

## **TITLE V: PUBLIC WORKS**

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**CHAPTER 50: GENERAL UTILITY PROVISIONS**

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**§ 50.01 MUNICIPALLY OWNED UTILITIES NOT UNDER JURISDICTION OF PUBLIC SERVICE COMMISSION.**

The municipally owned utilities of the town are hereby taken out of the jurisdiction of the Public Service Commission of Indiana for rate making purposes. This section applies to the municipal electric utility, municipal gas utility and the municipal water utility.  
(Ord. 84-1, passed 5-14-84)

**§ 50.02 UTILITY METER DEPOSITS.**

(A) There are established the following meter deposits:

<i>Type of Meter</i>	<i>Residential and Family Dwellings</i>	<i>Business and Commercial</i>
Electric meter deposit	\$ 50	\$ 100
Water meter deposit	25	50
Gas meter deposit	100	200
Electric meter deposit for electric heat if provided in the property	150	300

(B) Refund of deposits will be made to the customer when service is discontinued, the final bill is paid and the customer presents the original deposit receipt.  
(Ord. 19, passed 11-14-77; Am. Ord. - , passed 11-14-83)

**§ 50.03 DELINQUENCY PENALTY.**

All utility bills will be sent out on the 1st of the month and are considered late if not paid by the 17th of the month. A late fee equal to 10% of the amount of the bill shall be added to any bill which remains unpaid after the due date.

(Res. 88-1, passed 11-25-88; Am. Res. 98-3, passed 1-12-98; Am. Res. 2000-4, passed 3-14-00)

**§ 50.04 DISCONNECTION NOTICES; RECONNECTION FEES.**

(A) Disconnection notices advising the utility user of the intent to disconnect service in 14 days will be sent on the 20th of the month. The utility will be disconnected if any amounts, including late fees, remain unpaid by the 14th day after notice has been sent.

(B) There will be a \$25 fee charged for either disconnection or connection. (For example, a customer whose failure to pay results in a disconnection will be required to pay \$50 to reestablish service. A new customer at a service address would only be required to pay the fee for each utility connection.) A customer whose utilities have been disconnected for failure to pay shall have no services reconnected until all past due amounts are paid in full along with all disconnect and connection fees. This policy shall be stayed during the period from December 1 through March 15, for any electric or gas for any utility customer who meets the requirements of I.C. 8-1-2-121.

(Res. passed 12-10-84; Am. Res. 98-3, passed 1-12-98; Am. Res. 2000-4, passed 3-14-00)

**§ 50.05 PROPERTY OWNER RESPONSIBILITY.**

(A) Any person requesting electric, water and/or gas utility service in the Town of Pittsboro shall be required to complete and sign a request for service and submit applicable meter deposits regardless whether such person is a renter, contract purchaser or owner of the property for which service is requested. If such person is a renter, he or she shall be required to submit in writing an authorization permitting Pittsboro Municipal Utilities to provide such renter's utility account information to the landlord of such renter in the case such renter becomes delinquent on payment of his or her utility bills. Pittsboro Municipal Utilities may refuse to accept new deposits and to provide service to a rental property if a signed authorization by the renter is not on file at the Town Hall. Meter deposits shall remain on an account until such time the account is no longer active.

(B) As of the effective date of the ordinance codified herein, a property owner that leases property within Pittsboro Municipal Utilities' jurisdiction will be required to submit in writing an agreement to assume financial responsibility for all utility charges incurred at the rental property for which service is being requested regardless of the name on the account under which any such charges are incurred. The Pittsboro Municipal Utilities may refuse to accept new deposits and to provide service to a rental property if a signed agreement by the property owner is not on file at the Town Hall. Upon the sale of

a rental property receiving service from Pittsboro Municipal Utilities, the new owner will be required to submit an agreement in accordance with this division (B), and service to such rental property may be disconnected, pursuant to law, until such agreement has been submitted.

(C) In the event utilities are disconnected at a rental property for nonpayment or a tenant fails to pay a final utility bill after applying meter deposits, the Utility Billing Clerk will submit in writing a request for payment from the current property owner who has filed an agreement to assume financial responsibility in accordance with division (B) of this section. The current property owner shall be responsible for all unpaid utility bills existing at the time of becoming the property owner and all utility bills incurred during ownership of the property, regardless of the name to whom utilities were billed for the rental property.

(D) In the event a delinquent utility bill remains unpaid, utilities will be disconnected at the rental property for nonpayment, unless otherwise prohibited by law. The total delinquent utility bill, plus a \$ 50 reconnect fee per utility must be paid before utility service is restored to the property.  
(Ord. 2018-2, passed 2-20-18)

**§ 50.06 DESIGNATING AREAS STRICTLY FOR UNDERGROUND OR BURIED UTILITIES.**

(A) *Purpose.* The purpose of this section is to adopt a local policy regarding the designation of locations within the town as underground or buried utility areas pursuant to I.C. 8-1-32.3-15(c)(1).

(B) *Designation.* The town hereby determines that it is the policy of the Town of Pittsboro for the promotion of public health, safety, morals, convenience, order, or the general welfare and for the efficiency and economy of development of the community that it is the policy of the town that utility lines be located or buried underground; that Pittsboro’s municipal utilities, developers and homeowners located within the town limits have previously made investments to ensure utility lines are located or buried underground and, therefore, in an effort to continue this policy, all town-owned street right-of-ways located within the Town of Pittsboro, Indiana corporate boundary, as amended and expanded from time to time, are hereby designated as areas strictly for underground or buried utilities in accordance with I.C. 8-1-32.3-15(c)(1) and related provisions in the following area:

(1) All current and future residential developments which have all or part underground utility plant and equipment (including without limitation, the old parts of the town, subdivisions known as Jefferson Park, Whispering Fields, Woodland Hills, Brixton Woods, Ashton Place, Quail Creek, Sparks Addition, etc.).

(2) Downtown Overlay Zone.

(3) Jeff Gordon Boulevard/C.R. > 275 East Overlay Zone.

- (4) Interstate Overlay Zone.
- (5) Areas zoned Old Town Business District.
- (6) Future incorporated or annexed areas of the Town of Pittsboro.

(C) *Restrictions.* With respect to the construction, placement, or use of a small cell facility and the associated support structure, the town hereby restricts and prohibits the placement of a new utility pole or a new wireless support structure in town right-of-ways, except as otherwise permitted in division (D) of this section.

(D) *Exceptions.* Notwithstanding the restrictions and prohibitions contained in division (C) of this section, the following provisions shall be met and the following exceptions are hereby permitted:

- (1) Collocation of small cell facilities on existing utility poles and wireless support structures within the town are allowed;
- (2) Repair and/or replacement of existing utility poles and wireless support structures within the town is allowed;
- (3) A petition for a request to install new utility poles or new wireless support structures within the town may be filed with the Pittsboro Advisory Plan Commission which shall hold a public hearing on such petition within 30 days of filing and make a recommendation to the Town Council, upon which a decision shall be made by the Town Council within 60 days of such filing;
- (4) Upon receipt of a petition for the construction, placement, or use of a small cell facility on one or more new utility poles or one or more new wireless support structures in the town, the town shall post notice of the petition on the town's Internet website with a statement that the petition is available to public upon request; and
- (5) The prohibition or other restrictions with respect to the placement of new utility poles or new wireless support structures within the town shall be applied in a nondiscriminatory manner.  
(Res. 2017-03, passed 4-28-17)

## CHAPTER 51: ELECTRIC SERVICE

### Section

- 51.01 Electric service general terms and conditions
- 51.02 Electric rates and charges
- 51.03 Fuel cost adjustment
- 51.04 Rate provision for hours use/load factor
- 51.05 Tap fees

### § 51.01 ELECTRIC SERVICE GENERAL TERMS AND CONDITIONS.

The following general terms and conditions shall be applicable to the provision of electric utility service to the customers of the Town of Pittsboro Electric Utility (“Utility”).

- (A) Rate schedules
- (B) Application or contract
- (C) Rate schedule selection
- (D) Predication of rates
- (E) Service deposits
- (F) Rendering & payment of bills
- (G) Customer’s request to discontinue service
- (H) Re-connection charge
- (I) Service to be furnished
- (J) Customer’s installation
- (K) Extension of service
- (L) Utility equipment on customer’s premise (m) metering

(N) Utility's right to discontinue service (o) interruption of service

(P) Customer's use of service - resale & redistribution

(Q) Exclusive service

(R) Temporary service

(S) Seasonal use of power service

(T) Point of service connection

(U) Character of service

(V) Excess facilities

(W) Outdoor light service

(A) *Rate schedules.*

(1) A copy of all available rate schedules and charges and these general terms and conditions for electric service by the Utility is on file with the Town of Pittsboro Clerk Treasurer at the Town Hall, 80 North Meridian, Pittsboro, Indiana.

(2) Any rate schedule may be revised or changed from time to time in the manner prescribed by applicable laws, and any such changes, will supersede the present rate schedule.

(3) The general terms and conditions for electric service sets forth the conditions under which service is to be rendered, and governs all classes of service to the extent applicable. In case of conflict between any provision of rate schedule and the general terms and conditions for electric service, the provisions of the rate schedule shall prevail.

(B) *Application or contract.*

(1) A written application or contract may be required by Utility before service will be provided, which, when accepted by Utility, shall constitute the agreement between Utility and customer (defined below). Utility shall have the right to reject any application for any valid reason. For purposes of this chapter, **CUSTOMER** shall mean any person or entity who the utility has agreed to provide service to or is providing service.

(2) No agent or employee of Utility has the authority to amend, modify, alter or waive any part of any rate schedule or any provision included in the general terms and conditions for electric service.



(3) In written contracts, no promises, agreements or representations of an agent or an employee of Utility shall be binding unless such promises, agreements or representations were incorporated in the contract before its execution and approval.

(4) The benefits and obligations under any contract for electric serve shall be binding upon the successors and assigns, survivors and executors or administrators, as the case may be, of the original parties for the full term of the contract; provided, however, that no assignment shall be made by customer without first obtaining Utility's written consent. Utility may require the successor either to execute with the Utility an assignment agreement wherein the successor-customer assumes and agrees to be bound by the original contract, or to execute a new contract for service.

*(C) Rate schedule selection.*

(1) A copy of the rate schedule and these general terms and conditions will be furnished to the customer upon request when an application for service is made at the Utility's office. Customer shall designate the rate schedule on which the application or contract shall be based when more than one rate schedule is available for the service requested. Utility will assist customer in the selection of the rate schedule best adapted to customer's service requirements; provided, however, that the Utility does not assume responsibility for the selection or that customer will at all times be served under the most favorable rate schedule.

(2) In the case of when more than one rate schedule is available for the service requested, customer may change the rate schedule selection to another applicable rate schedule at any time by either written notice to the Utility and/or by executing a new contract for the rate schedule selected, provided that the application of such subsequent selection shall continue for 12 months before any other selection may be made. In no case will Utility refund any monetary differences between the rate schedule under which service was billed in prior periods and the newly selected rate schedule.

*(D) Conditions of rates.*

(1) Utility's rate schedules, except as provided for in divisions (1)(a) and (b) of this section, are predicated upon the supply of service to one premises, at one standard voltage, at one service connection and through one meter for the ultimate use by one customer. The term **PREMISES** as used herein shall mean a distinct portion of real estate on which is located, the living quarters for the use of a single individual or family, or the main building or facilities which houses the operations of a commercial or industrial customer and which may include the immediate outlying or adjacent buildings used by the same customer, provided the use of service in the immediate outlying or adjacent building is supplemental and is similar to the type of service used in the main premises, main building or main operation.

(a) When service is supplied to an individual residential dwelling unit primarily for serving one person or family and where boarders or roomers are accommodated for incidental income, the service will be provided under the residential rate schedule.

(b) When service is supplied to a residential dwelling unit where the use is primarily for the accommodations of roomers or boarders, the service will be provided under the commercial rate schedule, unless separate circuits are furnished by customer to permit the Utility to separately meter and bill the residential and commercial uses.

(2) Except for the above stated provisions, when service supplied on one premises involves more than one service classification, or one standard voltage or one service connection, each such service shall be separately metered and billed unless the rate schedule specifically provides for more than one voltage and the combining of the meter readings, or when the service is supplied in such manner for Utility's operating convenience or to meet legal requirements.

(E) *Service deposits.* Customers applying for residential service may be asked to make a service deposit pursuant Chapter 50 of the Town of Pittsboro Code of Ordinances.

(F) *Rendering and payment of bills.*

(1) Bills for service will be rendered monthly at intervals of approximately 30 days and will be based on the rates and charges set forth in the applicable rate schedule and are payable at the office of the Town Clerk.

(2) All bills are rendered as "net" bills which will be subject to a late payment charge as prescribed in Chapter 50 of the Town of Pittsboro Code of Ordinances when not paid within 17 days following the mailing of the bill. When the seventeenth day falls on Sunday or on any legal holiday, the first business day thereafter shall be added to the 17-day period.

(3) Failure to receive a bill shall not entitle customer to pay the net bill after the designated date has passed. Upon request, Utility will inform customer of the approximate date on which customer should receive the bill each month and, if the bill is lost, the Utility will issue a duplicate.

(4) When the Utility is unable to obtain the reading of a meter after reasonable effort, it may estimate the reading and render a bill, so marked. In the event the Utility's meter fails to register properly for any reason, Utility shall estimate customer's energy use and/or other bill determinants during the period of failure based on such factors as customer's normal load and energy usage during a like corresponding period.

(5) When the Utility is required to re-process a check rendered for payment of a customer's bill due to non-sufficient funds, a handling charge shall be added to customer's billing.

(G) *Customer's request to discontinue service.*

(1) Any customer who has not contracted for service for a specified term may have service discontinued by giving notice at the Utility's office of the date on which customer desires that service

be discontinued. The Utility will endeavor to obtain the final meter reading on the date customer specifies in his notice, but shall not be obligated to do so unless customer's notice provides the Utility at least three working days. Customer shall be obligated to pay for service rendered to customer until the final meter reading is obtained by the Utility.

(2) Customer who has contracted for service for a specified time may have service discontinued by giving notice at the Utility's office and agreeing to pay for service used to the date of disconnection. Customer shall also be liable for the minimum charges, which would be due the Utility for the remaining period of the contract in accordance with the contract provisions.

(H) *Re-connection charge.* When the Utility has discontinued service for nonpayment of a bill, temporary removal of meters, changes in service, or for any other cause, the Utility reserves the right to charge a customer an amount for re-connection commensurate with the cost of such re-connection and as established pursuant to Chapter 50 of the Town of Pittsboro Code of Ordinances.

(I) *Service to be furnished.*

(1) When requested by the Utility, customer shall advise the Utility fully with respect to the location of the premises where service is desired to all equipment to be operated.

(2) The Utility shall advise customer concerning the character of service to be supplied, and shall determine the location of the service connection, and the location of the meter.

(3) As the facilities provided by the Utility for supplying service to customer have definite capacity limitations, customer shall not make any significant increase in requirements without sufficient advance notice to the Utility in order to provide a reasonable time in which the Utility may increase the capacity of its facilities. Failure to provide such notice to the Utility shall make customer liable for damages, which may be occasioned, to the meters or other facilities by overload.

(4) Before the Utility will make any changes in its facilities to increase capacity to a customer, a new application or contract for service may be required by the Utility.

(J) *Customer's installation.*

(1) Customer shall install and maintain suitable entrance equipment, switches, and protective devices to afford reasonably adequate protection to the Utility's property and system against fault originating beyond the service connection to customer. Such service connection is the point of the physical connection between the Utility's and customer's facilities beyond which point customer receives and assumes responsibility and liability for the service rendered.

(2) All such customer's equipment shall be constructed and maintained subject to approval by the City Building Inspector and in accordance with the National Electric Code, any federal, state or local law, and the Utility requirements in effect at the time of installation.

(3) The Utility shall have the right to inspect customer's installation to determine that the use of customer's equipment will not adversely affect the Utility's system or service supplied by the Utility to other customers and to refuse to commence service or to continue service when such installation is deemed not to be in good operating condition, but the Utility does not under any circumstances assume any responsibility in connection with customer's installation.

(K) *Extension of service.* Utility will extend its lines and facilities in accordance with the rules and policies of Utility. Utility may require a utility facilities extension agreement for the installed cost of facilities under mutually agreeable terms.

(L) *Utility equipment on customer's premise.*

(1) Customer, in entering into an agreement for electric service with the Utility, will furnish to the Utility a satisfactory location for and provide reasonable and safe access to the Utility's meters and other equipment necessary to provide and measure service, and will also furnish to the Utility the rights on, over and under customer's premises necessary to install, operate and maintain the Utility's other facilities required to supply service to customer. When customer is not the owner of the premises and/or of the adjacent premises, customer shall furnish the Utility with satisfactory easements for the location of Utility's facilities on the premises and/or on the adjacent premises.

(2) When the Utility's transformers, meters, or other facilities are to be installed indoors on customer's premises, customer shall furnish without cost to the Utility a suitable room or vault for housing the equipment; provided, however, that the Utility shall reserve the right to make the final decision as to the location of such room or vault. Such space shall meet the requirements of the National Electrical Code, of any federal, state or city laws or regulations, and of any policies of the Utility in effect at the time of the installation.

(3) The Utility may change the location of any or all of its facilities upon request of customer, provided such change will not interfere with or jeopardize the Utility's service either to customer requesting the change or to other customers of the Utility, and customer shall be required to bear all or a portion of the expense of such change.

(4) Customer shall provide reasonable protection from loss or damage to the Utility property and may be liable to the Utility in the event of such loss or damage caused by negligence of customer or any agent or employee of customer.

(5) Customer shall not disconnect, change connections, or otherwise interfere with the Utility's meters or other property and shall be responsible to the Utility for permitting anyone who is not an agent or employee of the Utility to tamper with the Utility's property. Customer shall not be permitted to attach or connect any equipment to the Utility's facilities without receiving prior approval from the Utility.

(6) All facilities installed by the Utility shall be and remain the property of the Utility and the Utility shall operate and maintain such property.

(7) Properly authorized employees or agents of the Utility shall have the right to enter upon customer's premises at all reasonable times for the purpose of meter reading, inspecting, testing, repairing or replacing any or all of the Utility's property used in supplying any service to customer. For the avoidance of doubt, the Utility may enter upon a customer's premises without notice in the case of an emergency.

(8) Upon termination of a contract or discontinuance of service, the utility shall have the right to remove all of its property from customer's premises.

(M) *Metering.* All service supplied by the Utility will be measured by meters of standard manufacturers which are owned, installed and maintained by the Utility, except under rate schedules in which the charges for service are at a flat rate predicated on a fixed use of the Utility's or customer's equipment such as street lighting, outdoor lighting, and the like.

(N) *Utility's right to discontinue service.*

(1) The Utility may discontinue service to any customer without notice for any of the following reasons:

(a) When, in the Utility's opinion, a condition exists that is dangerous or hazardous to life, physical safety or property;

(b) When emergency repairs must be made to the Utility's facilities or system;

(c) When there has been tampering with the Utility's meters or equipment, or evidence or fraudulent or unauthorized use of energy in such a manner as to circumvent the Utility's meter; or

(d) When ordered to do so by a court or another duly authorized public authority or authorized governmental agency.

(2) The Utility may discontinue service to any customer with reasonable notice for any of the following reasons in accordance with the rules and policies of the Utility:

(a) When any bill remains unpaid in accordance with Chapter 50 of the Town of Pittsboro Code of Ordinances;

(b) When planned repairs are to be made to the Utility's facilities or system;

(c) When customer denies access by employees of the Utility to its meter or other facilities;

(d) When customer uses equipment in such a manner as to adversely affect the Utility's system or service supplied by the Utility to other customers; or

(e) When customer fails to comply with the provisions of either the applicable rate schedule, the general terms and conditions for electric service, or the contract for service.

(3) Discontinuance of service in accordance with the provisions stated above shall not constitute a breach of any obligation of the Utility under any contract for service with customer, and the Utility shall not in any case be liable to customer for any damages resulting from such discontinuance of service.

(O) *Interruption of service.*

(1) The Utility will, at all times, endeavor to provide regular and uninterrupted service, but does not guarantee against variations in service characteristics, such as frequency, voltage, phase angle, phase balance, momentary outages, loss of neutral and single phasing of three-phase systems, occasioned by acts of God, orders of public authorities, fires, strike, casualty, and necessity for making repairs or replacements of the Utility's facilities.

(2) In case the supply of service is interrupted or sustains other variations such as high or low voltage, loss of neutral, single phasing of three-phase service, phase reversals, or trouble resulting from defects in customer's wiring or other equipment, the Utility shall not be liable to customer for damages or losses resulting from such interruption or variation in service, unless due to the gross negligence of the Utility.

(3) Such interruptions or variations shall not constitute a breach of any obligations of the Utility under any contract for service with customer.

(4) Interruption of service caused by failure of equipment installed by customer on customer's side of service connection shall not be the responsibility of the Utility. When the Utility is requested by customer to assist in the restoration of service, the customer will be billed an amount based on the "work order" procedure of the Utility.

(P) *Customer's use of service - resale and redistribution.*

(1) Service shall be used by customer only for the purposes specified in the applicable contract and in accordance with the applicable rate schedule, and no customer shall resell such service to a third party by sub-metering such service.

(2) Service delivered to new multi-unit buildings containing units that are separately rented, leased or owned, shall be individually metered for each such occupied unit except for:

(a) Service used in hotels, motels and other similar transient lodging.

(b) When customer proves the cost of purchasing and installing the wiring and equipment necessary for individual metering exceed the long-run benefits resulting from energy conservation and efficient utilization of facilities. In the event master metering is approved by the Utility, customer shall own all equipment necessary to take all service through one service connection.

(Q) *Exclusive service.* Without the written consent of the Utility, no other electrical service or source of supply shall be used by customer on the same premises in parallel, or in conjunction, with the Utility's service, either by means of throw-switch, or any other connection except under separate contract specifically providing for reserve, auxiliary, breakdown, standby or co-generation service.

(R) *Temporary service.*

(1) When in the opinion of the Utility the use of service will not be of a permanent nature, and is other than a routine service connection, customer may be required to pay (1) the cost of constructing the facilities to serve customer, including labor, materials, stores freight and handling, and overhead, plus (2) the estimated cost of removing the facilities and returning same to the Utility storeroom, minus (3) the estimated salvage value of material returned to the Utility storeroom.

(2) Service supplied to a temporary service connection will be billed under the applicable rate schedule.

(3) Customer may be required to make a deposit to ensure payment of the charges under the applicable rate schedule.

(S) *Seasonal use of power service.* Where the nature of customer's business is seasonal and service is used for a limited period regularly each year, the Utility will furnish service to customer under the following provisions:

(1) The Utility will furnish service for the period required, in accordance with the rate schedule applicable to the type of service supplied, provided that customer shall pay the cost of connecting and disconnecting the service in accordance with the "job work order" procedure of the Utility.

(2) Only two connections and two disconnections shall be made in any calendar year and customer is required to submit a written application to the Utility specifying the period or periods of the year when service is required.

(T) *Point of service connection.*

(1) *Overhead service.* The Utility will designate the point at which the overhead service lines will be connected to the customer's facilities. The customer's wires at the point of connection with the Utility's lines, shall extend at least three feet beyond the outer end of any conduit, weatherproof fitting, or insulator in order to facilitate this connection.

(2) *Underground service.* Underground service, whether originating from overhead or underground facilities, is subject to special conditions and policies making it necessary to consult the Utility before wiring or rewiring the premises. When underground service is provided, the Utility will designate the point at which the Utility underground lines will be connected to the customer's facilities.

(3) Any changes made in any service connection at the customer's request, after the original installation, shall be done at the customer's expense.

(4) Underground network services.

(U) *Excess facilities.* The Utility will normally install, in accordance with the provisions of the applicable rate schedule and the general terms and conditions for electric service, the facilities required to supply electric service to the customer at one point of delivery, through one meter or metering installation, at one delivery voltage and, where necessary, through one transformation. In the event that the customer requests from the Utility facilities, hereinafter referred to as "excess facilities," which are in addition to, or in substitution for, the standard facilities which the Utility will normally install, the Utility will provide and install such excess facilities, at the customer's expense under the following conditions:

(1) The type, extent, and location of such excess facilities shall be mutually agreed to by the Utility and the customer.

(2) Such excess facilities shall be and remain the property of the Utility.  
(Ord. 2012-9, passed 6-19-12)

#### § 51.02 ELECTRIC RATES AND CHARGES.

(A) There are established for the use of and the service rendered by the Utility, the following rates and charges, based on the use of electric utility service supplied by the electric utility system:

<i>Metered Rates Per Month</i>	
<i>Residential</i>	
First 15 kilowatt hours (Kwh)	\$0.176548
Next 60 Kwh	\$0.158246
Next 25 Kwh	\$0.120237
Next 100 Kwh	\$0.111790
Next 400 Kwh	\$0.101935
Over 600 Kwh	\$0.092081
Minimum monthly charge	\$3.32



Electric Service

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<i>Metered Rates Per Month</i>	
<i>Commercial</i>	
First 15 Kwh	\$0.194849
Next 60 Kwh	\$0.158246
Next 25 Kwh	\$0.120237
Next 400 Kwh	\$0.111790
Next 500 Kwh	\$0.101935
Over 1,000 Kwh	\$0.097712
Minimum monthly charge	
Per connected H.P. up to and including 10 H.P.	\$1.12
Per connect H.P. in excess of 10 H.P.	\$0.58
<i>General Power</i>	
First 500 Kwh	\$0.120237
Next 1,000 Kwh	\$0.111790
Next 1,500 Kwh	\$0.106159
Over 3,000 Kwh	\$0.101935
Minimum monthly charge	
Per connected H.P. up to and including 10 H.P.	\$1.25
Per connect H.P. in excess of 10 H.P.	\$0.64
<i>Security Lights</i>	
Monthly	
175 watt fixture	\$7.47
400 watt fixture	\$11.18
1,000 watt fixture	\$22.37
Annual	
175 watt fixture	\$82.00
400 watt fixture	\$123.01
1,000 watt fixture	\$246.01

<i>Metered Rates per Month</i>	
<i>Street Lighting (Monthly)</i>	
Wood pole	
4,000 lumen/295 watt	\$3.38
8,000 lumen/175 watt	\$3.90
24,000 lumen/400 watt	\$6.43
Steel pole	
4,000 lumen/295 watt	\$6.66
8,000 lumen/175 watt	\$5.75
24,000 lumen/4000 watt	\$8.28
Municipal rate	
All Kwhs	\$0.101935

(B) *Residential* rate shall be available to customers whose premises are used primarily for residential purposes shall be available in accordance with this chapter, including without limitation § 51.01(C) and (D).

(C) *Commercial* rate shall be available to customers located on the Utility's lines for commercial premises in accordance with this chapter, including without limitation § 51.01(C) and (D).

(D) *General power* shall be available to all other users other than residential, commercial or security lighting or street lights such as electric motors, and the like.

(E) *Security lights* shall be available to all customers of the Utility.

(F) *Street lighting* rate shall be available to the town's street lighting only.  
(Ord. 2012-9, passed 6-19-12)

### § 51.03 FUEL COST ADJUSTMENT.

Application of the wholesale power tracker for electric service which shall be in accordance with the order of the Indiana Utility Regulatory Commission (formerly the Public Service Commission of Indiana) in Cause #33735-S1 and #33735-S2.  
(Ord. 2012-9, passed 6-19-12)

### § 51.04 RATE PROVISION FOR HOURS USE/LOAD FACTOR.

Energy use which exceeds 3,000 Kwh and exceeds 200 hours of use of the KW demand in any one month will be billed at the following rate schedule:

(A) All energy used not in excess of the 200 hours of use at the KW demand will be billed under the applicable rate under § 51.02.

(B) The next 160 hours of use of the KW demand in any one month will be billed at the rate of \$0.097430 per Kwh.

(C) All energy used over 360 hours use of the KW demand in any one month will be billed at the rate of \$0.092081 per Kwh.  
(Ord. 2012-9, passed 6-19-12)

**§ 51.05 TAP FEES.**

The following tap fees for new connections for electric utility service shall apply:

<i>Customer</i>	<i>Tap/Reconnection Fee</i>
Residential (200 AMP. or less service only)	\$750.00
Residential (over 200 AMP. service), Commercial and Industrial Uses	At cost plus administrative fee of 20%

(Ord. 2013-7, passed 8-20-13)



## CHAPTER 52: NATURAL GAS

### Section

- 52.01 Natural gas system rates and charges
- 52.02 Procedure for establishment or amendment of rates
- 52.03 Connection and other non-recurring charges
- 52.04 Rules and regulations regarding gas service

### § 52.01 NATURAL GAS SYSTEM RATES AND CHARGES.

(A) There are established for the use of and the service rendered by the natural gas system of the town, the following rates and charges, based on the use of natural gas supplied by the natural gas system:

<i>Monthly Metered Rates per 100 Cubic Feet [CCF means 100 Cubic Feet] Beginning March 1, 2008</i>	
First 3 CCF	\$4.12684
First 17 CCF	\$1.56018
First 30 CCF	\$1.39605
First 50 CCF	\$1.23127
Minimum monthly charge	\$7.90

(B) The above-described rates and fees are just and equitable based on the costs of the respective services provided.

(Ord. G-77-1, passed 2-14-77; Am. Ord. - , passed 10- -87; Am. Ord. 200-1, passed 1-31-06)

### § 52.02 PROCEDURE FOR ESTABLISHMENT OR AMENDMENT OF RATES.

The schedule of rates and charges for the municipally owned natural gas utility shall be adjusted quarterly by a gas cost adjustment factor to reflect the cost to the utility of gas purchased from its suppliers.

(Ord. 95-4, passed 9-14-95; Am. Ord. 2009-10, passed 8-18-09)

§ 52.03 CONNECTION AND OTHER NON-RECURRING CHARGES.

The following connection and other non-recurring charges have been established:

- (A) Customer-requested meter tests that do not result in a finding that the meter is out of tolerance 2.0% +/- . . . . . \$25
  - (B) New meter set-up, up to and including size 250. . . . . \$275
  - (C) New meter-set up, larger than size 250.. . . . Cost of material, labor, tools and equipment per contract with contractor, as amended from time to time.
  - (D) Tap/new connection fee for customers who connect within three months of availability of service to said customer other than described in subsections (E) and (F). . . . . \$475
  - (E) Tap/new connection fee for customers who provide an easement at no cost to the town for the extension of the new gas utility service main north of Interstate 1-74 on or after October 1, 2016 is waived. . . . . \$0
  - (F) Tap/new connection fee for customers who connect and receive gas service on or after March 1, 2017 through an including December 31, 2107 from the gas main north of Interstate I-74. . . . . \$475
  - (G) Tap/new connection fee for customers other than those described in subsections (D), (E) and (F). . . . . \$950
  - (H) Dishonored check fee. . . . . \$28
  - (I) Reconnection of service following disconnection for non-payment. . . . . \$100
  - (J) Reconnection of service within three days of disconnection requested by customer.. . . . \$100
- (Ord. 2017-03, passed 4-18-17)

§ 52.04 RULES AND REGULATIONS REGARDING GAS SERVICE.

The following rules and regulations shall be applicable to, and shall be conditions of, the town’s gas service to customers.

(A) *Written application.* A written application or contract, properly executed, in form acceptable to the town, may be required from the customer before the town will be required to supply service; provided, however, that the town shall have the right to reject, for any valid reason, any application. An application for service and acceptance thereof by the town shall constitute an agreement of applicant and the town, subject to all lawful regulations.

(B) *Data on customer's installations to be furnished.* The customer shall, upon request of the town, furnish in writing to the town a list of the devices which are to be attached to the town's lines, giving the location of the building, and the town will then advise the customer the form and the character of the supply available.

(C) *Service connections.* The town will locate the point to which service connections will be made. The town reserves the right to lay all underground pipe to the inlet of the meter. A charge, to be paid by the customer, and based on current prices, may be made for all service runs in excess of 100 feet, measured from the town's main, or property line, whichever is closer to the location of the meter.

(D) *Inside piping.* Each applicant for service must, at his own expense, equip the applicant's premises with all piping and attachments, all of which shall be constructed and maintained by applicant. Such piping and attachments shall be installed in compliance with all regulations and/or codes including, but not limited to, town rules and regulations in force at the time.

(E) *Location of town regulators, meters and appliances.* The customer shall provide, free of expense to the town, a place satisfactory to the town for necessary regulators, meters and other appliances. Such regulators, meters or other appliances will be furnished by the town.

(F) *Meters to be installed by the town.* Unless otherwise specified in a contract between the town and the customer, the gas supplied shall be measured by a meter or meters of standard manufacture, furnished and installed by the town on the premises of the customer. Meters and regulator locations shall be provided by customer, and piping at multiple meter installations shall be marked. Except as otherwise provided in these rules, all charges for gas service shall be calculated upon the registration of the meter or meters installed. Meter includes all measuring instruments. The town's meters may be tested periodically by the town at its discretion

(G) *Failure of meter.* If any service meter shall be found to be erroneously recording gas use, an adjustment to the bills for gas used may be made.

(H) *Building containing two or more separate living quarters or business concerns.* Where a dwelling consists of more than one family unit, or is an apartment house consisting of more than one apartment, and service is taken and provided through a single meter, the steps of the rate, including the minimum or service charge, will be multiplied by the number of family units in the dwelling or apartment house. When service furnished hereunder through a single meter to a commercial customer is used by more than one consumer or business concern, even though of common ownership and

management, the steps of the applicable rate for gas service, including the minimum or service charge, will be multiplied by the number of consumers or business concerns served. Central heating systems for that part of an office building devoted to rental or offices shall be considered as a single consumer.

(I) *Access to premises.* Properly authorized agents of the town shall have the right to enter upon the premises of the customer at all reasonable times for the purposes of installing, inspecting, repairing or replacing the appliances and equipment of the town used in connection with the service, and removing the same on termination of the contract or the discontinuance of the service.

(J) *Continuous service.* The town shall not be responsible in damages for any failure to supply gas or for interruption of service, if such failure or interruption is without willful default or willful negligence on its part.

(K) *Release of town from liability.* The town shall not be liable for damage resulting to customer or to third persons from the presence or use of gas or of the town's appliances or equipment, on the customer's premises, unless due to negligence on the part of the town and without any negligence on the part of the customer or such third party.

(L) *Town reserves the right to shut off supply.*

(1) The town may disconnect service without request by the customer and without prior notice in the following circumstances:

- (a) If a condition dangerous or hazardous to life, physical safety or property exists; or



(b) Upon order by any court or other duly authorized public authority; or

(c) If fraudulent or unauthorized use of gas is detected and the town has reasonable grounds to believe the affected customer is responsible for such use; or

(d) If the town's regulating or measuring equipment has been tampered with and the town has reasonable grounds to believe that the affected customer is responsible for such tampering.

(2) The town may temporarily shut off the supply of gas for the purpose of making necessary line or equipment repairs after due notice to the customer. The town will disconnect service upon request of the customer, and upon proper notice.

(M) *Damages.* The town shall not be liable for damages:

(1) Because of any interruption of the supply of gas to the town; or

(2) caused by defective piping or appliances on the customer's premises.

(N) *Payment of bills.* Bills will be rendered and due monthly and must be paid at the office of the town during business hours. If a bill remains unpaid for more than 17 days following the mailing thereof it shall be a delinquent bill. If net bill is not paid within 17 days after bill is mailed a late payment charge will be made in the amount of 10% of the first \$3 of said net monthly bill plus 3% of the net monthly bill in excess of \$3, and added to the net monthly bill.

(O) *Reconnection.* If service is suspended at customers' request during the term of the contract such service will not be reinstated within three days without payment of a reconnection charge. If service is suspended because of non-payment of bill by customer, such service will not be reinstated without payment of a reconnection charge.

(P) *Resale of gas.* The gas furnished under these rules is for the use of the customer on customer's premises, and shall not be resold by customer.

(Q) *Deposit.* The town may require deposit from an applicant for users of its services to reasonably insure payment of bills incurred. Deposit requirements shall be nondiscriminatory and applied evenly and fairly. A deposit may be used by the town to cover any unpaid balance following disconnection of service.

(R) *Town property.* All meters or other appliances and equipment furnished by and at the expense of the town, which at any time may be on a customer's premises, shall be and remain, unless otherwise expressly provided herein, the property of the town, and the customer shall protect such property from loss or damage, and no one who is not an agent of the town shall be permitted to remove such property or tamper therewith.

(S) *Exclusive service on installation connected.* Except under a contract with the town in respect to auxiliary service, no gas service other than that being supplied by the town shall be used either by means of a three-way valve or any other connection, on the same installation as is used for the service supplied by the town.

(T) *Modification of contract.* No promises, agreements or representations of any agent of the town shall be binding upon the town unless the same shall have been incorporated in a written contract before the same is signed and approved by an agent of the town authorized to sign such contract on behalf of the town.

(U) *Assignment.*

(1) The benefits and obligations under any contract for the supply of gas by the town shall begin when the town commences to supply gas service hereunder, and shall inure to and be binding upon the successor, assigns, survivors, executors, or administrators, as the case may be, of the original party thereto for the full term thereof; provided that no assignment there of shall be made by the customer or any successor, assignee, survivor, executor or administrator, without first obtaining the town's written consent to any such assignment.

(2) Each customer must make application to the office of the town before gas service will be established by the town. A customer moving from premises where gas service is being supplied will be held responsible for the payment of all bills rendered for service supplied on said premises unless and until he gives proper notice at the office of the town that service is to be discontinued at such premises.

(V) *Delay due to strikes, etc.* The town shall not be held liable for any failure or delay in performing any of the things undertaken by it under any service contract in case such failure or delay is caused by strikes, acts of God, unavoidable accidents or other contingencies beyond its control and in no manner due to any fault, neglect or omission on its part.

(W) *Equipment or location permit.* The customer shall obtain from the property owner or owners and on forms to be supplied by the town, and deliver to the town, the necessary consent or consents authorizing the installation and maintenance on, over or through all private property, for all such piping or equipment as may be necessary or convenience for the supplying of the gas service to be furnished by the town.

(X) *Month.* A month means the period between any two consecutive regularly scheduled readings by the town's agent of the meter or meters on the premises. Such readings are scheduled to be taken at approximately 30-day intervals.

(Y) *Curtailment and interruption.* The town shall have the right to curtail and interrupt deliveries from its system under the following conditions and in the following manner:

(1) *Operating curtailment or interruption due to weather conditions.* May be ordered by the town at any time if, in the town's opinion, it is necessary for the proper conduct of its business and so as to prevent conditions dangerous or hazardous to the life and physical safety of its customers. Curtailment or interruption shall be upon such notice as is reasonable under the circumstances and in the following order, to the extent practicable:

- (a) First, deliveries under interruptible contracts, if any, shall be first interrupted or curtailed;
- (b) Second, deliveries to industrial customers, if any, shall be next in order of curtailment or interruption;
- (c) Third, deliveries to commercial customers shall be next in order of curtailment or interruption; and
- (d) Fourth, residential customers shall be the last class of customer curtailed or interrupted.

(2) *Gas supply deficiency curtailment.* In the event of a gas supply deficiency, curtailment may be ordered by the town at any time when, in the opinion of the town, the natural gas supply needed for authorized and contractual deliveries to its customers is not available without overrun, additional tax or other penalty from the town's pipeline supplier. In the event of such curtailment, the town shall give such notice of the proposed curtailment as is reasonable under the circumstances. Such gas supply deficiency curtailment shall be applied in the following order and in the following manner, to the extent practicable:

(a) When possible, prior to such curtailment period, each customer shall be notified, in writing, of the date upon which the curtailment is to become effective and the percentage of usage applicable to such curtailment, which percentage may be revised from time to time by further notice. Additional curtailments necessary to protect higher-priority customers during extremes of weather will be made, on such notice as is reasonable under the circumstances.

(b) During any such curtailment period, curtailments will be made in the following order, to the extent practicable:

1. First, deliveries to industrial customers, if any, shall be first curtailed or interrupted;
2. Second, deliveries to industrial customers, if any, shall be next in order of curtailment or interruption;
3. Third, deliveries to commercial customers shall be next in order of curtailment or interruption; and

4. Fourth, residential customers shall be the last class curtailed or interrupted.

(3) Procedures in the event of non-compliance shall be as follows:

(a) Without regard to any other remedy provided by law or by the provisions hereof, the town shall be entitled to seek an order from any appropriate tribunal requiring compliance with curtailment or interruption order by the town in compliance with these rules or any directive from any governmental authority having jurisdiction in the premises.

(b) All volumes taken in violation of the town's curtailment or interruption order shall constitute unauthorized excess takes, for which an adjustment shall be added to the offending customer's bill in the amount of \$10 per each Mcf of excess gas thus taken.

(4) The terms and conditions contained in these rules and regulations shall apply regardless of any provision contained in any agreement between town and customer.

*(Z) Application of rules and regulations.* At its discretion, the town may elect to apply these rules in a manner consistent with the Rules and Regulations of the Indiana Utility Regulatory Commission as set forth in Article 5 of Title 170 of the Indiana Administrative Code in resolving any dispute between the town and a customer.

(Ord. 2006-2, passed 1-31-06)

## CHAPTER 53: SEWERS

### Section

#### *General Provisions*

- 53.01 Definitions and abbreviations
- 53.02 Unlawful deposits and discharges
- 53.03 Connection with public sewer required
- 53.04 Private sewage disposal
- 53.05 Tampering with sewage works equipment
- 53.06 Right of entry of town officials
- 53.07 Authority to prohibit dumping of wastes

#### *Sewer Use*

- 53.20 Building and sewer connections
- 53.21 Prohibited discharges
- 53.22 Actions of Superintendent
- 53.23 Grease, oil and sand interceptors
- 53.24 Preliminary treatment facilities
- 53.25 Control manholes
- 53.26 Measurements, test and analyses
- 53.27 Enforcement
- 53.28 Judicial enforcement
- 53.29 Publication of significant noncompliance
- 53.30 Conflict
- 53.31 Right to contract

#### *Rates and Charges*

- 53.40 Definitions
- 53.41 Rate schedule established
- 53.42 Determination of quantity of water used
- 53.43 Determination of strength and character of discharges
- 53.44 Billing procedures
- 53.45 Bylaws and regulations

*Storm Water Management*

- 53.50 Storm water utility
- 53.51 Definitions
- 53.52 Storm Water Department user fee
- 53.53 Calculation of impervious area
- 53.54 Base rate
- 53.55 Billing and payments
- 53.56 Storm Water Revenue Fund
  
- 53.99 Penalty

**GENERAL PROVISIONS****§ 53.01 DEFINITIONS AND ABBREVIATIONS.**

(A) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

**ACCIDENTAL DISCHARGE.** Any discharge of pollutants which occurs on a one-time basis, generally as the result of abnormal conditions or a spill. Accidental discharges may also constitute slug loads as defined below.

**ACT.** The Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977 and the Water Quality Act of 1987, 33 USC 1251, et seq.

**APPROVAL AUTHORITY.** The Director of the Indiana Department of Environmental Management (IDEM) provided that Indiana is a National Pollutant Discharge Elimination System (NPDES) state with an approved State Pretreatment Program, otherwise the Administrator of the U.S. Environmental Protection Agency (EPA).

**AUTHORIZED REPRESENTATIVE OF A USER.** An authorized representative of a user as follows:

- (1) A principal executive officer, of at least the level of vice president, if the user is a corporation;
- (2) A general partner or proprietor, if the user is a partnership or proprietorship, respectively;

(3) A principal executive officer or director having responsibility for the overall operation of the discharging facility, if the user is a federal, state, or local government entity;

(4) An officer in significant charge or the base commander, if the user is a military base; and

(5) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates and a copy of the written authorization is submitted to the town.

**BACKGROUND DOMESTIC STRENGTH SEWAGE or DOMESTIC WASTE.** Background domestic strength sewage contains up to the following concentrations of pollutants:

BOD <sub>5</sub>	300 mg/l
SS	250 mg/l
Oil and grease	100 mg/l
Arsenic	less than 0.005 mg/l
Cadmium	less than 0.001 mg/l
Chromium (total)	less than 0.100 mg/l
Chromium, hexavalent	less than 0.020 mg/l
Copper	0.270 mg/l
Cyanide (free)	0.050 mg/l
Lead	0.020 mg/l
Mercury	less than 0.0002 mg/l
Molybdenum	less than 0.010 mg/l
Nickel	0.04 mg/l
Selenium	less than 0.005 mg/l
Silver	less than 0.001 mg/l
Zinc	0.200 mg/l
Ammonia	20 mg/l
Phenols	0.02 mg/l

Background domestic strength sewerage does not contain detectable concentrations of other toxic pollutants as defined pursuant to Section 307 of the Act.

**BATCH DISCHARGE.** Any discharge from an industrial process which occurs on an intermittent basis and which is not an accidental discharge or a slug load. Batch discharge includes, but is not limited to, tank dumps, tank cleaning solutions and rinses, boiler or cooling tower blowdown, regeneration solutions from water treatment systems, and discharges as a result of equipment maintenance.

**BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedures, in five days at 20°C, expressed in milligrams per liter (mg/l).

**BUILDING SEWER.** A sewer conveying wastewater from the premises of a user to the public sewer.

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

**CATEGORICAL PRETREATMENT STANDARD (CATEGORICAL STANDARD).** Any regulation promulgated by the U.S. EPA in accordance with Section 307(B) and (C) of the Act which applies to specific industrial categories, and which specifies or limits quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced to the Publicly Owned Treatment Works (POTW) by specific industrial users.

**CHEMICAL OXYGEN DEMAND (COD).** The oxygen equivalent of the organic matter in a sample susceptible to oxidation by a strong chemical oxidant under standard laboratory procedures expressed in mg/l.

**CLEAN WASTEWATER (UNPOLLUTED WASTEWATER).** Liquid wastes which meet the criteria established by the IDEM for effluents discharged to waters of the state.

**COMBINED SEWER.** A sewer receiving and carrying a combination of sanitary sewage and surface water or stormwater, with or without industrial wastes.

**CONTROL AUTHORITY.** The Pittsboro Superintendent for the town's pretreatment program.

**COOLING WATER.** Water discharged from any system of condensation, air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat. It shall be free of odor and oil, and shall contain no polluting substances.

**DIRECT DISCHARGE.** The discharge of treated or untreated wastewater directly to the POTW via a building sewer.

**EPA.** The United States Environmental Protection Agency, or where appropriate, the Administrator or other fully authorized official of that agency.

**GARBAGE.** Solid waste emanating from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products.

**GRAB SAMPLE.** A sample 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.



***HOLDING TANK WASTE.*** Any waste from holding tanks or chambers used in connection with vessels, chemical toilets, campers, trailers, or other isolated facilities from which sanitary wastes emanate, and sanitary wastes from septic tanks and any waste contained in or picked up by vacuum-pump tank trucks.

***IDEM.*** The Indiana Department of Environmental Management, or where appropriate, a designation for the Director or other fully authorized official of that agency.

***INDIRECT DISCHARGE.*** The discharge to or the introduction of treated or untreated pollutants from any source (including holding tank waste) into the POTW which is not a direct discharge and discharges to groundwater which subsequently infiltrates the POTW.

***INDUSTRIAL USER.*** Any user who discharges to the treatment works any liquid wastes resulting from processes employed in an industry or manufacturing, or from development or beneficiation of any natural resource.

***INDUSTRIAL WASTES.*** The solid, liquid, or gaseous wastes resulting from any industrial processes, manufacturing, trade, or business process; or from the development, recovery, or processing of natural resources, as distinct from domestic or sanitary wastes.



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

**INTERFERENCE.** A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes and operations, or sludge processes, use, or disposal; and therefore causes or contributes to the cause of a violation of any of the POTW's NPDES permit limits, or prevents sewage sludge use or disposal in compliance with the Clean Water Act (Section 4); the Solid Waste Disposal Act (Title II); the Resource Conservation and Recovery Act; the Clean Air Act; the Comprehensive Environmental Response, Compensation, and Liability Act; the Toxic Substances Control Act; or state regulations in any state Sludge Management Plan prepared under Subtitle D.

**MAY** is permissive; **SHALL** is mandatory.

**NATIONAL PRETREATMENT STANDARD (PRETREATMENT STANDARD).** Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Section 307(B) and (C) of the Act including the prohibited discharge standard defined below.

**NATIONAL PROHIBITED DISCHARGE STANDARD (PROHIBITED DISCHARGE STANDARD).** Any regulation developed under the authority of Section 307(B) of the Act.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake, or other body of water or groundwater.

**NEW SOURCE.** Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, whose construction began after the publication of proposed pretreatment standards under Section 307(C) of the Act, provided:

- (1) The building, structure, facility, or installation is constructed at a site on which no other source is located;
- (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants in an existing source; or
- (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.

Construction on a site at which an existing source is located shall be considered a modification if the construction does not create a new building, structure, facility, or installation which meets the criteria of a new source, but otherwise alters, replaces, or adds to the existing process or production equipment.

**NEW USER.** Any use whose discharge commences after the effective date of this chapter, provided that construction also commences after the effective date of this chapter.

**NPDES PERMIT.** A National Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the Act.

**OPERATION AND MAINTENANCE (O&M).** Those functions that result in expenditures during the useful life of the POTW for materials, labor, utilities, and other items, including periodic equipment replacement, which are necessary for managing and for which such works were designed and constructed.

**OPERATION AND MAINTENANCE COST.** All expense resulting from operation and maintenance of the POTW.

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

**PERSON.** Any individual, partnership, copartnership, firm, company, municipal or private corporation, group, association, society, joint stock company, trust, estate, institution, enterprise, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by context.

**pH.** The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in grams per liter of solution. Low values (0 to 6.9) indicate the presence of acids or acid-forming salts; high values (7.1 to 14) indicate the presence of alkalies or alkaline-forming salts; pH 7.0 is neutral.

**POLLUTANT.** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into or added to water.

**POLLUTION.** The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

**PREMISES.** Any parcel of real estate or portion of real estate including any improvements, determined by the Superintendent to be a single user for purposes of receiving, using, and paying for services.

**PRETREATMENT.** The reduction in the amount of pollutants; the elimination of pollutants; or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing pollutants to the 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 403.6(d).

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

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

**PUBLIC SEWER.** A sewer owned and operated by the town.

**PUBLICLY OWNED TREATMENT WORKS (POTW).** A treatment works as defined in Section 212 of the Act, owned by the town, and including any sewers that convey wastewater to the wastewater treatment plant. For this chapter, POTW also includes any sewers that convey wastewaters to the wastewater treatment plant from persons outside the town who are, by contract or agreement with the town, users of the town's treatment works.

**REPLACEMENT COST.** Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which these works were designed and constructed.

**SANITARY SEWER.** A sewer which carries sanitary sewage and/or industrial wastes from residences, business establishments, institutions, and industrial establishments contributed by reason of human occupancy. Sanitary sewer includes both building sewers and public sewers.

**SEWAGE (WASTEWATER).** A combination of water-carried industrial waste, sanitary sewage, or any other waste, together with any groundwater, surface water, and stormwater that may be present.

**SEWAGE TREATMENT PLANT.** Any arrangement of devices and structures used for treating sewage.

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

**SEWER.** A pipe or conduit for carrying sewage.

**SIGNIFICANT INDUSTRIAL USER (SIU).** Any user of the POTW where the user:

- (1) Is subject to categorical pretreatment standards;

- (2) Discharges 25,000 gallons per day or more of wastewater;
- (3) Contributes a wastewater which makes up five percent or more of the average dry weather hydraulic or pollutant capacity of the wastewater treatment plant;
- (4) Has a discharge, which in the judgment of the Superintendent, has a reasonable potential to adversely affect or to cause pass through and/or interference at the POTW;
- (5) Has a discharge to the POTW which has caused or has the potential to cause any violation of the terms and conditions of any permit under which the POTW is operating, including plan approvals; or
- (6) Has a discharge which has the potential to violate any pretreatment standard or requirement.

The Superintendent may at any time, on his own initiative or in response to a user petition, determine that a noncategorical user is not a significant industrial user if the user has no reasonable potential to adversely affect the POTW or to violate any pretreatment standard or requirement.

***SIGNIFICANT INDUSTRIAL USER PERMIT (SIU PERMIT OR DISCHARGE PERMIT).*** The control mechanism issued by IDEM to each SIU which contains specific reporting requirements, discharge limitations, and monitoring frequencies among others.

***SIGNIFICANT NONCOMPLIANCE.*** Any violation of the provisions of this chapter or of an order or permit issued hereunder is an instance of noncompliance for which the user is liable for enforcement. Instances of significant noncompliance are violations which meet one or more of the following criteria:

- (1) *Violations of discharge limits.*
  - (a) Chronic violations. 66% or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (any exceeding amount).
  - (b) Technical Review Criteria (TRC) violations. 33% or more of the measurements equal or exceed the same daily maximum limit or the same average limit by more than the TRC in a six-month period. The TRC for conventional pollutants (BOD, TSS, oil, and grease) is 1.4. For all other pollutants except pH the TRC is 1.2.
  - (c) Any other violation of a discharge limit which the Superintendent believes has caused, alone or in combination with other discharges, interference or pass through or endangered the health of the POTW personnel or the public.
  - (d) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the exercise of the emergency suspension provisions of this chapter.

(2) *Violations of compliance schedule milestones.* Violations by 90 days or more of the dates contained in a compliance schedule.

(3) *Failure to report.* Failure to submit required reports such as those for compliance schedules, self-monitoring data, baseline monitoring reports, and other periodic monitoring reports within 30 days of the date on which the report(s) was due.

(4) *Failure to report noncompliance.* Any failure to report noncompliance accurately and in a timely manner.

(5) *Other.* Any other violation or group of violations that IDEM considers to be significant.

**SLUG (SLUG LOAD).** Any pollutant, including oxygen-demanding pollutants such as BOD released in a discharge at a flow rate and/or pollutant concentration which will cause interference at the POTW. In no case shall a slug have a flow rate or contain concentrations 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.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC).** The classification of users based on the “Standard Industrial Classification Manual,” as amended and supplemented, issued by the Executive Office of the President, Office of Management and Budget, 1972.

**STATE.** The State of Indiana.

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

**STORM DRAIN.** (sometimes termed “storm sewer”) A sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**STORM SEWER.** A sewer which carries storm and surface waters and drainage, but excludes sanitary sewage and industrial wastes, other than those discharged in compliance with an NPDES permit issued by the state.

**SUBSTANTIAL CHANGE.** Any change in the user’s discharge which meets one or more of the following criteria:

(1) Increase or decrease of 20% or more in the average discharge flow rate and/or volume.

(2) Increase in flow or pollutant loading which results in the user contributing five percent or more of the total average dry weather flow or pollutant loading to the POTW.

- (3) Increase or decrease of 10% or more in the average pollutant loading or concentration.
- (4) Introduction of a new constituent to the waste stream.

***SUPERINTENDENT.*** The person designated by the town to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

***SURCHARGE.*** A fee, in addition to the normal user charge, collected to recover costs to treat higher-than-domestic-strength sewage wastes.

***SUSPENDED SOLIDS (SS).*** The total suspended matter that either floats on the surface of, or is in suspension or will settle in water, wastewater, sewage, or other liquids, and which is removable by laboratory filtering.

***TOXIC POLLUTANT.*** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the U.S. EPA under Section 307 (A) of the Act, as well as any other substance capable of producing a toxic effect.

***TREATMENT WORKS.*** Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial waste, including intercepting sewers; outfall sewers; sewage collection systems; pumping, power, and other equipment and their appurtenances; extension, improvement, 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; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste including waste in combined stormwater and sanitary sewers.

***USER.*** Any person that discharges, causes, or permits the discharge of wastes and/or wastewater into the POTW.

***USER CHARGE.*** The charge to each recipient of sewage treatment services within the town's service area, representing a proportionate share of the costs of operation and maintenance including replacement of all sewage treatment service provided.

***USER CLASS.*** For the purposes of billing service charges only, the users are divided into classes based on the origin of the sewage discharged and by the similarity of the function of such users.

(1) ***COMMERCIAL/RESIDENTIAL USER.*** A commercial business, a single family, or equivalent residences discharging wastewater from sanitary conveniences; users not included in any other class.



(2) **INDUSTRIAL USER.** A person who discharges liquid wastes resulting from processes employed in industrial or manufacturing operations, or from the development or beneficiation of natural resources.

**WASTES.** Sewage and all other substances (liquid, solid, gaseous, radioactive) associated with human habitation or of human or animal origin; or from any producing, manufacturing, or processing operation of any nature, including substances placed within containers of any nature prior to, and for purposes of, disposal.

**WASTEWATER TREATMENT PLANT (WTP).** That portion of the POTW designed to provide wastewater treatment.

**WATER METER.** A water volume measuring and recording device furnished and/or installed by a user and approved by the town.

**WATERCOURSE.** Any channel in which a flow of water occurs, either continuously or intermittently.

**WATERS OF THE STATE.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(B) The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
°C	Degrees Centigrade
CWA	Clean Water Act
EPA	Environmental Protection Agency
l	Liter(s)
mg	Milligram(s)
mg/l	Milligrams per liter (parts per million)
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SS	Suspended Solids
SWDA	Solid Waste Disposal Act, 42 USC 6901, et seq.
USC	United States Code
μ	Micrograms
μg/l	Micrograms per liter

(Ord. 12, passed 10-26-71; Am. Ord. 98-2, passed 7-13-98)

**§ 53.02 UNLAWFUL DEPOSITS AND DISCHARGES.**

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

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

(Ord. 12, passed 10-26-71; Am. Ord. 98-2, passed 7-13-98) Penalty, see § 53.99

**§ 53.03 CONNECTION WITH PUBLIC SEWER REQUIRED.**

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

(B) The Superintendent of the POTW, or his or her authorized deputy, agent or representative shall send an official notice, pursuant to division (A), to such owner requiring him or her to install suitable toilet facilities therein, and to connect the facilities directly to the town's public sewer, at the owner's expense, in accordance with the provisions of this chapter, within 90 days after the date of the official notice to do so.

(C) The Superintendent of the POTW, or his or her authorized deputy, agent or representative shall take such further action as is permitted or required against any owner who fails to connect to the town's public sewer within the 90-day period after the date of the official notice.

(Ord. 12, passed 10-26-71; Am. Ord. 98-2, passed 7-13-98; Am. Res. 2003-10, passed 9-9-03) Penalty, see § 53.99

**§ 53.04 PRIVATE SEWAGE DISPOSAL.**

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

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

(C) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on

a form furnished by the town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$25 shall be paid to the town at the time the application is filed.

(D) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

(E) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health of the State of Indiana. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 7,200 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(F) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in § 53.03, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

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

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

(Ord. 12, passed 10-26-71; Am. Ord. 98-2, passed 7-13-98) Penalty, see § 53.99

### **§ 53.05 TAMPERING WITH SEWAGE WORKS 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 sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. 12, passed 10-26-71; Am. Ord. 98-2, passed 7-13-98) Penalty, see § 53.99

**§ 53.06 RIGHT OF ENTRY OF TOWN OFFICIALS.**

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

(B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town's employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 53.25.

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

(D) It shall be unlawful to transfer title of any real property, whether residential, commercial, industrial, or otherwise, prior to an inspection of said property in order to insure compliance with § 53.21(A) and (B). Said inspection shall be performed by the town or its agent(s) at the request of the current owner(s) or their agent at a cost of \$25 per inspection. Any property which has been inspected within six months of the date of closing shall be exempt from this requirement. Violations must be corrected and a re-inspection conducted to verify that the corrections have been made prior to the closing of the sale of the property. Failure to obtain the required inspection shall constitute a violation of this chapter and shall be subject to the provisions of § 10.99.

(Ord. 12, passed 10-26-71; Am. Ord. 98-2, passed 7-13-98)

**§ 53.07 AUTHORITY TO PROHIBIT DUMPING OF WASTES.**

The town is hereby authorized to prohibit dumping of wastes into the town's sewer system which, in its discretion, are harmful to the operation of the sewage works, or to require methods effecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the town.

(Ord. 11, passed 10-26-71; Am. Ord. 98-2, passed 7-13-98)

***SEWER USE*****§ 53.20 BUILDING AND SEWER CONNECTIONS.**

(A) 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 Superintendent.

(B) There shall be two classes of building sewer permits: for residential and commercial service, and for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of \$5 for a residential or commercial building sewer permit and \$15 for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

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

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

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

(F) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.

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

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

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

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

(K) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (Ord. 12, passed 10-26-71; Am. Ord. 98-2, passed 7-13-98) Penalty, see § 53.99

#### **§ 53.21 PROHIBITED DISCHARGES.**

(A) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Any person found to violate this provision shall be served by the town with written notice of the violation. The offender shall immediately cease all violations of this provision.

(B) Stormwater and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers, or to a natural outlet. Stormwater discharged from industrial and other sites regulated under Section 402 of the Act shall obtain a stormwater discharge permit within the time frames specified in 40 CFR 122, 123, and 124. Industrial cooling water or unpolluted process waters may be discharged into a storm sewer, or natural outlet, provided that an NPDES permit, if required for such discharge, is obtained by the industry from IDEM prior to commencing the discharge.

(C) No user shall discharge or cause to be discharged, directly or indirectly, any pollutants which by their nature or concentration will pass through or cause interference with the operation or performance of the POTW.

(D) The discharge prohibitions apply to all users of the POTW regardless of whether or not the user is subject to categorical pretreatment standards or any other national, state, or local standards or requirements. Under the discharge prohibitions, a user may not contribute the following substances to the POTW:

(1) Any 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 create a fire or explosion hazard or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two

successive readings on an explosion hazard meter, at the point of discharge into the POTW (or at any point in the POTW) be more than 10% of the lower explosive limit (LEL) nor any single reading be more than 15% of LEL. Prohibited materials include, but are not limited to, refined or unrefined petroleum products, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides. In no instance shall wastewater discharged have a closed cup flashpoint less than 140 ° F. (60° C.) as measured by the test methods specified in 40 CFR 261.21.

(2) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process; to result in the generation of toxic gases, vapors, or fumes which may cause a POTW worker acute health and safety problems; to constitute a hazard to humans or animals; to create a toxic effect in the receiving watercourse of the POTW; or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307 (A) of the Act.

(3) Any wastewater having a pH less than 6.5 or greater than 9.0 standard units (SU), or wastewater having other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(4) Solid or viscous substances in amounts which may cause obstruction to the flow in a sewer or other interference with the operation of wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than ½ inch in any dimension, animal guts or tissues, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stones, glass, straw, wood shavings, grass clippings, rags, spent grains, waste paper, wood, plastics, tar, asphalt residues, or mud.

(5) Any liquids, gases, or solids which either singly or by interacting with other wastes result in toxic or malodorous gases, vapors, or fumes which are sufficient to create a public nuisance or hazard to life or are sufficient to cause a POTW worker acute health and safety problems or prevent entry into the sewers for maintenance and repair.

(6) Any substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the SWDA, the Clean Air Act, the Toxic Substances Control Act, RCRA, or state criteria applicable to the sludge management method being used.

(7) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(8) Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.

(9) Any wastewater having a temperature which will inhibit biological activity in the wastewater treatment plant resulting in interference, but in no case, wastewater with a temperature at the introduction into the wastewater treatment plant which exceeds 104° F. (40° C.).

(10) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.).

(11) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

(12) Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentrations 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.

(13) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in applicable state or federal regulations.

(14) Any wastewater which causes a hazard to human health or creates a public nuisance.

(15) Any wastewater containing constituents exceeding the limitations established in this chapter. State and local requirements and discharge limitations shall be met by all users subject to such standards where these requirements and limitations are more stringent than federal requirements and limitations.

(16) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts which cause interference or pass through.

(17) Any trucked or hauled waste including, but not limited to, holding tank wastes, industrial, and septic wastes, into any location of the POTW at any time.

(18) Materials which exert or cause:

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



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

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

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

(E) *Categorical pretreatment standards.* Categorical pretreatment standards limiting the mass or concentration of pollutants discharged to the POTW shall be in addition to the general discharge prohibitions given above. Upon the promulgation of categorical pretreatment standards for a particular industrial subcategory, the categorical standard, if more stringent than limitations imposed in this chapter for users in that industrial subcategory, shall supersede the limitations imposed in this chapter. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

(1) Existing sources shall comply with all applicable categorical pretreatment standards within three years of the standards’ effective date unless a shorter compliance time is specified in the standard. Existing sources which become categorical industrial users after promulgation of an applicable pretreatment standard shall be considered existing industrial users except where those users meet the definition of new source.

(2) New sources shall install, have in operating condition, start up, and maintain all pollution control equipment necessary to meet applicable categorical pretreatment standards before beginning to discharge wastewater to the POTW. New sources shall comply with all applicable categorical pretreatment standards within the shortest feasible time, but not more than 90 days after the start of discharge.

(F) *State requirements.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this or any other applicable chapter.

(G) *Town’s right of revision.* The town reserves the right to establish by ordinance or individual discharge permit, more stringent limitations or requirements on discharges to the treatment works if deemed necessary.

(H) *Dilution.* No user shall ever increase the use of potable, service, or process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in categorical pretreatment standards, this chapter, or any other pollutant-specific limitation developed by the town or state.

(I) *Batch discharges.* Concentrations or quantities of pollutants and flow from batch discharges shall not exceed the limits established in the discharge permit. Where the user is not an SIU, the concentration or quantities of pollutants shall not exceed background domestic strength wastes.

(J) *Accidental discharge.*

(1) *Protection against accidental discharges required.*

(a) Each industrial and commercial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be approved by the town before construction of the facility.

(b) No industrial or commercial user who commences discharging to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the POTW until accidental discharge facilities and operating procedures have been approved by the town. Review and approval of such plans and operation procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter.

(2) *Notification.* In the case of an accidental discharge or slug load discharge of any material, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration, and volume and corrective actions. Within five days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law. 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 an accidental discharge. Employers shall ensure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedures.

(3) *Accidental discharge prevention plan.* The Superintendent may require submission of an accidental discharge (spill) prevention plan from any user and shall give special consideration to requiring such plans from users who have experienced one or more accidental discharges. The Superintendent shall evaluate, at least once every two years, whether each SIU discharging to the POTW needs a plan to control accidental discharges and slug loads. If the Superintendent determines that a plan is needed, the plan shall contain, at a minimum, the following elements:

(a) Description of the discharge practices, including nonroutine discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the POTW of slug and accidental discharges, including any discharge which would violate a prohibition under 40 CFR 403.5(b), and procedures for follow-up written notification within five days;

(d) If necessary, procedures to prevent adverse impact from accidental or slug discharges, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic pollutants, and/or measures and equipment for emergency response.

(K) *Operating upsets.* Any user which experiences an upset in operations which places the user in a temporary state of noncompliance with this chapter shall inform the Superintendent thereof within 24 hours of first awareness of the commencement of the upset. Where this information is given orally, a written follow-up report thereof shall be filed by the user with the Town Superintendent within five days. The report shall discuss the following:

(1) Description of the upset, the cause thereof, and the upset's impact on a user's compliance status.

(2) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.

(3) All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset or other condition of noncompliance.

(4) The report must also demonstrate that the facility was being operated in a prudent and workmanlike manner and was in compliance with applicable operation and maintenance procedures. A documented and verified bona fide operation upset shall be an affirmative defense to any enforcement action brought by the town against a user for noncompliance with this chapter which arises out of violations alleged to have occurred during the period of the upset.

(L) *Bypasses.*

(1) *Bypasses prohibited.* No industrial user shall "bypass" or intentionally divert the waste stream from any portion of an industrial user's treatment facility unless:

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

(b) There are no feasible alternatives to the bypass, for example, use of auxiliary treatment facilities, retention of untreated waste, preventive maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal period of equipment downtime or preventive maintenance; and

(c) The industrial user submitted the notices discussed below.

(2) *Anticipated bypasses.* The Superintendent may approve an anticipated bypass only after considering its adverse effects, and if the Superintendent determines:

(a) The bypass will not cause violation of pretreatment standards or requirements or any provision of this chapter; and

(b) The bypass is for essential maintenance to ensure the efficient operation of pretreatment facilities.

(3) *Notification.* If an industrial user knows in advance of the need for bypass, he shall submit a written notice to the Superintendent at least ten days before the date of the bypass and shall not permit the bypass without the Superintendent's authorization. If an industrial user experiences an unanticipated bypass which exceeds pretreatment standards or requirements, he shall verbally notify the Superintendent within 24 hours from the time he becomes aware of the bypass and shall submit within five days of verbal notification, a written report describing the bypass event and its cause; the bypass duration, including exact times and dates; and if the bypass has not been corrected, the time it is expected to continue and measures taken to reduce, eliminate, and prevent its recurrence. The Superintendent may waive the written report if the verbal report is received within 24 hours.

(M) *Pollutant limitations for nonsignificant industrial users.* Nonsignificant industrial users who are not issued an individual wastewater discharge permit or who have not obtained coverage under a general wastewater discharge permit shall be limited to discharging wastewater with an effluent quality equal to the normal domestic strength sewage, except that the Superintendent may allow higher concentrations of BOD or SS for which an "extra strength" surcharge is paid by the user.

(N) *Notification of substantial change.* Users shall notify the Superintendent a minimum of ten days prior to any substantial change in the volume or character of their discharge or introduction of any new constituents, including the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12(p).

(Ord. 98-2, passed 7-13-98)

## § 53.22 ACTIONS OF SUPERINTENDENT.

(A) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 53.21(C) or (D), and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(1) Reject the wastes;

- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this chapter.

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

(Ord. 12, passed 10-26-71; Am. Ord. 98-2, passed 7-13-98)

### **§ 53.23 GREASE, OIL AND SAND INTERCEPTORS.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. 12, passed 10-26-71; Am. Ord. 98-2, passed 7-13-98) Penalty, see § 53.99

### **§ 53.24 PRELIMINARY TREATMENT FACILITIES.**

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

(Ord. 12, passed 10-26-71; Am. Ord. 98-2, passed 7-13-98) Penalty, see § 53.99

### **§ 53.25 CONTROL MANHOLES.**

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

(Ord. 12, passed 10-26-71; Am. Ord. 98-2, passed 7-13-98) Penalty, see § 53.99

**§ 53.26 MEASUREMENTS, TEST AND ANALYSES.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(Ord. 12, passed 10-26-71; Am. Ord. 98-2, passed 7-13-98)

**§ 53.27 ENFORCEMENT.**

The Superintendent shall have a duty to inform the Town Council of enforcement activities by forwarding a copy of enforcement correspondence to the Chairman of the Services Committee. Council's approval is not required before the Superintendent initiates enforcement. Administrative enforcement by the town shall not preclude the town from seeking judicial enforcement remedies, nor shall it relieve the user of liability under state or national administrative enforcement procedures or judicial remedies.

(A) *Emergency suspension.* The Superintendent may suspend the wastewater treatment service and/or wastewater discharge permit when such suspension is necessary, in the opinion of the Superintendent, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment; which causes or may cause interference to the POTW; or which causes or may cause the town to violate any condition of its NPDES permit.

(1) Any person notified of a suspension of the wastewater treatment service and/or discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Superintendent shall take such steps deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or its receiving stream or endangerment to any individuals.

(2) A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the town within five days of the date of the occurrence.

(3) The Superintendent may reinstate the discharge permit and/or sewer service upon proof of the elimination of the noncomplying discharge or may at any time initiate proceedings to permanently revoke wastewater treatment service and/or the discharge permit.

(B) *Revocation of permit.* If any user violates the following conditions of this chapter or applicable state and/or federal regulation, the Superintendent may request that IDEM revoke the discharge permit of the violating user.

(1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;

(2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;

(3) Refusal of reasonable access to the user's premises for the purposes of inspection or monitoring; or

(4) Violation of conditions of his wastewater discharge permit.

Noncompliant users shall be notified of the proposed termination and given an opportunity to request a show cause hearing.

(C) *Notification of Violation (NOV).* Whenever the Superintendent finds that any user has violated or is violating this chapter, his wastewater discharge permit, or any prohibition, limitation or requirements contained in this chapter, the Superintendent may serve upon such person a written notice stating the nature of the violation. Within ten days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Superintendent by the user. Submission of this plan in no way relieves the user of liability of any violation occurring before or after receipt of the NOV. If the NOV is for exceeding an effluent limit, the user shall, within ten days following receipt of the NOV, resample their discharge and submit the results to the Superintendent.

(D) *Show cause hearing.* The Superintendent may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause why a proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing, the reasons why the action is to be taken, and the proposed enforcement action, and directing the user to show cause why the 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 before the hearing. Service may be made on any agent or officer of a corporation. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

(E) *Consent orders.* The Superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, 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.

(F) *Compliance order.* When the Superintendent finds that a user has violated or continues to violate this chapter or a permit or order issued hereunder, he may issue an order to the 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.

(G) *Cease and desist orders.* When the Superintendent finds that a user has violated or continues to violate this chapter or any permit or order issued hereunder, the Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(1) Comply forthwith.

(2) 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.

(H) *Administrative fines.* Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits or orders issued hereunder, shall be fined in an amount of at least \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the Superintendent shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Users desiring to dispute such fines must file a request for the Superintendent to reconsider the fine within ten days of being notified of the fine. Where the Superintendent believes a request has merit, he shall convene a hearing on the matter within 15 days of receiving the request from the industrial user.

(Ord. 98-2, passed 7-13-98)

## § 53.28 JUDICIAL ENFORCEMENT.

If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this chapter or any order or permit issued hereunder, the Superintendent, through the Law Director, may commence an action for appropriate legal and/or equitable relief in the Common Pleas Court for Hendricks County.

(A) *Civil penalties.* Any user who has or continues to violate any provision of this chapter and the orders, rules, regulations, and permits issued hereunder shall be liable for a civil penalty of not less than \$100 nor more than \$1,000 plus damages incurred by the POTW for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. Any user who has or continues to violate any provision of this chapter or the orders, rules, regulations, and permits issued hereunder shall be liable for all reasonable attorney fees, expert witness fees, consulting fees, court



costs, court reporter fees, and other related expenses incurred by the POTW to enforce this chapter. The town may also recover special expenses including, but not limited to, equipment rental, chemicals, and labor necessary for the proper operation and maintenance of all wastewater facilities.

(B) *Criminal penalties.*

(1) *General.* Any user who willfully or knowingly violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of an unspecified crime, punishable by a fine not to exceed \$1,000 per violation or imprisonment for not more than six months or both. Each day on which the violation occurs or continues shall be deemed a separate offense. In the event of a second conviction, the user shall be punishable as a repeat offender under state law.

(2) *Falsifying information.* Any person who knowingly makes any false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$5,000 per violation or by imprisonment for not more than six months, or by both. In the event of a second conviction, the user shall be punishable as a repeat offender under state law.

(C) *Injunctive relief.* Whenever a user has violated or continues to violate the provisions of this chapter or a permit or order issued hereunder, the Superintendent, through the Law Director, 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 user.

(Ord. 98-2, passed 7-13-98)

**§53.29 PUBLICATION OF SIGNIFICANT NONCOMPLIANCE.**

The Superintendent shall publish, at least annually, in the Hendricks County Flyer or local paper meeting requirements for circulation within the County, a description of those users which are found to be in significant noncompliance, as defined above, with any provisions of this chapter or any permit or order issued hereunder during the period since the last publication.

(Ord. 98-2, passed 7-13-98)

**§ 53.30 CONFLICT.**

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

(Ord. 98-2, passed 7-13-98)

**§ 53.31 RIGHT TO CONTRACT.**

The town reserves the right to enter into contracts to provide sewage treatment services with other entities and/or users regardless of the nature of the wastes to be discharged. Provided, however, that such contracts shall be in compliance with the provisions of this chapter and the rules and regulations of other governmental agencies with authority.

(Ord. 98-2, passed 7-13-98)

***RATES AND CHARGES*****§ 53.40 DEFINITIONS.**

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

***CONSUMER.*** A person who owns or occupies a single or multi-family residence and is eligible to receive sewer utility service from the Town of Pittsboro and who complies with the terms and conditions of this section to obtain the hose meter credit.

***HOSE METER.*** A water meter purchased by a customer from the town which shall be utilized by the consumer for attachment to the outside hose faucet or hose bib for use only for watering lawns and other vegetation, cleaning motor vehicles, cleaning the exterior of structures and improvements and similar outside uses. It is expressly prohibited by this section to utilize any water passing through a hose meter for cooking, laundry, cleaning the interior of structures and improvements except garage floors, bathing or for the operation of any internal plumbing (i.e., toilets, sinks, basins and the like).

***INDUSTRIAL WASTES.*** The liquid waste or liquid-borne waste resulting from any commercial, manufacturing or industrial operation or process.

***SANITARY SEWAGE.*** The waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and all other water-carried wastes except industrial wastes. (Ord. 11, passed 10-26-71; Am. Ord. 2012-12, passed 12-11-12)

**§ 53.41 RATE SCHEDULE ESTABLISHED.**

For the use of and the service rendered by the sewage works, rates, charges and fees shall be collected from the owners of every lot, parcel of real estate, building, property or premises that is

connected to the Town of Pittsboro sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system and works, which rates, charges and fees shall be payable as provided hereinafter and in an amount determined as set forth below.

(A) *Effective date; general.* Except as provided herein, sanitary sewer rates and charges for consumption beginning on December 17, 2012 following the approval of the ordinance codified herein shall be based on the quantity of water used on or in the lot, parcel of real estate, building, property or premises as the same is measured for water utility service, by the Town of Pittsboro or otherwise, at the lot, parcel of real estate, building, property or premises subject to the minimum charge per month under § 53.41(C) below. If metered water utility service is provided by a source other than the Town of Pittsboro water utility, the owner of every lot, parcel of real estate, building, property or premises shall be responsible for providing the meter readings required by the Town of Pittsboro in order to calculate the rate and bill. The owner of a lot, parcel of real estate, building, property or premises that is connected to the Town of Pittsboro sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system and works will sometimes be referred to as “customer” or “consumer”.

(B) *Metered service.* Subject to the minimum charge per month set forth in § 53.41(C), the metered sewage rates and charges shall be determined based on the amounts per 1,000 gallons for the monthly consumption of water as follows:

<i>Metered Service</i>	<i>Gallons/Month</i>	<i>\$/1,000 Gallons</i>
First	2,000	\$12.76
Next	6,000	11.33
Next	10,000	9.78
Next	50,000	8.24
Next	132,000	6.69
Over	200,000	5.16

(C) *Minimum charge per month.* The minimum charge for sewage service based upon water meter size is as follows:

[Table begins on next page]

Pittsboro - Public Works

<i>Meter Size</i>	<i>Minimum Gallons/Month</i>	<i>Rate</i>
5/8"-3/4"	2,000	\$25.52
1"	4,300	51.58
1 1/4"	9,000	103.28
1 1/2 "	14,200	154.14
2"	19,800	206.13
3"	63,500	566.22
4"	124,000	977.94
6"	361,200	2318.17

(D) *Flat rate service.* A flat rate shall be charged for residential service where the customer is not a metered water customer as follows:

Residential flat rate (unmetered service)	\$60.12
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(E) *Special contracts for service.* Special contracts for the provision of sewer utility service to commercial and industrial users, defined as users who use more than 200,000 gallons per month, may be approved by the Town Council, so long as such users pay a rate which covers all imbedded costs of such service, plus some incremental rates and charges for such service.

(F) *Hose meter credit.*

(1) *General.* In the case of a single or multi-family residence, a credit shall be applied in an amount equal to the volume of water which passes through a hose meter (as defined below) multiplied times the applicable rate for metered service as reflected in § 53.41(A) subject to the conditions set forth in this subchapter. The hose meter may be utilized by the consumer only for attachment to the outside hose faucet or hose bib for use only for watering lawns and other vegetation, cleaning motor vehicles, cleaning the exterior of structures and improvements and similar outside uses. It is expressly prohibited by this subchapter to utilize any water passing through a hose meter for cooking, laundry, cleaning the interior of structures and improvements except garage floors, bathing or for the operation of any internal plumbing (i.e., toilets, sinks, basins and the like).

(2) *Purchase of hose meter.* The cost of the hose meter shall be equal to the cost incurred by the town for the meters plus administrative expense associated therewith, but only so long as the meters are available from the existing inventory of the meters owned by the town. The cost of the hose meter shall be paid at the time of pick up or delivery of the hose meter.

(3) *Consumer application.* Each consumer shall execute a written application for the hose meter credit on a form prepared by the Town Clerk-Treasurer.

(4) *Hose meter credit billing periods limited.* The hose meter credit shall only apply to the monthly billing periods of:

- (a) May 18 through June 17;
- (b) June 18 through July 17;
- (c) July 18 through August 17; and
- (d) August 18 through September 17.

(5) *Hose meter readings; reconciliation.* The consumer shall provide in writing on a form specified by the town, within three business days after the expiration of the applicable billing period, the numeric reading on the hose meter as it appears on the seventeenth day for the billing periods identified in § 51.41(F)(4)(a) through (c) above. For the billing period identified in § 51.41(F)(4)(d), each consumer shall present the hose meter to the town, at a location to be designated by the town, to be read by the town. The town shall calculate and apply the hose meter credit, as defined above, based on the applicable numeric readings. The reading by the town for the billing period identified in § 51.41(F)(4)(d) shall be reconciled against the readings provided by the consumer for the billing periods identified in § 51.41(F)(4)(a) through (c) and any discrepancies shall be billed to or credited on the next sewer bill.

(6) *Transfer of hose meter limited.* A consumer who receives a hose meter from another person shall notify the town of the transfer and register the serial number of the hose meter with the town to be eligible for any credit for the use of the hose meter.

(7) *Penalty for prohibited use of hose meter.* A consumer who:

- (a) Utilizes the hose meter for any purpose for which any water is disposed of in the town sanitary sewer works other than for a purpose authorized under this section;
- (b) Tampers with the hose meter in a manner to affect the hose meter credit received; or
- (c) Knowingly provides a reading from the hose meter to the town for the purpose of deceiving the town as to the amount of the credit;

shall be permanently ineligible for any hose meter credit.

(8) *Hose meter credit eligibility.* A consumer is eligible for the hose meter credit only for the monthly billing periods the consumer is otherwise current and not delinquent on his or her sewer utility

bill. A consumer who fails to maintain a hose meter in proper working order to allow for accurate and legible meter readings is not eligible for the hose meter credit until such time as the hose meter is in proper working order. Only hose meters supplied by the town are eligible for the hose meter credit for that hose meter.

(G) *Availability fee.*

(1) An availability fee shall be charged to any consumer or user for a new connection to or additional wastewater discharge from an existing connection to the town's sewage works system and is charged as a pro rata cost of construction of all interceptor sewer lines and appurtenances to serve the property of the connecting user and is charged in return for the town making available to such user the town's sewage treatment system consisting of all facilities and operations necessary to treat sewage of such user. The Town Council finds and declares that based on available information, just and equitable availability fees shall be based on equivalent dwelling unit (EDU), which is defined as the average use of 4,595 gallons of wastewater per month over one calendar year, and which equals \$2300 EDU. EDU determinations for wastewater discharges other than single-family dwellings shall be determined consistent with the following:

<i>Meter Size</i>	<i>5/8 Inch Rate</i>	<i>Equivalency Factor</i>	<i>Availability Charge</i>
5/8-3/4 inch	\$2,300	1.0	\$2,300
1 inch	\$2,300	2.5	\$5,750
1 1/4 inch	\$2,300	4.0	\$9,200
1 1/2 inch	\$2,300	5.8	\$13,340
2 inch	\$2,300	10.0	\$23,000
3 inch	\$2,300	23.0	\$52,900
4 inch	\$2,300	40.0	\$92,000
6 inch	\$2,300	91.0	\$209,300

(2) Where a project charge or recoupment agreement charge has been established prior to the date of the ordinance codified herein, the project charge or recoupment agreement charge shall apply. The cost of conveyance systems constructed after the date of the ordinance codified herein by someone other than the town under a written agreement with the town may be credited against the availability fee. The decision to allow such credit and the amount of the credit shall be made solely at the discretion of the town.

(H) *Tap fee.* A tap fee is the charge to any user or consumer for a new connection to or reconnection from an existing or additional connection to the town's sewage works system and is charged based on

the actual costs incurred by the town associated with tapping into or connecting to the municipal sanitary sewer works. The Town Council finds and declares that based on available information just and equitable tap fees are as follows:

<i>Type of Connection</i>	<i>Tap Fee</i>
Residential (per unit)	\$300
Commercial/general business	Actual cost
Industrial uses	Actual costs

(I) *Sewer inspection fee.* Sewer inspection fees are hereby abolished.

(Ord. 11, passed 10-26-71; Am. Ord. 13, passed 11-12-73; Am. Ord. - , passed - - ; Am. Ord. 1998-8, passed 4-13-98; Am. Ord. 2002-9, passed 7-29-02; Am. Ord. 2003-1, passed 5-13-03; Am. Ord. 2005-1, passed 2-15-05; Am. Ord. 2012-12, passed 12-11-12) Penalty, see § 53.99





**§ 53.42 DETERMINATION OF QUANTITY OF WATER USED.**

(A) The quantity of water obtained from sources other than the municipal waterworks and discharged into the public sanitary sewer system may be determined by the town in such manner as the town shall elect, and the sewage treatment service may be billed at the above appropriate rates.

(B) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the town's sanitary sewer system, either directly or indirectly, is not a user of water supplied by the town's waterworks and the water used thereon or therein is not measured by a meter, or is measured by a meter not acceptable to the town, then the amount of water used shall be otherwise measured or determined by the town, in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the town for the determination of the sewage discharge.

(C) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the town's sanitary sewer system, either directly or indirectly, is a user of water supplied by the town's 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 town, then the amount of water used shall be otherwise measured or determined by the town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the town for the determination of sewage discharge.

(D) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the town's sanitary sewer system, either directly or indirectly, and uses water in excess of 8,000 gallons per month, and it can be shown to the satisfaction of the town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewer system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the town for the determination of sewage discharge.

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

(F) In the event two or more dwelling units such as trailers, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the town's sanitary sewer system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case billing shall not be less than the number of dwelling units times the minimum monthly charge for a "5/8 - 3/4" meter. In the case of trailer parks the number of dwelling units shall be computed and interpreted as the total number of trailers located and installed in the park plus any

other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

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

(H) Where a metered water supply is used for fire protection as well as for other uses, the town may, in its discretion, make adjustments in the minimum charge and in the use charge as may be equitable.

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

(J) Rates and charges for a user located outside of the corporate limits shall be 150% of the rates and charges for users within the corporate limits.  
(Ord. 11, passed 10-26-71)

#### **§ 53.43 DETERMINATION OF STRENGTH AND CHARACTER OF DISCHARGES.**

In order that the rates and charges may be justly and equitably adjusted to the services rendered, the town shall have the right to base its charges not only on volume but also on the strength and character of the sewage and waste which it is required to dispose of. The town shall have the right to measure and determine the strength and content of all sewage and waste discharged, either directly or indirectly, into the town's sanitary sewer system in such manner and by such method as may be deemed practical in the light of the conditions and attending circumstances of the case in order to determine the proper charge. Any and all commercial and industrial installations shall be so controlled and/or treated as to the sewage strength that their effluent discharge to the town's sewers shall have a B.O.D. (biochemical oxygen demand) not to exceed 350 parts per million and suspended solids not to exceed 400 parts per million at any time, or pay a surcharge. The Town Council is authorized to prohibit the dumping of wastes into the town's sewer system which, in its discretion, are deemed harmful.  
(Ord. 11, passed 10-26-71)

**§ 53.44 BILLING PROCEDURES.**

The rates and charges shall be prepared and billed by the town monthly, as the town may deem appropriate and as determined by the bylaws and regulations of the town as hereinafter provided for, and shall be collected in the manner provided by law and ordinance. The rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billing shall in no wise relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the town for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made in the office in which the records are kept and during the hours that such office is open for business.

(Ord. 11, passed 10-26-71)

**§ 53.45 BYLAWS AND REGULATIONS.**

The town shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economic and efficient management of the town sewer system and for the construction and use of house sewers and connections to the sewer system, and for the regulation, collection, rebating and refunding of rates and charges.

(Ord. 11, passed 10-26-71)

***STORM WATER MANAGEMENT*****§ 53.50 STORM WATER UTILITY.**

(A) The Town Council of the Town of Pittsboro now deems it to be in the best interest of the town and its citizens for the collection and disposal of storm water within the corporate boundaries of the town by establishing a storm water utility as part of the sanitary sewer utility.

(B) The Town Council hereby establishes the storm water utility of the town which shall be managed and controlled by the Town Council.

(C) Pursuant to the I.C. 36-9-23 et seq., a just and reasonable service fee for storm water may be established to maintain the storm water works in sound physical and financial condition for adequate and efficient service.

(D) The stormwater service and user fees shall be imposed on all property within the municipal boundaries of the town for services and facilities provided by the Storm Water Department, which shall be deemed just and reasonable and necessary to pay for the repair replacement, planning, improvement, operation, regulation and maintenance of the existing and future storm water system for the town.

(E) After notice and public hearing held in March, 2007, the town hereby establishes the Storm Water Uniform Availability Fee Schedule and the Clean Water Uniform Fee Schedule, respectively set forth as Attachment A and Attachment B to Ordinance 2007-1 which are incorporated herein by reference.

(Ord. 2007-1, passed 3-20-07)

### § 53.51 DEFINITIONS.

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

***DEVELOPED PROPERTY.*** Any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious areas, except public rights-of-way.

***EQUIVALENT RESIDENT UNIT (ERU).*** Each residential property, as defined herein, is equal to one ERU. For non-residential properties, as defined herein, one ERU is equal to 2,500 square feet of impervious area.

***IMPERVIOUS AREA.*** Any part of the developed property that has been modified by the action of persons to reduce the lands natural ability to absorb and hold rainfall and includes roof tops, walkways, driveways, parking lots and concrete or asphalt paving.

***NON-RESIDENTIAL PROPERTY.*** All properties not encompassed within the definition of residential property including, but not limited to, commercial, industrial, retail, multi-family, governmental institutions, schools and churches.

***RESIDENTIAL PROPERTY.*** Any lot or parcel located in the storm water system service area which contains either a single-family dwelling unit or an individually metered single-family dwelling unit within a duplex or other multi-family property. For new construction, a property shall be considered residential pursuant to this subchapter upon issuance of a certificate of occupancy, or upon completion of construction if no such certificate is issued.

***TOWN COUNCIL.*** The Town Council of the Town of Pittsboro, Indiana or any other duly authorized individuals acting on its behalf with regard to storm water utility matters.

**UNDEVELOPED PROPERTY.** Property which has not been altered from its natural state by the addition of any improvements such as buildings, structures, or impervious surfaces, change of grade or landscaping.

(Ord. 2007-5, passed 10-16-07)

### § 53.52 STORM WATER DEPARTMENT USER FEE.

There is hereby assessed a storm water department user fee (“user fee”) which shall be imposed on all property within the storm water system area, including those classified as nonprofit or tax exempt. This user fee is deemed reasonable and necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future storm water system for the Town of Pittsboro, Indiana. For purposes of imposing the user fee, all lots and parcels within the Town of Pittsboro service area are classified as residential, non-residential, or undeveloped.

(A) *Residential property.* The monthly user fee for residential properties is hereby established as equal to one ERU multiplied by the base rate, as established herein.

(B) *Non-residential property.* The monthly user fees for non-residential properties located within the storm water system service area are hereby established as the number of ERUs each property contains multiplied by the base rate, as established herein. The number of ERUs is determined by dividing the total amount of impervious area by 2,500 square feet rounded to the nearest whole number, but in no case shall the nonresidential property user fee be less than 2 ERUs.

(C) *Undeveloped property.* The user fee for undeveloped property located within the corporate boundary located within the storm water system service area is hereby established as \$0.10 per acre, acreage to be determined based on the Hendricks County Assessor’s Office, but in no case shall the undeveloped property user fee be less than the base rate, as established herein.

(Ord. 2007-5, passed 10-16-07)

### § 53.53 CALCULATION OF IMPERVIOUS AREA.

The following methods may be used to determine the impervious area to determine the user fee for non-residential properties:

(A) Computation of the parcel size or impervious area using on-site measurements of the apparent outside boundaries of the parcel or impervious area made by the town, or on its behalf; or

(B) Computation of the parcel size of impervious area using the dimensions of the parcel or impervious area in or on the parcels which are set forth in the records of the Office of the Hendricks County Assessor; or

(C) Estimated calculation or computation of the parcel size or impervious area using aerial photography or another equivalent method; or

(D) Computation of parcel size or impervious area using data provided by the owner, tenant or developer.

(Ord. 2007-5, passed 10-16-07)

#### **§ 53.54 BASE RATE.**

The user fee base rate shall be \$3.50 (“base rate”) and shall become effective on the utility bills distributed on or after September 30, 2007.

(Ord. 2007-5, passed 10-16-07)

#### **§ 53.55 BILLING AND PAYMENTS.**

The rates and charges for all user fees shall be prepared and billed monthly as provided by statute. All rates and charges not paid when due are hereby declared to be delinquent and a penalty of 10% on the amount of the rates shall be thereupon attached. In addition, any unpaid amounts become a lien on the property for which the user fee was billed.

(Ord. 2007-5, passed 10-16-07)

#### **§ 53.56 STORM WATER REVENUE FUND.**

All revenues earned and fees collected for storm water service shall be deposited in an account entitled Town of Pittsboro Storm Water Revenue Fund and shall be subject to the provisions of I.C. 36-9-23 et seq., as amended. Disbursements from the Storm Water Revenue Fund shall be authorized by the Clerk-Treasurer and the Town Council. Such disbursements shall be used exclusively for the operation, maintenance and improvement of the Storm Water Management Department.

(Ord. 2007-5, passed 10-16-07)

#### **§ 53.99 PENALTY.**

(A) Any person found to be violating any provision of this chapter (except § 53.05) for which no penalty is otherwise provided, shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who shall continue any violation beyond the time limit provided for herein shall be guilty of a misdemeanor and

on conviction thereof shall be fined in an amount not exceeding \$2,500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation. (Ord. 12, passed 10-26-71)

(B) Any person who continues a violation of § 53.21(A) past the tenth day after receiving notice from the town of his violation is liable for fines of up to \$2,500 per day for continued violation. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating § 53.21(A) is liable to the town for any expense, loss or damage to the town occasioned by reason of such violation. These penalty provisions shall operate as an exception to those provided in division (A) above of this section. (Ord. passed 5-10-90)

(C) A violation of § 53.41(E) is a misdemeanor punishable by a fine of not less than \$25. (Ord. 13, passed 11-12-73)





## CHAPTER 54: SOLID WASTE

### Section

- 54.01 Trash hauling surcharge
- 54.02 Depositing garbage
- 54.03 Burning trash prohibited

### **§ 54.01 TRASH HAULING SURCHARGE.**

(A) The Town Council authorizes the Town Clerk-Treasurer to assess \$10 per month for each town utility user within the town's corporate limits for single family dwellings for the purpose of raising revenue for contracting for trash hauling.

(B) The Town Council authorizes the Town Clerk-Treasurer to assess \$10 per month for each town utility user or each separate dwelling within the town's corporate limits for multi-family dwellings for the purpose of raising revenue for contracting for trash hauling.

(C) The Town Council authorizes the Town Clerk-Treasurer to assess \$10 per month for each town utility user or each business entity within the town's corporate limits for multi-family dwellings for the purpose of raising revenue for contracting for trash hauling.

(D) The Town Council authorizes the Town Clerk-Treasurer to collect monthly assessments.  
(Ord. 2016-02, passed 3-15-16)

### **§ 54.02 DEPOSITING GARBAGE.**

(A) This section is declared to control and regulate and safeguard the citizens of the town against health hazards, annoyances and nuisances that might arise.

(B) It shall be unlawful for any person, firm or corporation to throw, dump, or leave any putrescible animal, vegetable, fruit, glass and metal wastes whatsoever upon or within the limits of any street, alley or personal property within the town.

(C) No garbage and rubbish in any manner shall accumulate or be allowed to accumulate within the town in containers, vehicles or on property in unenclosed containers, so that flies and other germ

carrying insects or animals may not be attracted thereby and obnoxious odors emit therefrom.  
(Ord. 18, passed 9-12-77) Penalty, see § 10.99

***Cross-reference:***

*Accumulation of rubbish constituting nuisance, see § 92.01*

**§ 54.03 BURNING TRASH PROHIBITED.**

(A) The purpose of this section is to control the disposal of trash.

(B) No person shall knowingly or intentionally dispose of solid waste by burning any botanical growth material, food waste, carbon or rubber based material, metal based material, and any and all substances that contribute to the emission of objectionable odors or vapors, to include tree limbs, leaves, shrubbery trimmings or paper based materials.

(C) Excepted herefrom are outdoor gas grills or charcoal grills used for the preparation of food.

(D) In the event of any outdoor burning, the applicant may seek an exception and file for an application to the town for a permit to burn such material therein. Any person who burns such materials without a permit is subject to the provisions of § 10.99.  
(Ord. 22-89, passed 12-14-89) Penalty, see § 10.99

## CHAPTER 55: WATER

Section

### *Water Service*

55.01 Rates and charges

### *Water Rationing*

- 55.10 Application
- 55.11 Declaration of need
- 55.12 Voluntary conservation
- 55.13 Mandatory conservation
- 55.14 Rationing
- 55.15 Exceptions
- 55.16 Notice
  
- 55.99 Penalty

## **WATER SERVICE**

### **§ 55.01 RATES AND CHARGES.**

(A) *Metered water service.*

<i>Minimum Monthly Charge</i>	<i>Gallons Allowed</i>	<i>Per Month Minimum Charge</i>
5/8 - 3/4 inch meter	2,500	\$23.24
1 inch meter	5,900	\$50.85
1 1/4 inch meter	9,200	\$76.28
1 1/2 inch meter	13,900	\$109.08
2 inch meter	21,900	\$161.07
3 inch meter	33,000	\$227.58
4 inch meter	66,300	\$427.11
6 inch meter	151,600	\$840.42

<i>Metered Consumption Gallons/Monthly</i>	<i>Monthly Rates Per 1,000 Gallons</i>
First 2,500 gallons	\$7,224
Next 5,500 gallons	\$6,053
Next 10,000 gallons	\$4,913
Next 50,000 gallons	\$3,924
Next 132,000 gallons	\$2,754
Over 200,000 gallons	\$2,265

(B) *Unmetered water service.*

Unmetered flat rate                      \$26.70 per month.

(C) In addition to the rates and charges above, each customer shall also pay a monthly charge in the form of a water cost tracking factor which shall track adjustments in the cost of purchased water costs and water production costs. The tracking factor shall be applicable to all consumption rate schedules and shall be reconciled annually.

(Ord. 2016-05, passed 7-28-16)

### **WATER RATIONING**

#### **§ 55.10 APPLICATION.**

This subchapter shall apply to all persons, firms, partnerships, associations, corporations, companies or organizations of any kind connected to the town's public water system or using water therefrom (hereinafter referred to as "users").

(Ord. 88-6, passed 8-11-88)

#### **§ 55.11 DECLARATION OF NEED.**

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

(Ord. 88-6, passed 8-11-88)

**§ 55.12 VOLUNTARY CONSERVATION.**

In accordance with § 55.16, users shall be requested to reduce water consumption by practicing voluntary conservation techniques. The governing body shall suggest reasonable and meaningful actions which will alleviate existing or potential water shortage.

(Ord. 88-6, passed 8-11-88)

**§ 55.13 MANDATORY CONSERVATION.**

In accordance with § 55.16, users shall be prohibited from the water uses listed below, subject to reasonable terms, times and conditions as the governing body shall determine.

(A) Sprinkling, watering or irrigating of trees, grass, ground covers, vines, or any other vegetation, excluding vegetable gardens, shrubbery and fruit bearing trees.

(B) Washing of homes, automobiles, trucks, trailers, or any other type of mobile equipment.

(C) Cleaning or spraying of sidewalks, driveways, paved areas, or other outdoor surfaces.

(D) Washing and cleaning of any business equipment or machinery.

(E) The filling of swimming pools, wading pools and ornamental fountains.

(F) Knowingly allowing leakage through defective plumbing.

(Ord. 88-6, passed 8-11-88) Penalty, see § 55.99

**§ 55.14 RATIONING.**

In addition to the mandatory conservation measures identified in § 55.13 and in accordance with § 55.16, users shall be limited to water use per the following schedule.

(A) Residential use shall be limited to two nights per week between the hours of 8:00 p.m. and 9:00 p.m. The town shall be divided north and south by Osborne Avenue and Church Street. The north half shall water only between 8:00 p.m. and 9:00 p.m. Monday and Thursday. The south half shall water only between 8:00 p.m. and 9:00 p.m. Tuesday and Friday.

(B) Business, commercial and industrial users shall be limited to 75% 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 75% of the average monthly volume of water used during the number of months such business, commercial or industrial user was in business and operating in the public water system area.

(Ord. 88-6, passed 8-11-88) Penalty, see § 55.99

**§ 55.15 EXCEPTIONS.**

The governing body of the town reserves the right to establish alternative rationing requirements for the following:

(A) Health care providers.

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

(C) Those industrial and agricultural activities declared to be necessary for the public health and wellbeing.

(D) The town reserves the right to further restrict the use by commercial customers as the need arises.

(Ord. 88-6, passed 8-11-88)

**§ 55.16 NOTICE.**

(A) Notice of voluntary conservation measures shall be by publication in a local newspaper of general circulation or other means as deemed appropriate by the governing body. The notice shall be effective upon publication.

(B) 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. The 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. 88-6, passed 8-11-88)

**§ 55.99 PENALTY.**

Any user who violates § 55.13 or § 55.14 may be punished by a fine of not more than \$2,500 (see I.C. 36-1-3-8(10)). Each day of violation shall constitute a separate offense. The first violation will result in a warning. The second and subsequent violations will result in the imposition of a fine.

(Ord. 88-6, passed 8-11-88)