength
- 50.120 Payment procedure; computation of rates and charges
- 50.121 Application of rates
- 50.122 Delinquent charges; penalty; lien
- 50.123 Collection; deposit in sewage revenue account
- 50.124 Sewage works sinking fund
- 50.125 Billing procedure
- 50.126 Copy of schedule of rates and charges on file
- 50.127 Charges based upon use of sewers
- 50.128 Rate schedule
- 50.129 Connection fees; payment procedure; allocation of revenue
- 50.130 Service fee for disposal of wastewater by private contractors and individuals into wastewater treatment facility
- 50.131 Customer deposit

### *Administration and Enforcement*

- 50.145 Right of entry
- 50.146 Liability upon violation
- 50.147 Compliance with local, state and federal laws
- 50.148 Notice of violation
- 50.149 Rules and regulations

- 50.999 Penalty

***Cross-reference:***

*Water, see Chapter 52*

***Statutory reference:***

*Municipal sewage works, see IC 36-9-23*

**GENERAL PROVISIONS****§ 50.001 PURPOSE, POLICY, AND OBJECTIVES.**

(A) Sections 50.001 through 50.061 of this chapter set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).

(B) The objectives of §§ 50.001 through 50.061 are:

(1) To prevent the introduction of pollutants into the city's wastewater treatment system which will interfere with the operation of the system or contaminate the resultant sludge;

(2) To prevent the introduction of pollutants into the city's wastewater system which will pass through the system, inadequately treated, into receiving waters or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(4) To comply with 40 CFR 403, as amended.  
(Ord. 1282, passed 10-12-09)

**§ 50.002 DEFINITIONS.**

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

**ACT.** The Federal Water Pollution Control Act (PL 92-500) as amended by the Clean Water Act (PL 95-217) of 1977.

**APPLICABLE PRETREATMENT STANDARD.** Any pretreatment limit or prohibitive standard (federal, state, or local) contained in §§ 50.001 through 50.061 and considered to be the most restrictive with which industrial users will be required to comply.

**APPROVAL AUTHORITY.** The Director in an NPDES state with an approved state pretreatment program or the Administrator of the EPA in a non-NPDES state or an NPDES state without an approved state pretreatment program.

**AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER.** An authorized representative of an industrial user may be:

(1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation;

(2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or,

(3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

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

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

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

**BOARD or BOARD OF PUBLIC WORKS.** The duly appointed Board of Public Works of the city.

**CATEGORICAL INDUSTRIAL USER or CIU.** A discharger that is regulated by discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 USC 1347) and which apply to specific categories as industrial users.

**CFR.** Code of Federal Regulations.

**CITY.** City shall mean the duly constituted municipal corporation of the city of Salem, Indiana, the Salem Board of Public Works, and/or their authorized representative.

**CITY ENGINEER.** The duly appointed City Engineer of the city or an authorized deputy, agent, or representative.

**COMBINED SEWER.** A sewer receiving both sewage and storm or surface water.

**COMPATIBLE POLLUTANT.** BOD, suspended solids, pH and fecal coliform bacteria, and such additional pollutants as specified and controlled in this City's NPDES permit for its POTW, where said works have been designed and used to reduce or remove such pollutants to the degree required by the POTW's NPDES permit.

**COMPOSITE SAMPLE.** A composite sample should contain a minimum of eight discrete samples taken at equal time intervals over the composition period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples may be required where the wastewater loading is highly variable.

**CONTROL AUTHORITY.** The Board of Public Works, acting through the Utilities Director or authorized representative.

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

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

**DIRECT DISCHARGE.** The discharge of treated or untreated wastewater directly to the waters of the state.

**DOMESTIC WASTES.** Liquid wastes from the non-commercial preparation, cooking, and handling of food or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

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

**EPA or U.S. ENVIRONMENTAL PROTECTION AGENCY.** The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized officials of the agency.

**GARBAGE.** Any solid wastes from the preparation, cooking, or dispensing of food and from handling, storage, or sale of produce.

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

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

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

***INCOMPATIBLE POLLUTANT.*** All pollutants other than compatible pollutants as defined in this section.

***INDUSTRIAL DISCHARGE.*** The discharge or the introduction of (non-domestic) pollutants from any source regulated under section 307(b), (c) or (d) of Federal Code 33 U.S.C. 1317, into the POTW (including holding tank waste discharged into the system).

***INDUSTRIAL DISCHARGE PERMIT.*** A permit issued by the control authority to an industry to permit the deposit or discharge of industrial wastewater into the POTW's sanitary sewer.

***INDUSTRIAL WASTEWATER.*** The liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments, as distinct from domestic wastes.

***INDUSTRIAL WATER.*** Any industrial user of the city's wastewater treatment system which is a source of industrial discharge, as defined in this section.

***INFLUENT.*** The water, together with any wastes that may be present, flowing into a drain, sewer, receptacle, or outlet.

***INSPECTOR.*** The person or persons duly authorized by the city, through its Board of Public Works, to inspect and approve the installation of building sewers and its connection to the public sewer system.

***INTERFERENCE.*** The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use of disposals by the POTW in accordance with 405 of the Act (33 U.S.C. 1345), or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

***MAXIMUM DAILY DISCHARGE LIMITATIONS.*** Greatest allowable daily discharge.

***MAY.*** Indicates a discretionary condition.

***NATIONAL CATEGORICAL PRETREATMENT STANDARD.*** Regulations containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act which applies to a specific category of industrial users.

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



**O & M.** Operation and Maintenance.

**PASS THROUGH.** A discharge which exits the POTW in quantities or concentrations which, alone or with discharges from other sources, causes a violation of the POTW's NPDES permit.

**PERSON.** Any and all persons, including any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the state, the United States of America, or other legal entity, or their legal representatives, agents or assigns. The masculine gender includes the feminine, and the singular includes the plural, where indicated by context.

**pH.** The logarithm of the reciprocal of the hydrogen ion concentration, expressed in grams per liter of solution.

**POLLUTANT.** Any physical parameters or substance which, when discharged into the influent waters of the POTW or the waters of the state, would alter the physical, chemical, biological, or radiological integrity of those waters. The term shall include, but not be limited to, dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste.

**POLLUTION.** An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial uses or facilities which serve such beneficial uses. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

**PRETREATMENT.** The reduction of the amount of pollutants, the elimination of pollutants, or the alternation of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or other means, except as prohibited by 40 CFR Section 403.6(d).

**PRETREATMENT COORDINATOR.** The duly appointed pretreatment coordinator of the city, or an authorized representative.

**PRETREATMENT PROGRAM.** The pretreatment program adopted by the Board of Public Works to regulate industrial use of the POTW.

**PRETREATMENT REQUIREMENTS.** Any substantive or procedural pretreatment requirement, other than a national pretreatment standard, applicable to industrial users in accordance with 40 CFR 403.3(r).

**PUBLIC SEWER.** A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

**PUBLICLY OWNED TREATMENT WORKS or POTW.** A treatment works as defined by Section 212 of 33 U.S.C. 1292 which is owned in this instance by the city and managed by the Board of Public Works. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purpose of §§ 50.001 through 50.061, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

**RECEIVING STREAM.** The watercourse, stream, or body of water receiving the waters finally discharged from the wastewater treatment plant.

**SANITARY SEWER.** A sewer which carries sewage from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface water that are not intentionally admitted.

**SEWAGE.** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm water as may be present.

**SHALL.** Indicates a mandatory condition.

**SIC or STANDARD INDUSTRIAL CLASSIFICATION.** A classification pursuant to the *Standard Industrial Classification Manual* issued by the Executive Office of the President, Office of Management and Budget, 1972.

**SIU or SIGNIFICANT INDUSTRIAL USER.** According to 40 CFR 403.3(t), significant industrial user is defined as:

- (1) Any categorical industrial user (CIU).
- (2) Any other IU which:
  - (a) Discharges 25,000 gallons per day or more of process wastewater.
  - (b) Contributes a process waste stream making up 5% or more average dry weather hydraulic or organic capacity of the POTW.
  - (c) Is designated as significant by the control authority because it has a reasonable potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.

***SIGNIFICANT NONCOMPLIANCE*** or ***SNC***. In accordance with 40 CFR 403.8(f)(2)(vii), an IU is in significant noncompliance if its violation meets one or more of the following specific criteria:

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

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (B) of this section to halt or prevent such a discharge.

(5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance.

(8) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

If the POTW determines that an IU is in SNC, that user must be included on the annual publication list.

***SLUDGE***. Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects as defined in standards issued under Section 402 and 405 of the Federal Act and in the applicable requirements under Section 3001, 3004, and 4004 of the Solid Waste Disposal Act, Public Law 94-580.

**SLUG.** Any single discharge episode of any toxic, conventional, or non-conventional pollutant of such volume or strength as to cause interference to the POTW.

**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** or **STORM DRAIN.** A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**STORM WATER.** Any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

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

**TOXIC AMOUNT.** Concentrations of any pollutant or combination of pollutants which upon exposures to 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 Public Law 95-217.

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

**TSS.** Total suspended solids.

**UNPOLLUTED WATER.** Water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

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

**USER.** Any person that discharges, causes, or permits the discharge of wastewater into the sewage system.

**UTILITIES DIRECTOR.** The duly appointed Utilities Director of the city, or authorized deputy, agent or representative.

**WASTEWATER.** The liquid and water-carried industrial and/or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the POTW.

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

**WASTEWATER TREATMENT SYSTEM or SYSTEM.** Any devices, facilities, structures, equipment, or works owned or used by the city of the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastes or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

**WATERCOURSE.** A channel in which a natural flow of water occurs either continuously or intermittently.

**WWTP.** Wastewater treatment plant.

Terms not otherwise defined herein shall be as adopted in the latest amendment to the National Pretreatment Program, 40 CFR 403.  
(Ord. 1282, passed 10-12-09)

### **§ 50.003 PROHIBITIONS.**

(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 within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet with the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.  
(Ord. 1282, passed 10-12-09)

**§ 50.004 PRIVATE SEWAGE DISPOSAL SYSTEMS.**

(A) Where a public sanitary or combined sewer is not available under the provisions of § 50.007(D), 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 issued by the Environmental Officer of the Washington County Health Department. The application for such permit shall be made on a form provided by the Washington County Health Department, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the county Environmental Officer. A permit and inspection fee shall be paid to the County Health Department 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 Washington County Environmental Officer. A copy of the permit and final inspection shall be filed by the Washington County Environmental Officer with the Utilities Director.

(D) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health and the County Board of Health. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

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

(F) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the state or county Boards of Health.  
(Ord. 1282, passed 10-12-09)

**§ 50.005 DAMAGING SEWER EQUIPMENT.**

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 POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. 1282, passed 10-12-09)

**§ 50.006 WRITTEN PERMIT REQUIRED FOR USE OF PUBLIC SEWER.**

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 Utilities Director.

(Ord. 1282, passed 10-12-09)

**§ 50.007 CONNECTION TO PUBLIC SEWER SYSTEM REQUIRED.**

(A) The owner of all houses, buildings, or property used for human occupancy, employment, recreation, or other purposes, situated within the city, and abutting on any street, alley, easement, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is 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 the date of official notice to do so, provided that the public sewer is within 150 feet of the property line.

(B) All houses not tapped into the sanitary sewer system within 30 days after written notice by the city Building Commissioner in contravention of division (A) above shall be deemed public nuisances and shall be abatable in such manner and punishable under such penalties as are presently provided for public nuisances in the city code of ordinances.

(Ord. 1282, passed 10-12-09)

***BUILDING SEWERS*****§ 50.015 INSPECTIONS.**

(A) There shall be two classes of building sewer inspection fees:

- (1) For residential and commercial service; and
- (2) For service to establishments producing industrial wastes.

(B) An inspection fee of \$25 for a residential and commercial building sewer, or \$50 for an industrial zoned area sewer, shall be paid to the city at the time the application for inspection is filed by the owner or his or her agent with the Utilities Director's office. The applicant or his or her agent shall also apply for a tap-in permit at such fee as is set forth in § 50.129, and which tap-in permit application is obtainable in the Utilities Director's office. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. Re-inspections, if the initial inspection fails, shall be paid in advance to the sewer office in the

amount of \$15. For after-hour inspections which are requested or made after 4:00 pm weekdays or Saturday, Sunday, or holidays, the fee will be as follows: residential or commercial-\$100; industrial-\$150; and re-inspections in advance shall be \$50.

(Ord. 1282, passed 10-12-09)

**§ 50.016 COSTS AND EXPENSES OF INSTALLATION AND CONNECTION OF BUILDING SEWER; INDEMNIFICATION.**

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. 1282, passed 10-12-09)

**§ 50.017 SEPARATE BUILDING SEWER PROVIDED FOR EVERY BUILDING.**

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(Ord. 1282, passed 10-12-09)

**§ 50.018 USE OF OLD BUILDING SEWERS WITH NEW BUILDINGS.**

Old building sewers shall not be used if connection to the previous structure has not been used within a period of six months. If, within the six-month period, an inspection of the old tap is made by the Inspector and found to be acceptable after tests are made, fees shall be paid in accordance with § 50.015 for appropriate inspection.

(Ord. 1282, passed 10-12-09)

**§ 50.019 SPECIFICATIONS FOR CONSTRUCTION.**

(A) *Codes applicable.* 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 city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate *W.P.C.F. Manual of Practice No. 9* shall apply.

(B) *Rules and regulations.* The following rules and regulations must also be adhered to:



(1) All new sanitary and lift stations shall be approved by the Utilities Director before construction.

(2) Design must meet local, state, and “Ten States” standards.

(3) All construction permits must be obtained from the state before the Utilities Director will give approval.

(4) The contractor shall obtain a street cutting permit from the Utilities Director before commencing construction.

(5) Preliminary plans and sketches shall be submitted to the Utilities Director so details can be worked out before any final drawings are done. A meeting between the Utilities Director, design engineer, City Engineer, and person wanting to develop the sewers will usually be needed at this point.

(6) A one-year maintenance period shall be included in all construction contracts.

(7) Sewer pipe installations are as follows:

(a) For single-family dwellings only: four-inch O-rings or four-inch glue joints may be accepted at the Inspector’s determination based on site conditions; and

(b) For two-family dwellings and up, and all commercial and industrial development: six-inch O-rings minimum.

(8) All structures connected to the city sewer system shall have installed backwater valves conforming to ANSI A112.14.1 listed in appendix A of the *1987 BOCA National Plumbing Code* adopted by the state; and

(9) Location of backwater valves shall be installed so their working parts will be readily accessible for service and repairs by the owner. Backwater valves shall be placed upstream of required cleanout. Cleanout will be of the same size as the sewer line and immediately downstream of the backwater valve. If the backwater valve is located inside the structure, the cleanout shall be located outside of the structure as per plumbing code.

(C) *Force mains.*

(1) *Force main pipe material.* Force main pipe shall be polyvinyl chloride (PVC), SDR 21, Class 200, conforming to the latest revision of ASTM 02241.

(2) *Pipe laying methods.*

(a) The force main shall have a minimum cover of three feet.

(b) Thrust blocks of poured concrete shall be used at all vertical or horizontal deflection points.

(c) Backfilling shall be the same as for gravity sewers.

(d) At creek or stream crossings, the force main shall be encased in concrete for six feet on each side of the stream and shall not be backfilled until inspected by the Utilities Director. A three-foot cover shall be maintained; and

(e) After installation of the force main, all earth shall be seeded and strawed in accordance with the specifications.

(D) *Site work-sanitary sewers.*

(1) *Sewer pipe materials.*

(a) Gravity sewer pipe, for sizes four inches up to 12 inches, shall be polyvinyl chloride (PVC) SDR 35, meeting the requirements of ASTM D-3034 (latest revision), with O-ring type joints.

(b) Gravity sewer pipe over 12 inches diameter shall be reinforced concrete sanitary sewer pipe, Class II, meeting the requirements of ASTM C76 (latest revision), with O-ring type joints. Class 111 pipe shall be used under streets and roads.

(2) *Sewer pipe sizes.* The sewer main shall be as shown on the plans.

(3) *Manholes.*

(a) Manholes shall be precast concrete with cast-iron rung steps. Inside barrel diameter of manholes shall be four feet; cones and collars shall be provided where required on the plans. A minimum of two courses of brick, fully mortared so as to be watertight, shall be required between the cone and collar and the casting. Manholes shall be KOR-N-SBAL connectors as shown. Distance between manholes shall not exceed 350 feet.

(b) Manhole covers shall be cast iron conforming to Neenah Foundry Co., R-1772-A with Type A Self Sealing machined lid.

(c) Concrete for manhole bases, pavement patches, and miscellaneous repairs shall be portland cement concrete containing five bags of cement per cubic yard of concrete and shall achieve compressive strength of 300 psi in 28 days.

(4) *Pipe bedding and backfill.*

(a) All pipe shall be bedded on four inches and covered by 12 inches of Indiana No. 11 limestone. This provision applies to all PVC applications.

(b) Where pipe is installed in earth areas not immediately adjacent to a street or road, the remainder of the trench shall be backfilled with selected earth materials, which shall be humped over the trench to allow for settling.

(c) Where pipe is installed in a graveled area, the remainder of the trench shall be backfilled with bank run sand to a point eight inches below original grade and then filled with Indiana No. 73 crushed limestone to original grade.

(d) Where pipe is installed in an asphalt paved area, the remainder of the trench shall be backfilled with bank run sand to a point ten inches below original grade. The trench shall then be trimmed back six inches along each side and backfilled with 3,000 psi concrete to a point one inch below original grade. After all construction is complete, the trench shall be cleaned and primed and paved with hot asphalt concrete, surface type, to be flush with the surrounding area. All patch seams shall be saw-cut only, cut smooth and straight, and tared.

(e) Where pipe is installed in a concrete area, the remainder of the trench shall be backfilled with bank run sand to a point nine inches below original grade. The trench shall then be trimmed back six inches along each side and filled with 3000 psi concrete flush with original grade. All patch seams shall be saw-cut only, smooth, and straight.

(f) All cutting of trenches in existing asphalt or concrete pavements shall be done with a saw only to provide a straight smooth joint when new paving is done.

(g) When sand backfill is used in any case, it shall be compacted by mechanical means or by jetting or puddling.

(5) *Infiltration.*

(a) Infiltration or outward leakage of any section of the constructed sewer shall not exceed 200 gallons per inch of sewer diameter per mile per day.

(b) Infiltration tests and pressure tests shall be conducted by the contractor with the assistance of the engineer. The city shall be notified when tests are to be run, 24 hours in advance.

(c) Section of sewer exceeding the test limits set out in division (D)(5)(a) shall be replaced or repaired by the contractor without additional cost to the owner.

(6) *Property services.*

(a) Property services shall be constructed and located as shown on the plans.

(b) The contractor shall connect all laterals to the sewer main with a "Wye"-fitting, not a "Tee."

(c) Every unused property service shall be stoppered watertight and shall be marked for future connection by taping a length of brightly colored plastic rope to the end of the property service and extending the rope through the backfill to the surface of the ground.

(d) The contractor shall install, as close to the house as possible, a backflow preventor and immediately downstream a cleanout in all installations.

(7) *Sheeting*. The contractor shall use sheeting on the sewer trench where it passes close to a house or other structure.

(8) *Waste material*. Waste earth material shall be disposed of by the contractor.  
(Ord. 1282, passed 10-12-09)

#### **§ 50.020 GRAVITY FLOW OF BUILDING DRAIN TO PUBLIC SEWER.**

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

(Ord. 1282, passed 10-12-09)

#### **§ 50.021 SURFACE RUNOFF OR GROUNDWATER.**

A person shall not 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.

(Ord. 1282, passed 10-12-09)

#### **§ 50.022 REPAIR AND/OR REPLACEMENT OF EXISTING LINES.**

All structures that repair or replace sewer lines from structure to main line of the city collector system shall bring said line to standards set forth in § 50.019(B) and pay inspection fees in accordance with § 50.015.

(Ord. 1282, passed 10-12-09)

#### **§ 50.023 NOTIFICATION OF INSPECTOR.**

The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for the inspection and connection to the public sewer, prior to backfilling. The connection shall be made under the supervision of the Inspector or his or her representative.

(Ord. 1282, passed 10-12-09)

**§ 50.024 BARRICADES AND LIGHTS AROUND SEWER EXCAVATIONS.**

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 city. The contractor shall hold the city harmless and shall sign an agreement to that effect as to any losses resulting from excavations.

(Ord. 1282, passed 10-12-09)

***PROHIBITED DISCHARGES, TREATMENT, MONITORING, AND REPORTING*****§ 50.030 DISCHARGE OF STORM WATER AND OTHER UNPOLLUTED DRAINAGE.**

(A) A person shall not 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) 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 Utilities Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Utilities Director, to a storm water or natural outlet, providing discharge complies with federal and state requirements.

(Ord. 1282, passed 10-12-09)

**§ 50.031 PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES.**

(A) No person shall discharge or cause to be discharged, directly or indirectly, any of prohibited discharges noted in 40 CFR 403.5 and 403.6, including, but not limited to, any wastewater containing the following:

(1) *Oils and grease.*

(a) Oil and grease concentrations or amounts from industrial facilities violating federal pretreatment standards.

(b) Total fat, wax, grease, or oil concentration of more than 100 mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.) at the point of discharge into the system.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the manager, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the manager and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal. The city may require that hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms. Interceptors shall also comply with applicable regulations of the County Health Department.

(2) *Temperature.* Any liquid or vapor having a temperature higher than 150° F (65° C.) or would cause the influent to the WWTP to be higher than 104° F (40° C.)

(3) *Explosive mixtures.* Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. [Pursuant] to 40 CFR 403.5(b)(1), the discharge of substances which create a fire or explosive hazard in the treatment works is prohibited. Waste streams with a closed-cup flashpoint of less than 140° F. or 60° C. (using the test methods specified in 40 CFR 261.21) are also prohibited. At no time shall two successive readings on an exploding hazard meter, at the point of discharge into the sewer system, be more than 5% nor any single reading over 10% of the lower explosive limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

(4) *Noxious materials.* Noxious or malodorous solids, liquids, or gases, gases which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

(5) *Improperly shredded garbage.* Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half inch in any dimensions.

(6) *Radioactive wastes.* Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewage facilities or personnel operating the system.

(7) *Solid or viscous wastes.* Solids or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains,

spent hops, waste paper, paper dishes, cups and milk containers, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, and similar substances.

(8) *Excessive discharge rate.* Wastewaters at a flow rate or containing such concentrations or quantities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities or flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency. In accordance with 40 CFR 403.5(b)(4), the discharge of any pollutant, including oxygen-demanding pollutants [such as biochemical oxygen demand (BOD)] released in a discharge at a flow rate or pollutant concentration which will cause interference, is prohibited, regardless of whether they fall within the excessive discharge rate specified in this section.

(9) *Toxic substances.* Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307(a) of the Act, and chemical elements or compounds, phenols, or other taste or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the wastewater treatment system, or that will pass through the system.

(10) *Unpolluted waters.* Any unpolluted water, including but not limited to water from cooling systems, storm water, roof runoff, cellar drainage of groundwater origin, or any industrial process water, which will increase the hydraulic load on the treatment process.

(11) *Discolored material.* Wastes with objectionable color not removable by the waste treatment process.

(12) *Corrosive wastes.* Any waste which will cause corrosion or deterioration of the treatment system. All wastes discharged to the public sewers system must have a pH value in the range of 6 to 11 standard units. Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds, and substances which will react to form acidic products.

(13) *Miscellaneous substances.* Any substance which may cause the POTW's effluent or any other product of the POTW to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. This also applies to any substance that will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.

(14) *Hazardous substances.* Any substance which causes a hazard to human life or creates a public nuisance.

(15) *Trucked/hailed wastes.* In accordance with 40 CFR 403.5(b)(8), the discharge of any hauled or trucked pollutants is prohibited, except at points designated by the control authority.

(B) *Limitations of wastewater discharges.* The Board of Public Works shall establish and enforce specific maximum discharge concentrations in accordance with 40 CFR, Section 403.5(c)(1). These limits shall be included in the industrial discharge permits.

(C) *Federal categorical pretreatment standard.* The National Categorical Pretreatment Standards, located in 40 CFR Chapter I, Subchapter N, Parts 405 - 471, are hereby incorporated into §§ 50.001 through 50.061. National Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency shall be met by all dischargers of the regulated industrial categories if they are more stringent than state or local standards. Discharge standards are required to be met at the point of discharge from the industrial system prior to mixing with any applicable requirements of the categorical standards, including the filing of baseline monitoring reports, compliance reports, and self-monitoring reports. Upon any change in the Federal Categorical Pretreatment Standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under §§ 50.001 through 50.061 for sources in that subcategory, shall immediately supersede the limitations imposed under §§ 50.001 through 50.061. The Utilities Director shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

(D) *Testing.* The Board of Public Works shall establish and enforce specific testing and reporting programs for industrial users discharging to the POTW in accordance with 40 CFR 403.12.

(E) *Pretreatment.* The Board of Public Works shall implement and enforce compliance with adopted pretreatment programs required under 40 CFR 403.8.

(F) *Prohibition against dilution as treatment.* In accordance with 40 CFR 403.6(d), dilution as a partial or complete substitute for adequate treatment to comply with a pretreatment standard or requirement is prohibited unless expressly authorized by an applicable standard or requirement.  
(Ord. 1282, passed 10-12-09)

#### **§ 50.032 CONTROL OF PROHIBITED WASTES.**

(A) *Regulatory actions.* If a user is in significant violation with the applicable pretreatment requirements of §§ 50.001 through 50.061, the Utilities Director and the City Attorney may take any action necessary to:

- (1) Prohibit the discharge of such wastewater.
- (2) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with §§ 50.001 through 50.061.
- (3) Require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.



(4) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of §§ 50.001 through 50.061.

(B) *Submission of plans.* Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data on information relating to such pretreatment or flow control facilities shall be submitted to the Utilities Director for review and approval. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the Utilities Director.

(C) *Pretreatment facilities operations.* If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his or her own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws.

(D) *Admission to property.* Whenever it shall be necessary for the purposes of these rules and regulations, the Utilities Director and/or his or her authorized deputy, agent, or representative and/or state and federal EPA representatives, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of (1) copying any records required to be kept under the provisions of §§ 50.001 through 50.061, (2) inspecting any monitoring equipment or method, and (3) sampling any discharge of wastewater to the treatment works. The Utilities Director or his or her authorized deputy, agent, or representative may enter upon the property at any hour under emergency circumstances. The city does not have to give prior notice to the industry of an unscheduled inspection. In accordance with 40 CFR 403.8(f)(1)(v), the city representatives have the legal authority to carry out inspections, surveillance, and monitoring to determine compliance or noncompliance with applicable pretreatment standards and requirements by IUs. The city representatives also have the authority to inspect all areas of an RU's facility, including process areas, areas with floor drains, chemical storage areas, hazardous waste generation and storage areas, pretreatment systems, connections to the sewer, areas where waste hauling and production take place, and areas where effluent monitoring records are kept. Further, they have the authority to obtain information on all raw products used within the facility, both in the industrial process and for other uses.

(E) *Work on private property.*

(1) While performing the necessary work on private properties, city employees shall observe all safety rules applicable to the premises established by the industry, and the industry shall be held harmless for injury or death to city employees. The city shall indemnify the industry 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 industry and growing out of the inspection and sampling operations, except as such may be caused by negligence or failure of the industry to maintain safe conditions.

(2) The Utilities Director and/or 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 an easement for the purpose 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 easement pertaining to the private property involved.

(F) *Development of slug/spill plan.* According to 40 CFR 403.8(f)(2)(v), each industrial user shall develop a slug discharge control plan which outlines discharge practices (including nonroutine batch discharges); describes stored chemicals; and contains procedures both to notify the city immediately of slug discharges, and to prevent adverse impacts from any accidental spill (such as operations and maintenance (O&M), general housekeeping, or training). This plan must be approved by the Utilities Director.

(G) *Protection from accidental discharge.* Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by §§ 50.001 through 50.061. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Utilities Director for review, and shall be approved before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his or her facility as necessary to meet the requirements of §§ 50.001 through 50.061.

(H) *Reporting of accidental discharge.* If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitations in §§ 50.001 through 50.061, the facility responsible for such discharge shall immediately notify the Utilities Director, the wastewater treatment plant operator, and pretreatment coordinator so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the Utilities Director detailing the date, time, and cause of the accidental discharge, the quantity and characteristics of the discharge, and corrective action taken to prevent future discharges shall be filed by the responsible industrial facility within five days of the occurrence of the noncomplying discharge.

(I) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(J) *Fees.*

(1) The cost of implementing an industrial sewer use program shall be recovered from industrial users of the wastewater treatment system. The applicable charges or fees shall be set forth in the Board's schedule of charges and fees. The Board may adopt charges and fees which may include:

(a) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;

- (b) Fees for monitoring, inspections, and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal (by the POTW) of pollutants otherwise subject to pretreatment standards;
- (g) Other fees as the city may deem necessary to carry out the requirements contained herein.

(2) The fees relate solely to the industrial users covered under this section and are separate from all other fees chargeable by the Board of Public Works and/or the city.

(K) *Special agreements.* No statement contained in §§ 50.001 through 50.061 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 which are compatible with §§ 50.001 through 50.061. However, this is for conventional pollutants and does not apply to national categorical standards or metals as specified in this chapter.

(Ord. 1282, passed 10-12-09)

### **§ 50.033 INDUSTRIAL WASTEWATER MONITORING AND REPORTING.**

(A) *Wastewater dischargers.* It shall be unlawful to discharge, without a permit, to any watercourse within the city or in any area under the jurisdiction of the city and/or to the POTW any wastewater except as authorized by the Utilities Director in accordance with the provisions of §§ 50.001 through 50.061.

(B) *Wastewater contribution permits.*

(1) *General permits.* All users proposing to connect to or to contribute to the POTW shall obtain a permit before connecting to or contributing to the POTW.

(2) *Permit application.*

(a) All users shall complete and file with the Utilities Director an application in the form prescribed by the Board, and accompanied by a fee as established by the Board. Proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the

application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

1. Name, address, and location (if different from the address);
2. SIC number according to the *Standard Industrial Classification Manual*, Bureau of the Budget, 1972, as amended;
3. Wastewater constituents and characteristics, including but not limited to those mentioned in § 50.031 of this chapter, either anticipated in the wastewater or as determined by a reliable analytical laboratory; all sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.
4. Time and duration of contribution.
5. Average daily and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
6. Site plans, floor plans, mechanical and plumbing plans for plant and/or pretreatment facilities, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.
7. Description of activities, facilities, and plant processes on the premises, including all materials which are expected to be discharged.
8. Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards.
9. Description of pretreatment facilities and/or O&M techniques required to meet the pretreatment standards.
10. The construction schedule in the form of dates for the commencement and completion of major events leading to the construction and operation of pretreatment required for the user to meet the applicable pretreatment standards (for example, hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)
11. Each product produced by type, amount, process or processes, and rate of production.
12. Type and amount of raw materials processed (average and maximum per day).

13. Number of type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

14. Under 40 CFR 403.12(b), every CIU must submit a baseline monitoring report (BMR). This report must identify the facility, indicate permits, describe operations, and contain flow and pollutant measurements, and must be signed and certified by the appropriate official.

15. To comply with 40 CFR 403.12(b) and 40 CFR 403.12(d), BMRs and reports on compliance with categorical standards (90-day compliance reports) must contain a statement certified by a qualified professional about the user's compliance with applicable categorical standards and whether any pretreatment (or O&M) is required to attain compliance.

16. As specified in 40 CFR 403.12(l), BMRs, reports on compliance with categorical standard deadlines (90-day compliance reports), and periodic compliance reports for CIUs must be signed by the appropriate official and contain the certification statement in 40 CFR 403.6(a)(2)(ii), which essentially attests to the integrity of the analytical data submitted.

17. Information from IUs on IU solid/hazardous waste disposal practices, or other environmental permits held by the IU shall be submitted with the permit application.

18. The IU shall submit name, title, address, and telephone number of the designated signatory authority for IU reports and the permits application, with the permit application.

19. Any other information as may be deemed by the Board of Public Works to be necessary to evaluate the permit application.

(b) The control authority will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the Board may issue an industrial discharge permit subject to terms and conditions provided herein.

(4) *Permit modifications.* Within 30 days of the promulgation of or revision to a national categorical pretreatment standard, the industrial discharge permit of users subject to such standards shall be revised to require compliance with such standard within the timeframe prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for an industrial discharge permit as required by § 50.033(B), the user shall apply for an industrial discharge permit within 30 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing industrial discharge permit shall submit to the Utilities Director within 30 days after the promulgation of an applicable federal categorical pretreatment standard the information required by paragraph (h) and (i) of § 50.032(B)(2).

(5) *Permit conditions.* Industrial discharge permits shall be expressly subject to all provisions of §§ 50.001 through 50.061 and all other applicable regulations, user charges, and fees established by the Board of Public Works. Permits may contain, but not be limited to, the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports.
- (h) Under 40 CFR 403.12(b), every CIU must submit a baseline monitoring report (BMR). This report must identify the facility, indicate permits, describe operations, and contain flow and pollutant measurements, and must be signed and certified by the appropriate official.
- (i) As per 40 CFR 403.12(c), any compliance schedule must contain milestone dates for implementing necessary pretreatment required to meet the applicable categorical pretreatment standards. Within 14 days of a milestone in the compliance schedule and within 14 days of the final date for compliance, the IU must submit a progress report to the POTW indicating whether or not the milestone or final compliance date was met and, if not, when compliance with that increment of progress is expected.
- (j) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Board, and affording access thereto;
- (k) Requirements for notification to the Utilities Director of the IU's intent to introduce any new wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system prior to IU changing to its discharge, including hazardous wastes.
- (l) Requirements for notification of slug discharges.
- (m) Pursuant to 40 CFR 403.12(g), if sampling by an IU indicates a violation, the user must notify the city within 24 hours of becoming aware of the violation. In addition, the user must resample and submit results of this re-sampling to the city within 30 days.

(n) As stated in 40 CFR 403.12(p), the IU must notify the control authority, the state, and EPA of any discharge which could be considered a hazardous waste if disposed of in a different manner.

(o) To comply with 40 CFR 403.12(b) and 40 CFR 403.12(d), BMRs and reports on compliance with categorical standards (90-day compliance reports) must contain a statement certified by a qualified professional about the user's compliance with applicable categorical standards and whether any pretreatment (or O&M) is required to attain compliance.

(p) As specified in 40 CFR 403.12(l), BMRs, reports, on compliance with categorical standard deadlines (90-day compliance reports), and periodic compliance reports for CIUs must be signed by the appropriate official and contain the certification statement in 40 CFR 403.6(a)(2)(ii), which essentially attests to the integrity of the analytical data submitted.

(q) Information from IUs on IU solid/hazardous waste disposal practices, or other environmental permits held by the IU shall be submitted with the permit application.

(r) The IU shall submit the name, title, address, and telephone number of the designated signatory authority for IU reports and the permit application, with the permit application.

(s) Other conditions as deemed appropriate by the Board to ensure compliance with §§ 50.001 through 50.061.

(6) *Permits duration.* Industrial discharge permits shall be issued for a specified time period not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The application for renewal shall be accomplished by a permit renewal fee as established by the Board of Public Works. The terms and conditions of the permit may be subject to modification by the Board during the term of the permit as limitations or requirements in § 50.031(A), (B), (C), and (E) are modified or other just cause exists. The user shall be informed of any proposed changes in his or her permit at least 30 days period to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(7) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. An industrial discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Board of Public Works. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(C) *Reporting requirement for permit.*

(1) *Requirements.* Reporting requirements shall be as outlined in 40 CFR 403.12.

(2) *Compliance date report.*

(a) Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Utilities Director a report indicating the following:

1. The nature and concentration of all pollutants in the discharge from the regulated process which are limited by such pretreatment standards or requirements.

2. Average and maximum daily flow for these process units in the user facility.

(b) The report shall also state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to be a qualified professional. The certification shall meet the requirements of 40 CFR 403.6(a)(2)(ii).

(3) *Periodic compliance reports.*

(a) Any user subject to a pretreatment standard, after the compliance or revision date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Utilities Director during the months of June and December, unless required more frequently in the pretreatment standard or by the Utilities Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph (B)(2)(e) of this section. At the discretion of the Utilities Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Utilities Director may agree to alter the months during which the above reports are to be submitted.

(b) The Utilities Director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subdivision (C)(3)(a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Utilities Director, or pollutants contained therein which are limited by the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the EPA Administration pursuant to section 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the EPA Administration. Sampling shall be performed in accordance with the technique approved by the Administrator.



(4) *Baseline monitoring report.*

(a) A baseline monitoring report (BMR) must be submitted to the manager by all categorical industrial users at least 90 days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:

1. Production data including a process description, SIC code number, raw materials used, chemicals used, and final product(s) produced;
2. Name of facility contact person;
3. Wastewater characteristics, such as total plant flow, types of discharges, average and maximum flows from each process;
4. Nature and concentration of pollutants discharged to the public sewer system that are regulated by §§ 50.001 through 50.061, state, and/or federal pretreatment standards and sample type and location;
5. Information concerning any pretreatment equipment used to treat the facility's discharge.

(b) All new sources of industrial discharge must be in compliance with all provisions of §§ 50.001 through 50.061 prior to commencement of discharge.

(5) *Notice of potential problems.* Industrial users shall notify the Utilities Director immediately of all discharges (including slug discharges) that could cause problems to the POTW.

(6) *Report receipt and analysis.* Upon receipt of the compliance date reports, periodic compliance reports, and other required reports from the IU's, the city pretreatment staff will initially record the date the report(s) was received. The data contained in the reports is then transferred to the pretreatment program's computer data bank by use of pretreatment compliance monitoring enforcement (PCME) software. The reports are then distributed to the pretreatment coordinator and staff members for review and analysis with respect to the individual IU's permit and the pretreatment program requirements.

(D) *Monitoring facilities.*

(1) The control authority shall require to be provided and operated, at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Board of Public works may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(2) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(3) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Board's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Board.

(E) *Inspection and sampling.* The Utilities Director or an authorized representative shall inspect the facilities of any user to ascertain whether the purpose of §§ 50.001 through 50.061 is being met and all requirements are in compliance. Persons or occupants of premises where wastewater is created or discharged shall allow the Utilities Director, his or her representatives, and/or state and EPA representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and/or copying, or in the performance of any of their duties. They shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Board, state, and/or EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(F) *Right to inspect generally for compliance.* In accordance with 40 CFR 403.8(f)(1)(v), the city representatives have the legal authority to carry out inspections, surveillance, and monitoring to determine compliance or noncompliance with applicable pretreatment standards and requirements by IUs. The city representatives also have the authority to inspect all areas of an IU's facility, including process areas, areas with floor drains, chemical storage areas, hazardous waste generation and storage areas, pretreatment systems, connections to the sewer, areas where waste hauling and production take place, and areas where effluent monitoring records are kept. Further, they have the authority to obtain information on all raw products used within the facility, both in the industrial processes, and for all other uses.

(G) *Record-keeping requirements.* The user shall conform to the record-keeping requirements of 40 CFR 403.12(o). The Utilities Director shall have authority to inspect and copy records as noted in 40 CFR 403.12(o)(2).

(H) *Pretreatment/noncompliance reporting.*

(1) Users shall provide necessary wastewater treatment as required to comply with §§ 50.001 through 50.061 and shall achieve compliance with all federal categorical pretreatment standards within any time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the control authority shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating

procedures shall be submitted to the control authority for review and shall be acceptable to the control authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the control authority under the provisions of §§ 50.001 through 50.061. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the control authority prior to the user's initiation of the changes.

(2) All records relating to compliance with pretreatment standards shall be made available to officials of the state, EPA, and/or the Board of Public Works upon request.

(I) *Confidential information.*

(1) As required by 40 CFR 403.14, information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests at the time of submission and is able to demonstrate to the satisfaction of the Board that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

(2) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to §§ 50.001 through 50.061, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit, and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(3) Information accepted by the Board as confidential shall be treated in accordance with the public information procedures of 40 CFR 2.302.

(J) *List of significant industrial users.* The city currently obtains information on an annual basis from each industrial user by use of an annual user survey form. Based on the information contained in these forms each year, the respective IU's file is updated as necessary. In addition, a list of the significant industrial users within the pretreatment program is maintained by the city and provided to the approval authority on a quarterly basis. A copy of the quarterly industrial user summary sheet is included in Section IV.\*

(Ord. 1282, passed 10-12-09)

***Editor's note:***

*The quarterly industrial user summary sheet was not provided to the publisher for publication.*

***ENFORCEMENT; ENFORCEMENT RESPONSE PLANS*****§ 50.040 ENFORCEMENT PROCEDURES.***(A) Administrative enforcement.*

(1) *Notification of violation (NOV).* Whenever the control authority finds that a user has violated or is violating §§ 50.001 through 50.061, or a wastewater permit or order issued hereunder, the Utilities Director or his or her authorized deputy, agent, or representative shall serve upon said user written notice of the violation per the adopted enforcement response plan. Within ten days from the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Utilities Director. Submission of this plan in no way relieves the user of liability for violations occurring before or after receipt of the notice of violation.

(2) *Consent orders.* The Utilities Director is hereby empowered to enter into consent orders, assurances of voluntary compliances, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as compliance orders issued pursuant to subdivision (A)(4) below.

*(3) Show cause hearing.*

(a) The Utilities Director may order any industrial user which causes or contributes to violation of §§ 50.001 through 50.061, or industrial discharge permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any principal executive, general partner, or corporate officer. In the event a duly notified industrial user does not appear at the hearing as noticed, immediate enforcement action may be pursued.

(b) The Board of Public Works may itself conduct the hearing and take the evidence, or may designate any of its members, the City Attorney, or any officer or employee of the Board to:

1. Issue in the name of the control authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.

2. Take the evidence.

3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board for action thereon.

(c) At any public hearing, testimony taken before the Board or any person designated by it must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any part of the hearing upon payment of the usual charges therefor.

(4) *Compliance order.* If the Utilities Director finds that an industrial user has violated or continues to violate §§ 50.001 through 50.061, or a permit or order issued thereunder, he or she may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(5) *Cease and desist orders.* When the Utilities Director finds that an industrial user has violated or continues to violate §§ 50.001 through 50.061, or those contained in any permit or order issued hereunder, it may issue an order to cease and desist all such violations, and direct those persons in noncompliance to:

(a) Comply forthwith.

(b) Comply in accordance with a compliance time schedule set forth in the order.

(c) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(6) *Administrative penalties.* Any user who is found to have violated any provision of §§ 50.001 through 50.061, or the orders and permits issued hereunder, may be fined by the control authority in an amount up to \$1,000 per violation. Each day on which noncompliance shall occur or continue may be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the control authority shall have such other collection remedies as it has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the user's property. Industrial users desiring to dispute such fines must file a request for the Utilities Director to reconsider the fine within ten days of being notified of the fine; where the Utilities Director believes a request has merit, a hearing on the matter may be convened within 15 days of receiving the request from the industrial user.

(7) *Emergency suspensions.*

(a) The control authority may suspend the wastewater treatment service and/or industrial discharge permit whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing any of the following conditions:

1. An imminent or substantial endangerment to the health or welfare of persons or the environment.
2. An interference or pass through.
3. A violation of any condition of the POTW's NPDES Permit.

(b) Any user notified of a suspension of the wastewater treatment service and/or the industrial discharge permit shall immediately stop or eliminate its discharge. A hearing will be held within 14 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure of the person to comply voluntarily with the suspension order, the Utilities Director shall take such steps as deemed necessary, including immediate severance or plugging the sewer connection, to prevent or minimize damage to the POTW system, its receiving stream, or endangerment to any individuals. The control authority shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.

(c) An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Board prior to the date of the hearing described.

(8) *Termination of permit.* Any user who violates the following conditions of §§ 50.001 through 50.061, or an industrial discharge permit or order, or any applicable or state or federal law, is subject to permit termination:

(a) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(b) Failure to report significant changes in operations or wastewater constituents or characteristics.

(c) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

(d) Violation of permit conditions. Noncompliant industrial users will be notified of the proposed termination of their industrial discharge permit and be offered an opportunity to show cause under subdivision (A)(3) of this section why the proposed action should not be taken.

(B) *Judicial remedies.*

(1) *Legal action.* If any person discharges sewage, industrial wastes, or other wastes into the wastewater treatment system contrary to the provisions of §§ 50.001 through 50.061, or any order or

permit issued hereunder, the Utilities Director, through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the Circuit Court for Clark County.

(2) *Injunctive relief.* Whenever an industrial user has violated or continues to violate the provisions of §§ 50.001 through 50.061, or an order or permit issued hereunder, the Utilities Director through the City Attorney may petition the court for the issuance of a preliminary or permanent injunction, or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user. In the event the control authority chooses to correct the violation, the cost of such correction may be added to the next scheduled sewer service charge payable by the user causing the violation. The city shall have such remedies to collect these fees as it has to collect other sewer service charges.

(Ord. 1282, passed 10-12-09)

### ***PENALTY; COSTS***

#### **§ 50.050 PENALTY; COSTS.**

(A) *Civil penalties.* Any industrial user who has violated and/or continues to violate §§ 50.001 through 50.061, or any order or permit issued hereunder, shall be liable to the control authority for a civil penalty of up to \$1,000 per violation per day and not more than \$2,500 per day for second and subsequent violations of §§ 50.001 through 50.061, for as long as the violation(s) continue plus actual damages incurred by the POTW. In addition to the above described penalty and damages, the control authority may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including but not limited to sampling and monitoring expenses.

(B) *Determining amount of liability.* The control authority shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, the economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(Ord. 1282, passed 10-12-09)

#### **§ 50.051 ADDITIONAL ENFORCEMENT ACTION.**

(A) *Annual publication of significant violations.* The control authority shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users who are found to be in significant violation, as defined by §§ 50.001 through 50.061, with any provisions of §§ 50.001 through 50.061, or any order or permit issued hereunder, during the period since the previous publication.

(B) *Performance bond.* The control authority may decline to reissue a permit to any industrial user which has failed to comply with the provisions of §§ 50.001 through 50.061, or any order or previous permit issued hereunder, unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Utilities Director to be necessary to achieve consistent compliance.

(C) *Liability insurance.* The control authority may decline to reissue a permit to any industrial user which has failed to comply with the provisions of §§ 50.001 through 50.061, or any order or previous permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(D) *Water supply severance.* Whenever an industrial user has violated or continues to violate the provisions of §§ 50.001 through 50.061, or an order or permit issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(E) *Informant rewards.* The Utilities Director is authorized to pay up to \$500 for information leading to the discovery of noncompliance by an industrial user. In the event that the information provided results in an administrative fine or civil penalty levied against the user, the Utilities Director is authorized to disperse up to 10% of the collected fine or penalty to the informant. However, a single reward payment may not exceed \$1,000.00.

(Ord. 1282, passed 10-12-09)

### ***SAVING AND CONFLICT CLAUSES***

#### **§ 50.060 SAVINGS CLAUSE.**

If any provision, paragraph, word, section, or article of §§ 50.001 through 50.061 is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

(Ord. 1282, passed 10-12-09)

#### **§ 50.061 CONFLICT.**

All ordinances and parts of ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

(Ord. 1282, passed 10-12-09)



***PRIVATE WASTEWATER HAULERS***

**§ 50.080 DELIVERY AND DISPOSAL OF WASTEWATER FROM PRIVATE WASTEWATER HAULERS REGULATED.**

(A) Any wastewater accepted for delivery and disposal under the terms of this section at the Wastewater Treatment Plant must meet the definition of wastewater as set out in IC 13-11-2-256 and shall not contain any hazardous waste or toxic substances as defined by IC 13-11-2-99 or IC 13-11-2-233.

(B) Private wastewater haulers may deliver wastewater to the Wastewater Treatment Plant for disposal with the discharge point, method of discharge and wastewater quality to be in accordance with requirements established by the Board of Public Works and Safety, under the supervision of the Superintendent of the Wastewater Treatment Plant.

(C) The Board of Public Works and Safety is hereby authorized to make a contract pursuant to the provisions of IC 36-9-23-16 with the Washington County Solid Waste Management District for the disposal of leachate wastewater and surface water run-off generated by the Washington County Landfill.

(D) Any individual transporting any wastewater for delivery and disposal at the Wastewater Treatment Plant must be the holder of a valid wastewater management permit issued by the State Department of Environmental Management pursuant to the provisions of IC 13-18-12 or be exempt from the holding of such permit pursuant to the provisions of IC 13-18-12-7.

(Ord. 765, passed 2-8-93; Am. Ord. 1026, passed 12-12-00) Penalty, see § 50.999

***Cross-reference:***

*Service fee for disposal of wastewater by private contractors and individuals into wastewater treatment facility, see § 50.130*

***RATES AND CHARGES***

**§ 50.115 RATES TO BE COLLECTED.**

***SEWAGE WORKS.*** All the works established, financed and constructed under the provisions of IC 36-9-23, as amended. Rates and charges shall be collected for the use of and services rendered by the city sewage works from the owner of each and every lot, parcel of real estate or building that is connected with or use of those works by or through any part of the city sewage system, or that in any way uses or is served by those works. Those rates and charges shall be payable as provided in this section.

('86 Code, § 36-9-23-1(ee)(1)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

**§ 50.116 WATER-BASED CONSUMPTION CHARGE.**

(A) There shall be a service charge based on the quantity of water used on or in the property or premises served by the sewage works as the same is measured by the water meter there in use. These charges shall be determined on the basis of the following formula:

$$\frac{(\text{O \& M + Replacement Cost}) - \text{Surcharges}}{\text{Annual Metered Sales/100 cubic feet}} = \text{User Charge Rate/100 cubic feet}$$

$$\frac{\text{Principal and Interest Cost}}{\text{Annual Metered Sales/100 cubic feet}} = \text{Debt Service Rate/100 cubic feet}$$

**WHERE:**

O & M = Operation and maintenance cost projected for the next fiscal year based upon fixed, known and measurable costs.

Replacement Cost = 2.5% of the gross value of the original cost of the utility plant currently in service.

Surcharges = Amounts collected during the preceding year for wastes having excess biochemical oxygen demand and/or total suspended solids.

Principal and Interest = All principal and interest payments on outstanding Sewer Department revenue bonds for the next succeeding fiscal year of Sewer Department revenue bonds authorized by the Common Council.

Annual Metered Sales = Total amount of water sales metered and billed through the facilities of the City Waterworks for the preceding fiscal year to premises connected with the City Sanitary Sewage System.

Rate = Cost per 100 cubic feet of metered water sales from the City Waterworks, excluding any surcharges to be levied for extra strength waste as set forth in § 50.119 of this chapter.

(B) (1) Residents and property owners located outside the corporate limits of the city may be permitted to have sanitary sewer services extended to them by contract negotiated with and approved by the Board of Public Works and Safety.

(2) Property owners located outside the corporate limits of the city to which sanitary sewer services are extended under contract approved by the Board of Public Works and Safety shall be charged a sewage service charge equal to 1.5 times the current rate established for the customers of the sanitary sewage works under the provisions of division (A) above.

('86 Code, § 36-9-23-1(ee)(2)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84; Am. Ord. 832, passed 8-21-95; Am. Ord. 1015, passed 9-12-00)

**§ 50.117 REVIEW AND ADJUSTMENT OF RATES.**

The rates as computed by the formula in § 50.116 shall be reviewed annually and shall be adjusted periodically as required to satisfy all revenue requirements based on actual operating experience.

('86 Code, § 36-9-23-1(ee)(3)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

**§ 50.118 INSTALLATION OF ACCEPTABLE METERS.**

(A) If the owner of a lot, parcel of real estate or building which discharges sanitary sewage, industrial wastes, water or other liquids into the city's sanitary sewer system, either directly or indirectly, is not a user of water supplied by the city waterworks, and the water used on that property is not measured by a water meter, or is measured by a water meter not acceptable to the city, the owner or another interested party, shall, at that person's expense, install and maintain a meter acceptable to the city for that purpose. ('86 Code, § 36-9-23-1(ee)(4))

(B) If the owner of a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city's sanitary system either directly or indirectly, is a user of water supplied by the city waterworks, and in addition, uses water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the city, the owner or another interested party, at that person's expense, shall install and maintain a meter or meters acceptable to the city for that purpose. ('86 Code, § 36-9-23-1(ee)(5))

(C) If the owner of a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city sanitary sewage system, either directly or indirectly, and it can be shown, to the satisfaction of the city, that a portion of the water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, the city shall require the installation of additional meters at the expense of the owner or that interested party to determine the quantity of water actually entering the sewage system. The quantity of water used to determine the sewage service charge shall be the quantity of water actually entering the sanitary system as so determined. ('86 Code, § 36-9-23-1(ee)(6))

(Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

**§ 50.119 SURCHARGE FOR WASTEWATER OF EXCESSIVE STRENGTH.**

(A) Wastewater having a BOD strength of 200 milligrams per liter or less and a suspended solids strength in excess of 250 milligrams per liter shall be subject to a surcharge according to the following schedules:

<b><i>BOD STRENGTH</i></b>	
200 mg/l to 299 mg/l	\$.05/100 cubic feet
300 mg/l to 399 mg/l	\$.10/100 cubic feet
400 mg/l to 499 mg/l	\$.15/100 cubic feet
500 mg/l to 599 mg/l	\$.20/100 cubic feet
600 mg/l to 699 mg/l	\$.25/100 cubic feet
700 mg/l to 799 mg/l	\$.30/100 cubic feet

<b><i>BOD STRENGTH</i></b>	
800 mg/l to 899 mg/l	\$.35/100 cubic feet
900 mg/l to 999 mg/l	\$.40/100 cubic feet
1,000 mg/l to 1,099 mg/l	\$.45/100 cubic feet
1,100 mg/l to 1,199 mg/l	\$.50/100 cubic feet
1,200 mg/l to 1,299 mg/l	\$.55/100 cubic feet
1,300 mg/l to 1,399 mg/l	\$.60/100 cubic feet
1,400 mg/l to 1,499 mg/l	\$.65/100 cubic feet
1,500 mg/l to 1,599 mg/l	\$.70/100 cubic feet
1,600 mg/l to 1,699 mg/l	\$.75/100 cubic feet
1,700 mg/l to 1,799 mg/l	\$.80/100 cubic feet
1,800 mg/l to 1,899 mg/l	\$.85/100 cubic feet
1,900 mg/l to 1,999 mg/l	\$.90/100 cubic feet



<i>SUSPENDED SOLIDS STRENGTH</i>	
250 mg/l to 349 mg/l	\$.05/100 cubic feet
350 mg/l to 449 mg/l	\$.10/100 cubic feet
450 mg/l to 549 mg/l	\$.15/100 cubic feet
550 mg/l to 649 mg/l	\$.20/100 cubic feet
650 mg/l to 749 mg/l	\$.25/100 cubic feet
750 mg/l to 849 mg/l	\$.30/100 cubic feet
850 mg/l to 949 mg/l	\$.35/100 cubic feet
950 mg/l to 1,049 mg/l	\$.40/100 cubic feet
1,050 mg/l to 1,149 mg/l	\$.45/100 cubic feet
1,150 mg/l to 1,249 mg/l	\$.50/100 cubic feet
1,250 mg/l to 1,349 mg/l	\$.55/100 cubic feet
1,350 mg/l to 1,449 mg/l	\$.60/100 cubic feet
1,450 mg/l to 1,549 mg/l	\$.65/100 cubic feet
1,550 mg/l to 1,649 mg/l	\$.70/100 cubic feet
1,650 mg/l to 1,749 mg/l	\$.75/100 cubic feet
1,750 mg/l to 1,849 mg/l	\$.80/100 cubic feet
1,850 mg/l to 1,949 mg/l	\$.85/100 cubic feet
1,950 mg/l to 2,049 mg/l	\$.90/100 cubic feet

(B) The surcharge shall be adjusted annually based on costs of wastewater treatment for suspended solids and five-day biochemical oxygen demand for the previous year. The Board of Public Works and Safety may adjust the surcharge, within the limits prescribed in this chapter and in conformance with applicable regulatory agency rules, regulations and guidelines that may now exist or may be promulgated relative to the subject.

('86 Code, § 36-9-23-1(ff)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

**§ 50.120 PAYMENT PROCEDURE; COMPUTATION OF RATES AND CHARGES.**

The charges and rates to each user levied and assessed by this subchapter shall be computed and determined to the nearest amount divisible by five, shall be payable in monthly payments in each year and shall be due and payable at the office of the Waterworks Department as and when charges for water consumption and water service charges are due and payable. In the case of non-users of water supplied by the Department of Waterworks, those charges for the sewage works shall be due and payable monthly.

('86 Code, § 36-9-23-1(jj)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

**§ 50.121 APPLICATION OF RATES.**

The rates and charges as established by this subchapter shall apply to any and all lots, parcels of real estate, buildings or premises discharging any sewage, industrial wastes, water or other liquids into the city sewage works, including all real estate, buildings and premises of the civil agencies and school corporations of the city, its several townships, the state, the federal government and any district or political subdivision or agency of it.

('86 Code, § 36-9-23-1(kk)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

**§ 50.122 DELINQUENT CHARGES; PENALTY; LIEN.**

Each charge for the sewage works by or pursuant to this subchapter, shall be made a lien against and upon the corresponding lot, parcel of real estate, building or premises served by the sewage works. If the amount is not paid on or before its due date, that amount together with a penalty of 10% of all those unpaid charges as provided in IC 36-9-23-31 and IC 36-9-23-32 and a reasonable attorney fee may be recovered by the Board of Public Works if collection of any delinquent non-paid charge is referred to any attorney for collection.

('86 Code, § 36-9-23-1(ll)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

**§ 50.123 COLLECTION; DEPOSIT IN SEWAGE REVENUE ACCOUNT.**

All charges for the use and service of the sewage works, as provided in this section, shall be paid as they become due at the office of the Department of Waterworks. All these collections shall be and constitute a separate and distinct fund from other Department of Waterworks funds and shall not be merged or commingled with them. All collections and receipts shall be deposited by the Department of Waterworks daily in an account known as designated as the City Sewage Revenue Account.

('86 Code, § 36-9-23-1(mm)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)



**§ 50.124 SEWAGE WORKS SINKING FUND.**

(A) These collections and receipts shall be under the jurisdiction and control of the Board of Public Works which, subject to the limitations and provisions of this subchapter with respect to the maintenance of the sewage works sinking fund, shall have the control and management of the sewage works and shall be charged with the operation, repair and maintenance of the sewage works. The Department of Waterworks shall be reimbursed for its reasonable charges and expenses incurred in the collection of the sewage works charges and for its expense in the installation of meters for the measuring and determination of the discharge into the sewage works, except for water meters installed for measuring water service supplied or furnished by the Department of Waterworks.

(B) A sufficient amount of the net revenues of the sewage works, hereby defined to mean the revenues remaining after the payment of the reasonable expense of operation, repair and maintenance and costs of collection shall be paid and transferred monthly upon order of the Board of Public Works and Safety into the sinking fund known as sewage works sinking fund, created for the payment of the sewage works bonds and the interest on them and for the payment of the charges of the banks or trust companies for making payment of the bonds or interest and to provide a margin of safety, which margin, together with any unused surplus of that margin carried forward from the preceding year, shall equal all monies required to be paid into that sinking fund. All monies held in the sinking fund and in the Sewage Revenue Account shall be deposited in lawful city depositories in accordance with the provisions of IC 5-13-4-1 through 5-13-14-4, as amended, and shall be continuously secured in accordance with state law. ('86 Code, § 36-9-23-1(nn)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

**§ 50.125 BILLING PROCEDURE.**

The Department of Waterworks may, to facilitate the collection of the sewage works charges provided for in this subchapter, show the amount of the sewage works charge or rental upon statements rendered by the Department of Waterworks to its consumers of water and users of its service, irrespective of whether the users and consumers are the owners of the real estate, buildings or premises chargeable with that sewage works charge or rental. The failure or omission to render any statement or bill to any user of the sewage works or owner of property benefitted by it shall not in any manner relieve the owner of the real estate, building or premises of the obligations to pay any charge under this section or in any manner affect the any lien on that property.

('86 Code, § 36-9-23-1(oo)(2)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

**§ 50.126 COPY OF SCHEDULE OF RATES AND CHARGES ON FILE.**

A copy of the schedule of rates and charges provided in this section shall be on file in the office of the Department of Waterworks, in the office of the Board of Public Works and Safety and in the office of the Clerk/Treasurer and shall be available for inspection by all interested parties. The rates or charges established shall be extended to cover any additional real estate, building or premises

thereafter served which fall within the classification of rates so established, without the necessity of any hearing or notice.

('86 Code, § 36-9-23-1(pp)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

### § 50.127 CHARGES BASED UPON USE OF SEWERS.

Nothing contained in this section shall be construed or interpreted as imposing any charge against any real estate, building or premises or its owner whose sewage, industrial waste, water or other liquids are not discharged directly or indirectly into the sewage works. The rates and charges for the sewage works as provided in this section are based upon the services rendered by the sewage works and not upon the water consumed on or in the real estate, building or premises charged.

('86 Code, § 36-9-23-1(qq)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

### § 50.128 RATE SCHEDULE.

(A) The rates and charges for the Salem Sewage Works shall be \$3.09 per 100 cubic feet of water purchased from the Salem Water Works by each customer of the Salem Sewage Utility. This rate is broken down as follows:

$$\frac{\$661,609 + \$121,000 - \$0}{26,208,100 \div 100 \text{ cu. ft.}} = \$2.99 \text{ per 100 cubic feet} = \text{use charge rate}$$

$$\frac{\$27,624}{26,208,100 \div 100 \text{ cu. ft.}} = \$0.11 \text{ per 100 cubic feet} = \text{debt service rate}$$

$$\text{Total sewer rate} = \$2.99 + \$0.11 = \$3.09 \text{ per 100 cubic feet}$$

(B) Phase I rates and charges. Based upon the actual water metered and billed, the minimum monthly sewage bill for each customer depending upon the size of the water meter served at the customer's location of usage shall be as follows:

	<u>Inside City</u>	<u>Outside City</u>
(1) Charge per 100 cubic feet:	\$4.28	\$6.43
(2) Minimum usage charge: 250 cubic feet per month		
(3) Minimum sewer charge per water meter size:		

<i>Size</i>	<i>Inside City</i>	<i>Outside City</i>
5/8 inch	\$10.70	\$16.08
3/4 inch	16.68	25.07
1 inch	33.36	50.14
1 1/2 inch	76.54	115.02
2 inch	137.36	206.43
3 inch	209.98	315.56
4 inch	304.18	457.12
6 inch	539.68	811.03

(C) Phase II rates and charges. Based upon the actual water metered and billed, the minimum monthly sewage bill for each customer depending upon the size of the water meter served at the customer's location of usage shall be as follows:

- |  |                    |                     |
|--|--------------------|---------------------|
|  | <u>Inside City</u> | <u>Outside City</u> |
| (1) Charge per 100 cubic feet:                     | \$5.30             | \$7.96              |
| (2) Minimum usage charge: 250 cubic feet per month |                    |                     |
| (3) Minimum sewer charge per water meter size:     |                    |                     |

<i>Size</i>	<i>Inside City</i>	<i>Outside City</i>
5/8 inch	\$13.25	\$19.90
3/4 inch	20.66	31.02
1 inch	41.31	62.05
1 1/2 inch	94.77	142.34
2 inch	170.10	255.47
3 inch	260.03	390.53
4 inch	376.67	565.71
6 inch	668.29	1,003.70

(D) Rates for phase I rates and charges shall be effective as of May 1, 2004 and rates for phase II rates and charges shall be effective the month following the execution of construction contracts for the sewage works improvements.

('86 Code, § 36-9-23-1(ss)) (Ord. 337, passed 4-1-76; Am. Ord. 507A, passed 12-3-84; Am. Ord. 563, passed 12-1-86; Am. Ord. 782, passed 7-27-93; Am. Ord. 835, passed 9-11-95; Am. Ord. 1135, passed 3-31-04)

#### **§ 50.129 CONNECTION FEES; PAYMENT PROCEDURE; ALLOCATION OF REVENUE.**

(A) (1) The fees for a connection by any single-family residence, business or industry to any sanitary sewer previously constructed and presently in service shall be \$2,000 per connection.

(2) The fees for a connection by any multiple-family residential premises, whether duplex, condominium, apartment or mobile home park, shall be charged on a per-unit basis. The per-unit connection fee shall be the base connection fee set out in division (A)(1) above plus \$500 for each additional unit.

(B) (1) The connection fee established in this section shall be due and payable in one lump sum. Any person who believes that the payment of sewer connection fees in one lump sum will be a personal financial hardship upon them, may apply to the Board of Public Works and Safety for approval of installment payments with the balance payable by semi-annual installments to bear interest at the rate of 8% per annum and with the installments not to extend beyond the period of five years. Any connection fee to be paid in installments shall be documented by a promissory note and shall be secured by a lien on the real estate to be served by the connection. Any such lien shall be junior to any purchase money security interest attaching to the real estate. The loan granted herein shall be enforced pursuant to the provisions of division (C) of this section. This application must be made by the property owner at the time that the connection permit is applied for. The City Clerk/Treasurer shall establish an application form wherein the property owner seeking installment payments of the connection fees must disclose relevant financial information to document a personal financial hardship.

(2) If a property owner receives an order from the Board of Public Works and Safety to connect the sewer and believes that the payment of sewer connection fees in one lump sum will be a personal hardship, this property owner must apply to the Board of Public Works and Safety within 60 days after the receipt of any such notice in order to be considered for the installment payment of the connection fee. This person shall also file an application and form disclosing financial information in support of the personal financial hardship. Any property owner securing approval for the payment of their connection fee on an installment basis shall execute a note secured by a lien on the real estate involved. The note shall provide for the payment of the fees on semi-annual installments and interest rate as set out in division (B)(1) of this section. The lien given by the property owner in order to secure this note shall be junior to any purchase money security interest attached to the real estate. The lien granted herein shall be enforced pursuant to the provisions of division (C) of this section.

(C) The collection of connection fees shall be processed by the city pursuant to the provisions of IC 36-9-23-31, through 36-9-23-34. Any connection fee or installment payment of a connection fee authorized under division (E) of this section which is unpaid for more than 60 days after being billed shall be declared delinquent fees and shall be subject to a penalty of 10% of the amount of the fee pursuant to IC 36-9-23-31. Any delinquent sewer connection fee shall become a lien on the real estate of the delinquent property owner pursuant to IC 36-9-23-33. Liens so recorded and unpaid may be subject to a lien foreclosure suit which would result in the recovery of the amount of the fees and penalties plus a reasonable attorney's fee. Any foreclosure sale as provided by IC 36-9-23-34 would be made without relief from valuation or appraisal laws.

(D) The revenue received from the collection of connection fees to any part of the sanitary sewage system of the sewage works previously constructed and operating shall be allocated as follows:

- (1) 50% shall be deposited with net revenues of the sewage works.
- (2) 50% shall be deposited in the sewage works Depreciation Fund.

(E) The fees for connection to a sanitary sewer which has not been previously constructed and placed in service shall be determined either on a pro rata cost of constructing the local or lateral sewer under the provisions of IC 36-9-23-29 or under the provisions of IC 36-9-22 or under the special assessment proceedings as set out in IC 36-9-39. In no case, however, shall the fee for connection to a sanitary sewer which has been financed by the issuance of Sewage Works Revenue Bonds be less than the fee schedule set out in division (A) of this section. The Board of Public Works and Safety of the city shall elect which method of assessing and determining sewer connection fees shall be appropriate for each particular extension or improvement of the sanitary sewer system of the city sewage works. The revenues from the connection fees to sanitary sewers not previously constructed shall be collected and paid by the City Clerk/Treasurer and applied to the cost of construction of the sanitary sewer main and all appurtenances thereto. If any construction of new sanitary sewerage works is funded in part by a grant from either the state or federal government then revenue from connection fees to any such new construction shall be first applied toward the required local share of any such sewage works construction project with the balance of the connection fees to be paid to the net revenues of the sewage works. (Ord. 690, passed 6-4-90; Am. Ord. 1015, passed 9-12-00; Am. Ord. 1079, passed 8-13-02) Penalty, see § 50.999

### **§ 50.130 SERVICE FEE FOR DISPOSAL OF WASTEWATER BY PRIVATE CONTRACTORS AND INDIVIDUALS INTO WASTEWATER TREATMENT FACILITY.**

The service fee charged for the disposal of wastewater by private contractors and private individuals into the wastewater treatment facility shall be \$.05 for each gallon delivered and accepted. (Ord. 765, passed 2-8-93; Am. Res. 2000-4, passed 9-12-00)

***Cross-reference:***

*Delivery and disposal of wastewater from private wastewater haulers regulated, see § 50.080*

**§ 50.131 CUSTOMER DEPOSIT.**

(A) A deposit shall be paid by each customer receiving service from the sewage works at a new location to them, whether residential, business or industrial, for the purpose of insuring payment of sewer fees. A sewage works customer deposit shall be in the amount of \$110 for any customer that is an occupier of residential, commercial or industrial property.

(B) A customer that is both the owner and occupier of residential property who has paid a deposit to the sewage works under the terms of this section shall be entitled to a refund of the deposit by making payment in full of their monthly utility bill for 12 consecutive months without late payment.

(C) If a property owner is making a new connection to the sanitary sewer works and pays a connection fee pursuant to § 50.129, then no sewage works deposit shall be collected from that property owner.

(D) If a customer of the sewage works fails to satisfy cost and fees within 60 days after the date that his/her/its sewage account is delinquent, then the sewage works deposit is forfeited. The forfeited amount shall be applied to the customer's outstanding fees and charges owed to the sewage works. Any excess that remains due after the application of the forfeiture shall then be applied to any outstanding fees and charges that the customer may owe to the water works. Any excess that remains due after the application of the forfeiture to the sewage works account and to the water works account of the customer shall then be applied to any fees and charges owed by the customer to the sanitary (solid waste) department. If there is any excess of the customer deposit remaining after the application of sewer, water and sanitation fees, then the balance shall be paid to the customer.

(E) The sewage works deposit, less any outstanding penalties and service fees, shall be refunded to the sewage works customer after a notarized statement from the customer that, as of a certain date, the property being served has been conveyed or transferred to another person or is no longer in use or no longer connected with any part of the sewage system.

(F) A previous customer of the sewage works shall not be permitted to place a sewer account in his/her/its name if there is any outstanding sewer, water or sanitation charge owed to the City of Salem, Indiana.

(Ord. 1299, passed 8-11-08; Am. Ord. 1311, passed 11-10-08)

### ***ADMINISTRATION AND ENFORCEMENT***

#### **§ 50.145 RIGHT OF ENTRY.**

The Board of Public Works, the City Engineer, the city plumbing inspectors and other duly authorized city employees, bearing proper credentials and identification, shall be permitted to enter upon all properties to conduct inspections, observations, measurements, samplings, and testing in accordance with the provisions of this chapter.

('86 Code, § 36-9-23-1(q)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

#### **§ 50.146 LIABILITY UPON VIOLATION.**

Any person violating any provision of this chapter shall become liable to the city for any expense, loss, or damage occasioned by the city, by reason of that violation.

('86 Code, § 36-9-23-1(t)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

**§ 50.147 COMPLIANCE WITH LOCAL, STATE AND FEDERAL LAWS.**

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the County or State Boards of Health, the U.S. Environmental Protection Agency, or State and National Plumbing Codes.

('86 Code, § 36-9-23-1(v)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

**§ 50.148 NOTICE OF VIOLATION.**

Any person found to be violating any provisions of this chapter shall be served with written notice stating the nature of the violation, and providing a reasonable time limit for its satisfactory correction. The offender shall, within the time stated in that notice, permanently cease all violations.

('86 Code, § 36-9-23-1(e)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

**§ 50.149 RULES AND REGULATIONS.**

The Board of Public Works and Safety and the Department of Waterworks may, to facilitate the enforcement of this section, make reasonable rules and regulations and revise and amend the same from time to time as they may deem advisable, to secure the adequacy of the Sewage Works Sinking Fund and the repair, maintenance and operation of the Sewage Works.

('86 Code, § 36-9-23-1(oo)(1)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)

**§ 50.999 PENALTY.**

Any person who violates any provision of this chapter shall be deemed to have committed an ordinance violation and, upon conviction, shall be fined not less than \$50 nor more than \$500 for each offense. Each day a violation continues shall constitute a separate offense. Any person discharging prohibited or damaging substances to the sewer system shall be liable for any and all damages caused by that discharge, in addition to the fines permitted under this section.

('86 Code, § 36-9-23-1(u)) (Ord. 337, passed 4-1-76; Am. Ord. 507, passed 12-3-84; Am. Ord. 507A, passed 12-3-84)



## CHAPTER 51: SOLID WASTE DISPOSAL

### Section

#### *General Provisions*

- 51.01 Containers required
- 51.02 Industrial property exclusion
- 51.03 Administration and enforcement by Building Inspector

#### *Rates and Charges*

- 51.15 Rates for residential customers
- 51.16 Rates for commercial users
- 51.17 Rates for non-scheduled collection
- 51.18 Exemption
- 51.19 Rates for government facilities; non-profit organizations
- 51.20 Application required for removal from collection fee schedule and route; reinstatement of services
- 51.21 Assignment to commercial rate category; written application for change
- 51.22 Billing procedures
- 51.23 Maintenance of revenue in separate fund
- 51.24 Amendment or modification of charges
- 51.25 Penalty for non-payment
- 51.26 Construction materials and waste disposal fee
  
- 51.99 Penalty

### **GENERAL PROVISIONS**

#### **§ 51.01 CONTAINERS REQUIRED.**

(A) Every person receiving city solid waste collection service shall maintain and use a portable container, or a tied polyethylene trash bag of sufficient strength and thickness, for that solid waste so that garbage and other refuse is not scattered or littered.

(B) Decorative trash receptacles owned and maintained by the city on the Public Square are provided for the casual use by the general public while engaged in a personal business or activities on

the Public Square and any residential customer, commercial customer or industry is hereby prohibited from using the decorative trash receptacles on the Salem Public Square for the disposal of solid waste generated by any residence, business or industry.

(C) Garbage cans, portable containers, polyethylene trash bags, and other articles containing solid waste to be picked up by the city's solid waste collection service shall not be placed upon or adjacent to a street or sidewalk so as to be visible from a street more than 24 hours prior to the time when such garbage, trash, refuse, yard waste or recycling material is to be collected and it shall be removed from the street or sidewalk on the same day as the collection is made.

('86 Code, § 36-9-30-12(l)) (Ord. 273, passed 2-5-68; Am. Ord. 432, passed 7-5-82; Am. Ord. 474, passed 3-19-84; Am. Ord. 484, passed 6-4-84; Am. Ord. 884, passed 3-10-97; Am. Ord. 1452, passed 5-13-13) Penalty, see § 50.99

#### **§ 51.02 INDUSTRIAL PROPERTY EXCLUSION.**

Industrial properties shall not receive solid waste collection services from the city. These users shall continue to be responsible for the provision of their own waste management.

('86 Code, § 36-9-30-12(i)) (Ord. 273, passed 2-5-68; Am. Ord. 432, passed 7-5-82; Am. Ord. 474, passed 3-19-84; Am. Ord. 484, passed 6-4-84)

#### **§ 51.03 ADMINISTRATION AND ENFORCEMENT BY BUILDING INSPECTOR.**

Should any person violate any provision of this chapter or any regulation or order issued under it, the Building Inspector of the city shall notify that person in writing to correct that violation within a reasonable time stated in that notice. If the violation is not corrected within the time specified, the Building Inspector of the city may initiate ordinance violation proceedings against the person pursuant to the provisions of § 51.99 of the Salem City Code.

('86 Code, § 36-9-30-12(m)) (Ord. 273, passed 2-5-68; Am. Ord. 432, passed 7-5-82; Am. Ord. 474, passed 3-19-84; Am. Ord. 484, passed 6-4-84; Am. Ord. 1452, passed 5-13-13)

### ***RATES AND CHARGES***

#### **§ 51.15 RATES FOR RESIDENTIAL CUSTOMERS.**

Every owner, tenant or occupant of each residential unit in the city to whom the city refuse and garbage collection is provided by the city directly, or through any other person with which the city may contract for that service shall be charged the sum according to the following schedule per month per residential unit.

	<i>Rate Upon Passage of Ordinance</i>	<i>Rate Effective February 1<sup>st</sup> 2018</i>
<i>Monthly cost per residential unit</i>	\$6.00	\$6.50

('86 Code, § 36-9-30-12(h)) (Ord. 273, passed 2-5-68; Am. Ord. 633, passed 7-16-90; Am. Ord. 686, passed 7-16-90; Am. Ord. 768, passed 3-8-93; Am. Ord. 2017-7, passed 5-8-17)

**§ 51.16 RATES FOR COMMERCIAL USERS.**

(A) Those owners, tenants or occupants of commercial property whose disposal of solid waste is a light usage of the Salem Sanitation Department shall be charged the following sum per month and shall have their garbage or trash picked up one time per week.

	<i>Rate Upon Passage of Ordinance</i>	<i>Rate Effective February 1<sup>st</sup> 2018</i>
<i>Monthly cost of light usage</i>	\$10.00	\$10.50

(B) Those owners, tenants or occupants of commercial property whose disposal of solid waste is a medium usage of the Sanitation Department shall be charged the following sum per month and shall have their garbage or trash picked up twice a week.

	<i>Rate Upon Passage of Ordinance</i>	<i>Rate Effective February 1<sup>st</sup> 2018</i>
<i>Monthly cost of medium usage</i>	\$17.50	\$18.00

(C) Those owners, tenants or occupants of commercial property whose disposal of solid waste is heavy usage of the Sanitation Department shall be charged the following sum per month and shall have their garbage or trash picked up daily.

	<i>Rate Upon Passage of Ordinance</i>	<i>Rate Effective February 1<sup>st</sup> 2018</i>
<i>Monthly cost of heavy usage</i>	\$27.50	\$28.00

(D) Those owners, tenants or occupants of commercial property who have more than one dumpster shall be charged an additional sum of \$6 per dumpster per month.

('86 Code, § 36-9-30-12(a)) (Ord. 273, passed 2-5-68; Am. Ord. 686, passed 7-16-90; Am. Ord. 708, passed 11-26-90; Am. Ord. 768, passed 3-8-93; Am. Ord. 2017-8, passed 5-8-17)

#### § 51.17 RATES FOR NON-SCHEDULED COLLECTION.

Those owners, tenants or occupants of residential or commercial property requesting a non-scheduled collection shall be charged an additional sum per day over their regular base rate.

	<i>Rate Upon Passage of Ordinance</i>	<i>Rate Effective February 1<sup>st</sup> 2018</i>
<i>Cost of Non-Scheduled Pickup</i>	\$1.00	\$1.50

('86 Code, § 36-9-30-12(a)) (Ord. 273, passed 2-5-68; Am. Ord. 686, passed 7-16-90; Am. Ord. 708, passed 11-26-90; Am. Ord. 768, passed 3-8-93; Am. Ord. 2017-9, passed 5-8-17)

#### § 51.18 EXEMPTION.

Churches shall not be charged a user's fee for the collection of solid waste. Owners and occupants of any residence, business or industry are hereby prohibited from disposing of solid waste at the location of any church.

('86 Code, § 36-9-30-12(b)) (Ord. 273, passed 2-5-68; Am. Ord. 474, passed 3-19-84; Am. Ord. 484, passed 6-4-84; Am. Ord. 708, passed 11-26-90; Am. Ord. 884, passed 3-10-97)

#### § 51.19 RATES FOR GOVERNMENT FACILITIES; NON-PROFIT ORGANIZATIONS.

All federal, state and local governmental offices or facilities, non-profit associations and not-for-profit corporations shall be charged a monthly sum as set out in § 51.16 either division (A), (B) or (C) and shall have their solid waste picked upon by the Sanitation Department. The Board of Public Works and Safety shall assigned such users to either light usage, medium usage or heavy usage rate category according to their volume of solid waste generated. Any user so assigned to a rate category shall have the right to review of such category assignment under the provisions of § 51.21.

('86 Code, § 36-9-30-12(c)) (Ord. 273, passed 2-5-68; Am. Ord. 474, passed 3-19-84; Am. Ord. 484, passed 6-4-84; Am. Ord. 708, passed 11-26-90)

**§ 51.20 APPLICATION REQUIRED FOR REMOVAL FROM COLLECTION FEE SCHEDULE AND ROUTE; REINSTATEMENT OF SERVICES.**

(A) Any owner, tenant or occupant of commercial property who desires to be responsible for their own garbage and trash disposal and desires not to receive city services for garbage and trash collection shall make written application to the office of the Mayor to be removed from the garbage and trash collection fee schedule and garbage and trash collection route.

(B) Any owner, tenant or occupant of commercial property who has filed a written application not to be subject to the city garbage and trash fee schedule may have those garbage and trash collection services reinstated upon the filing of a written application with the office of the Mayor. ('86 Code, § 36-9-30-12(e)) (Ord. 273, passed 2-5-68; Am. Ord. 432, passed 7-5-82; Am. Ord. 474, passed 3-19-84; Am. Ord. 484, passed 6-4-84)

**§ 51.21 ASSIGNMENT TO COMMERCIAL RATE CATEGORY; WRITTEN APPLICATION FOR CHANGE.**

Any owner, tenant or occupant of commercial property which begins business operation after June 4, 1984 shall be placed in one of the three commercial rate categories by the Board of Public Works and Safety which is the governing body of the Solid Waste Collection and Disposal Service upon the recommendation of the Mayor who is the superintendent of the service. This assignment to the commercial rate category shall be based upon factors including the volume of solid waste produced by the customer, the frequency of collection required and the nature of the solid waste produced. Any owner, tenant or occupant of commercial property who believes that the fee category in which that business has been placed is not justified because of changes in business operation or individual circumstances may file a written application for a fee category change with the submission of specific reasons with the office of the Mayor. The Board of Public Works and Safety shall determine at its next regular meeting if that application should be granted. ('86 Code, § 36-9-30-12(f)) (Ord. 273, passed 2-5-68; Am. Ord. 474, passed 3-19-84; Am. Ord. 484, passed 6-4-84; Am. Ord. 633, passed 11-29-88)

**§ 51.22 BILLING PROCEDURES.**

The city shall add service charges to the user's water and sanitation charges and the charges shall be payable as are bills for water and sanitation service. The service charges shall be billed to the name of the person on the water user's billing account. If this person is not subject to the collection of any



of these charges, then the owner of the real estate involved shall be responsible for the payment of those charges.

('86 Code, § 36-9-30-12(g)) (Ord. 273, passed 2-5-68; Am. Ord. 432, passed 7-5-82; Am. Ord. 474, passed 3-19-84; Am. Ord. 484, passed 6-4-84)

### **§ 51.23 MAINTENANCE OF REVENUE IN SEPARATE FUND.**

(A) Any and all revenues recovered in connection with the administration and enforcement of this chapter shall be deemed the revenues of the Sanitation Department and shall be maintained separate and apart from other revenues of the city. However, the revenue may be transferred or appropriated for the funding or purchasing of capital equipment for any city department.

(B) The Sanitation Department Depreciation Fund is hereby established. The Board of Public Works and Safety, as the governing body of the Sanitation Department, shall direct the Clerk-Treasurer in regard to the amount of the net revenues of the Sanitation Department that shall be deposited into the Sanitation Department Depreciation Fund.

('86 Code, § 36-9-30-12(j)) (Ord. 273, passed 2-5-68; Am. Ord. 432, passed 7-5-82; Am. Ord. 474, passed 3-19-84; Am. Ord. 484, passed 6-4-84; Am. Ord. 823, passed 5-8-95)

### **§ 51.24 AMENDMENT OR MODIFICATION OF CHARGES.**

Any change, amendment or modification of the charge provided for in this chapter shall be only made following compliance with the provisions of IC 36-9-30-21. This provision shall not apply to changes amended or modifications of changes for individual businesses which are governed by § 51.21. ('86 Code, § 36-9-30-12(k)) (Ord. 273, passed 2-5-68; Am. Ord. 432, passed 7-5-82; Am. Ord. 474, passed 3-19-84; Am. Ord. 484, passed 6-4-84)

### **§ 51.25 PENALTY FOR NON-PAYMENT.**

If any charge established by this chapter to be paid by any such user or owner shall not be paid within 17 days after it is due and owing, then the amount due, together with a penalty of 10% of those unpaid charge and reasonable attorney fee may be recovered by the Board of Public Works if collection of any delinquent non-paid charge is referred to any attorney for collection.

('86 Code, § 36-9-30-12(o)) (Ord. 273, passed 2-5-68; Am. Ord. 432, passed 7-5-82; Am. Ord. 474, passed 3-19-84; Am. Ord. 484, passed 6-4-84; Am. Ord. 1450, passed 1-14-13)

### **§ 51.26 CONSTRUCTION MATERIALS AND WASTE DISPOSAL FEE.**

Any owner of residential real estate who is performing their own home improvements, may request that a city dump truck be placed on their property on Saturdays and Sundays for the purpose of disposing of construction materials and waste. This service is provided upon the following conditions:

(A) That the request be made to the office of the Mayor.

(B) That the city dump truck shall be delivered to and removed from the property of the homeowner by city employees.

(C) That the homeowner utilizing the city dump truck for disposal of construction materials and waste shall not drive or otherwise operate the city vehicle at any time.

(D) That the fee for this service shall be \$25 per truckload of construction materials and waste delivered to the Washington County Landfill.

(Ord. 875, passed 12-9-96; Am. Ord. 1294, passed 6-9-08)

#### **§ 51.99 PENALTY.**

Any person who violates any provision of this chapter or any regulation or order issued by the Sanitation Department or the Building Inspector of the city under it, shall be deemed to have committed a violation and, upon conviction, shall be subject to a civil penalty of \$10 for the first violation and \$25 for each second and subsequent violation. Each day a violation occurs or continues shall constitute a separate offense.

('86 Code, § 36-9-30-12(n)) (Ord. 273, passed 2-5-68; Am. Ord. 432, passed 7-5-82; Am. Ord. 474, passed 3-19-84; Am. Ord. 484, passed 6-4-84; Am. Ord. 884, passed 3-10-97; Am. Ord. 1452, passed 5-13-13)



## CHAPTER 52: WATER

### Section

#### *Rates and Charges*

- 52.01 Monthly rates; minimum charge
- 52.02 Payment of bills; delinquency
- 52.03 (Reserved)
- 52.04 Adjustments for undetected leaks

#### *Conservation and Rationing of Water*

- 52.10 Conservation and rationing of water

- 52.99 Penalty

#### ***Cross-reference:***

*Sewers, see Chapter 50*

#### ***Statutory reference:***

*Waterworks, see I.C. 36-9-2-14*

### ***RATES AND CHARGES***

#### **§ 52.01 MONTHLY RATES; MINIMUM CHARGE.**

(A) There are hereby established for the use of and services rendered by the City Waterworks System, the following schedule of rates and charges based on the use of water supplied by the Waterworks System:

		<i>Rate Upon Passage</i>	<i>Rate Effective February 1<sup>st</sup> 2018</i>
<i>Size of Meter</i>	<i>Cubic Feet</i>	<i>Per Month</i>	<i>Per Month</i>
5/8"	250	\$10.28	\$12.30
1"	625	25.69	30.75

## Salem - Public Works

		<i>Rate Upon Passage</i>	<i>Rate Effective February 1<sup>st</sup> 2018</i>
<i>Size of Meter</i>	<i>Cubic Feet</i>	<i>Per Month</i>	<i>Per Month</i>
1½"	1,250	51.39	61.50
2"	2,000	78.57	94.05
3"	3,750	137.75	164.93
4"	6,250	205.63	246.15
6"	12,500	336.81	403.15
8"	20,000	449.74	538.25
10"	28,750	552.21	660.75
12"	53,750	844.98	1,010.75

(B) *Minimum monthly charge.* Each user shall pay a minimum charge in accordance with the following applicable size of meter installed for which the user will be entitled to the quantity of water set out in the above schedule of rates.

		<i>Rate Upon Passage</i>	<i>Rate Effective February 1<sup>st</sup> 2018</i>
<i>Size of Meter</i>	<i>Cubic Feet</i>	<i>Per Month</i>	<i>Per Month</i>
5/8"	250	\$10.28	\$12.30
1"	625	25.69	30.75
1½"	1,250	51.39	61.50
2"	2,000	78.57	94.05
3"	3,750	137.75	164.93
4"	6,250	205.63	246.15

(C) *Hydrant rental.* The amount to be paid by the city for fire hydrant rental shall be \$389.22 per hydrant per year payable semiannually. The amount to be paid for fire hydrant service by users having private fire hydrants shall be \$389.22 per hydrant payable semi-annually.

(D) *Connection charge.*

(1) A water connection fee for a 5/8-inch or a 3/4-inch meter which requires a long side bore shall be \$725.

(2) A water connection fee for a 5/8-inch or a 3/4-inch meter which requires a long side road cut shall be \$725.

(E) *Water wholesale charges.* The city sells water to two other utilities, as follows: The Town of Pekin, Indiana and the East Washington Rural Water Corporation. The charges for sale of water to these utilities shall be at the rate schedule, as follows, as metered at the points of interconnection between the utilities.

<i>Wholesale Rate</i>	<i>Rate Upon Passage of Ordinance</i>	<i>Rate Effective February 1<sup>st</sup> 2018</i>
Per 1,000 Gallons	\$2.63	\$3.15
Per 100 Cubic Feet	1.97	2.36

(F) *Temporary users.* Water furnished to temporary users such as contractors, and the like, shall be charged on the basis of the above consumption rates as estimated by the Waterworks Superintendent.

(G) *Automatic sprinkler systems.* Water furnished for use by automatic sprinkler systems shall be charged based on the size of connection needed to adequately supply such sprinkler system, as follows:

	<i>Rate Upon Passage</i>	<i>Rate Effective February 1<sup>st</sup> 2018</i>
<i>Connection Size</i>	<i>Annual Charge</i>	<i>Annual Charge</i>
1"	\$7.66	\$9.17
2"	30.99	37.08
3"	68.84	82.38
4"	122.21	146.25
6"	275.39	329.54
8"	490.55	587.02

	<i>Rate Upon Passage</i>	<i>Rate Effective February 1<sup>st</sup> 2018</i>
<i>Connection Size</i>	<i>Annual Charge</i>	<i>Annual Charge</i>
10"	765.94	916.56
12"	1,101.56	1,318.19

('86 Code, § 36-9-2-14(a)(1),(2), (4) - (8)) (Ord. 358, passed 4-10-78; Am. Ord. 614, passed 6-6-88; Am. Ord. 644, passed 4-3-89; Am. Ord. 879, passed 2-10-97; Am. Ord. 1150, passed 6-29-04; Am. Res. 2005-11, passed 11-8-05; Am. Res. 2006-1, passed 2-14-06; Am. Ord. 2016-1547, passed 5-9-16; Am. Res. 2016-2, passed 5-9-16; Am. Ord. 2017-6, passed 5-8-17; Am. Ord. 2017-24, passed 12-11-17)

#### **§ 52.02 PAYMENT OF BILLS; DELINQUENCY.**

All bills shall be due and payable monthly, and bills unpaid more than 17 days following the date of billing shall include a collection charge of 10% of the amount of the unpaid charge.

('86 Code, § 36-9-2-14(a)(3)) (Ord. 358, passed 4-10-78; Am. Ord. 614, passed 6-6-88; Am. Ord. 644, passed 4-3-89; Am. Ord. 1150, passed 6-29-04; Am. Ord. 1446, passed 12-10-12; Am. Ord. 1450, passed 1-14-13)

#### **§ 52.03 (RESERVED).**

#### **§ 52.04 ADJUSTMENTS FOR UNDETECTED LEAKS.**

(A) (1) An adjustment for an “unusually large bill” incurred by a user may be made if the bill is caused by physical damage to any facility or equipment supplying water to the premises and the damage:

(a) Is not visible or detectable on the user’s premises except upon excavation or some other disturbance of the property; and

(b) Is not the result of an act of the user, or of any agent or contractor hired by the user.

(2) For the purpose of this chapter, “unusually large bill” is defined as a bill that is at least two times the user’s average monthly usage.

(B) A user of the Salem Water Works who is allowed to receive an adjustment for an unusually large water bill under the provisions of this section shall be allowed to pay the water bill in three equal installments if the water bill adjusted is at least three times the user’s average monthly usage. Any user

who is eligible to pay an unusually large water bill in installments shall continue to pay any current water bill when due.

(Ord. 1220, passed 4-11-06)

### ***CONSERVATION AND RATIONING OF WATER***

#### **§ 52.10 CONSERVATION AND RATIONING OF WATER.**

(A) *Application.* This subchapter shall apply to all persons, firms, partnerships, corporations, company or organizations of any kind connected to the city public water system or using water therefrom (hereafter, users).

(B) *Declaration of need.* Upon determining that the city public water system is in imminent danger of a shortage of water or is experiencing a shortage of water, the Board of Public Works and Safety shall declare a water conservation emergency and establish the appropriate conservation measures and the duration thereof.

(C) *Voluntary conservation.* In accordance with division (G) of this section, users shall be requested to reduce water consumption by practicing voluntary conservation techniques. The Board of Public Works and Safety shall suggest reasonable and meaningful actions which will alleviate existing or potential water shortage.

(D) *Mandatory conservation.* In accordance with division (G) of this section, users shall be prohibited from the water uses listed below, subject to reasonable terms, times and conditions as the Board of Public Works and Safety 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.

(E) *Rationing*. In addition to the mandatory conservation measures identified in division (D) and in accordance with division (G) of this section, users shall be limited to water use per the following schedule:

(1) For the first calendar month after the Board of Public Works and Safety declares a water conservation emergency and imposes mandatory conservation:

(a) Residential use shall be limited to 38 gallons per person per day; and

(b) Business, commercial and industrial users shall be limited to 85% 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 public water system more than one year prior to the declaration of need shall be restricted to 85% 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.

(2) If the Board of Public Works and Safety determines that a water conservation emergency still exists one calendar month after its initial declaration of mandatory conservation:

(a) Residential use shall be limited to 30 gallons per person per day; and

(b) Business, commercial and industrial users shall be limited to 70% 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 public water system more than one year prior to the declaration of need shall be restricted to 70% 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.

(F) *Exceptions*. The Board of Public Works and Safety of the city 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; and/or
- (3) Those industrial and agricultural activities declared to be necessary for the public health and well-being.

(G) *Notice.*

(1) Notice of voluntary conservation measures shall be by publication in a local newspaper of general circulation or other means as deemed appropriate by the Board of Public Works and Safety. Said notice shall be effective upon publication.

(2) 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.

(Ord. 1277, passed 12-11-07) Penalty, see § 52.99

**§ 52.99 PENALTY.**

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

(B) Any user who violates division (D) or (E) of § 52.10 may be punished by a fine of not more than \$2,500 [see I.C. 36-1-3-8 (a)(10)(B)]. Each month of violation shall constitute a separate offense. In addition to, or in the alternative to a fine, water service may be terminated for any user who violates division (D) or (E) of § 52.10.

(Ord. 1277, passed 12-11-07)