

TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: GARBAGE

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§ 50.01 DEFINITIONS.

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

GARBAGE. Rejected food wastes and every waste accumulation of animal, fruit or vegetable matter, used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

RUBBISH. Such matter as ashes, cans, metalware, broken glass, crockery, dirt, sweepings, bones, wood, grass, weeds or litter of any kind.

('66 Code, § 4-6-1-1) (Ord. 1172, passed 10-3-66)

§ 50.02 COLLECTION AUTHORIZATION.

The Board of Public Works and Safety of the city is hereby authorized and empowered to collect and dispose of all garbage and rubbish within the city.

('66 Code, § 4-6-1-1) (Ord. 1172, passed 10-3-66)

§ 50.03 APPOINTMENT OF SUPERINTENDENT.

The Board is hereby authorized and empowered to appoint a Superintendent of Garbage and Rubbish Collection and Disposal to supervise the collection and disposal, and the Board is further authorized and

empowered to employ all necessary labor and to procure all necessary vehicles and equipment to properly administer the provisions of this chapter.

('66 Code, § 4-6-1-3) (Ord. 1172, passed 10-3-66)

§ 50.04 REGULATIONS.

(A) The Board of Public Works and Safety is hereby authorized, subject to the approval of the Common Council, to prescribe and promulgate regulations providing methods to be used in the storage, collection and disposal of all garbage and rubbish.

(B) The following are regulations for the collecting of garbage in accordance with division (A) above:

(1) Each patron producing garbage for municipal collection shall use garbage containers of a capacity not to exceed 40 gallons or strong plastic bags designed for garbage collection. Each container or bag placed for collection shall not exceed 30 pounds.

(2) Tree limbs shall be cut in lengths not to exceed three feet and tied in bundles not to exceed two feet in diameter.

(3) Garbage shall be wrapped and placed in the container with cans and trash.

(C) Any and all individuals, residents, or business participating in citywide garbage pick up shall not place for collection any of the following items: liquids, chemicals, pesticides or fertilizers, oils, batteries, whole drums, hazardous waste, medical waste, hot loads, whole tires, dead animals or carcasses, yard waste, furniture, appliances, fluorescent bulbs or remodeling debris.

(1) For purposes of enforcement, the owner of the real estate upon which the violation takes place is presumed to have knowledge of the violation and is strictly liable therefor.

(2) Upon discovery of hazardous materials not being disposed of in a properly hardened container as required herein, the city may suspend further garbage pick up for that property and that owner wherever the owner may have real estate within the city in a length of time as determined by the Mayor. The first violation of this division (C) can result in suspension of garbage pick up privileges to the owner and/or the property for six months. The second violation can result in suspension of garbage pick up privileges to the owner and or the property for up to one year. The third violation can result in a permanent suspension of garbage pick up privileges to the owner and or the property.

('66 Code, § 4-6-1-2) (Ord. 1172, passed 10-3-66; Am. Ord. 1989, passed 6-5-03; Am. Ord. 1172, passed 6-15-09) Penalty, see § 50.99

§ 50.05 NOTICE TO REMOVE.

It shall be unlawful for any person, firm or corporation owning, renting, occupying or controlling all or any part of any room, house, building, tenement, premises or real estate, within the corporate limits of the city, to fail, neglect or refuse, for a period of 24 hours, to remove or cause to be removed any and all garbage, refuse, manure, trash, ashes, tin cans or any other similar matter from the place, property or premises so owned, rented, occupied or controlled or from the street, highway or alley abutting thereon.

('66 Code, § 4-6-1-5) (Ord. 1172, passed 10-3-66) Penalty, see § 50.99

§ 50.06 HAULING PROHIBITED.

(A) Any corporation, firm, partnership or individual hauling junk, trash, trash wire, waste paper, boxes or cartons shall haul the same in an enclosed conveyance or provide a covering for the conveyance in order to keep the junk, trash, trash wire, waste paper, boxes and cartons from becoming separated from the conveyance while the same is being operated within the corporate limits of the city.

(B) The provisions of the division (A) above shall also apply to conveyances within one mile of the city limits.

('66 Code, § 4-6-1-4) (Ord. 1172, passed 10-3-66) Penalty, see § 50.99

§ 50.07 SANITATION SERVICES.

Any and all owners, tenants, or occupants of residential and commercial property are eligible for garbage and rubbish collection by the city. Items that will be collected include "garbage" and "rubbish" as defined in § 50.01.

(A) *Collection fees.* Fees for garbage and rubbish collection shall be as follows.

(1) For each single family dwelling or housing unit, \$12 per month.

(2) For a two- or more family dwelling, \$12 per dwelling unit per month.

(3) Commercial properties and dwellings containing three or more units may opt out of city collection and use private collection and not pay any fees to the city for collection.

(4) Commercial collection rates will be determined on a case by case basis by the Board of Public Works, but shall be no less than \$30 per month.

(B) *Late charges.* Collection fees, as specified in division (A) of this section, shall be added to the user's water, sewage, and sanitation charges and shall be payable as are bills for water, sewage, and sanitation service. Payments not made within 15 days of the billing date will have a late charge of 10% for each month in which the payment remains delinquent. Late charges will be assessed only on the monthly collection fees and not on any accrued late charges from prior months. If any payment remains delinquent for more than two months, service will be discontinued and an ordinance violation will be issued. To reinstate service, all past due charges must be paid in full, plus a reinstatement charge equal to one month's flat fee.

(C) *Notification to discontinue service.* If any service charge remains unpaid for a period of two months, the charges may be certified to the Auditor of Madison County for placement upon the tax duplicate by the Auditor and collected as taxes are collected as provided in I.C. 18-5-10-77.

(D) *Other refuse disposal.* No person shall burn garbage or deposit rubbish on any property located within the city except as provided herein. No person shall accept garbage or rubbish for disposal from a residence or commercial establishment other than their own.

(E) *Other provisions.*

(1) Customers shall deposit garbage or rubbish for collection on the date and in the location which the Common Council may from time to time establish by resolution. The Common Council may also establish the number, size, kind, and weight of trash containers to be collected. Each customer shall be responsible to keep his or her garbage or rubbish collection site in a neat and clean manner.

(2) This chapter shall not pertain to the hauling of garbage or rubbish by a building contractor incident to the construction or demolition of any structure.

(3) Strewn trash is the responsibility of the residents.

(4) Private haulers may provide services to commercial establishments within the city at the election of the commercial establishment.

(5) Any private hauler of refuse must obtain a permit from the city, which can be obtained through the Building Commissioner, in order to provide such services within the city for an annual fee of \$100.

(6) Garbage or rubbish collection may be provided by the city to homes outside the city limits, but currently served by city utilities at a monthly cost of \$15 for residential units.

(7) All collection costs not covered herein will be reviewed on an individual basis.
(Ord. 1172, passed 6-15-09) Penalty, see § 50.99

§ 50.99 PENALTY.

The penalty for violation of this chapter shall be according to § 10.99 of this code. Violation of § 50.04(C) of this chapter may also include reimbursement to the city or to the city employee physically injured by the hazardous materials being regulated pursuant to § 50.04(C). These penalties shall be in addition to and shall not in any way limit any civil liability created under § 50.04(C).

(Ord. 1989, passed 6-5-03)

CHAPTER 51: WATER

Section

- 51.01 Exclusive jurisdiction of water utility
- 51.02 Control of cross connections
- 51.03 Rates and charges
- 51.04 Utility removed from state jurisdiction

Cross-reference:

Bad Debt and Uncollectible Accounts Receivable Write-off Policies and Procedures for Municipal Water Utility, see § 35.07

§ 51.01 EXCLUSIVE JURISDICTION OF WATER UTILITY.

(A) The municipal water utility shall have the exclusive jurisdiction and control for all matters concerning the supplying of water to residences of the city: maintaining and repairing existing water lines, installing new water lines, reading water meters and billing for services provided, including collection thereof.

(B) Division (A) shall not limit the scope and authority of the municipal water utility in carrying out its duties and functions as such and the municipal water utilities shall continue to conduct its services, functions and duties as they currently exist and as allowed by state law.

(C) The duties, functions and services provided by the municipal water utility of the city shall not be conducted by any other individuals, firms, corporations or entities, without the expressed written permission of the Board of Public Works Safety and the Common Council of the city.
(Ord. 1843, passed 7-10-95)

§ 51.02 CONTROL OF CROSS CONNECTIONS.

(A) *Definition.* For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CROSS CONNECTION. Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the city water system and the other, water from a private source, water of unknown or questionable safety, steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(B) *Cross connections and interconnections prohibited.* No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the city may enter the supply or distribution system of the municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Elwood Water Utility and by the Environmental Management Board in accordance with Rule 320 I.A.C. 8-10.

(C) *Inspections.* It shall be the duty of the Elwood Utility to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Elwood Utility.

(D) *Request for entry.*

(1) Upon presentation of credentials, the representative of the Elwood Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of Elwood for cross connections.

(2) On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections.

(E) *Discontinuation of cross connections.*

(1) The Elwood Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee or occupants of the property or premises where a violation is found.

(2) Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this section. A reasonable notice is deemed to be 30 days for purpose of this section.

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

(G) *Backflow preventers.*

(1) All consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories and all other hazardous users shall install and maintain a reduced-pressure-

principle backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.

(2) Plants or facilities as listed need a backflow prevention device:

Aircraft and missile plants

Automotive plants

Auxiliary water systems

Beverage bottling plants and breweries

Buildings: hotels, apartment houses, public and private buildings or any other structures having unprotected cross connections, with the exception of single-family residential structures with existing cross connections; all single-family residential structures that develop cross connections after passage of this section will be subject to this division and the devices will be provided by the city

Canneries, packing houses and reduction plants

Car wash facilities

Chemical plants: manufacturing, processing, compounding or treatment

Chemically contaminated water systems

Civil works

Diaries and cold storage plants

Film laboratories

Fire systems

Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes and clinics

Irrigation systems or premises having separate systems: parks, playgrounds, cemeteries,

Golf courses, schools, estates, ranches, etc.

Laundries and dye works

Metal manufacturing, cleaning, processing and fabricating plants

Motion picture studios

Multi-storied buildings

Multiple services: interconnected

Oil and gas production, storage or transmission properties

Paper and paper products plant

Plating and power plants

Radioactive materials or substances: plants or facilities

Restricted, classified or other closed facilities

Rubber plants: natural or synthetic

Sand and gravel plants

Schools and colleges

Sewage and storm drain facilities

Solar heating systems: direct and auxiliary

Waterfront facilities and industries

(Ord. 1741, passed 6-3-91)

§ 51.03 RATES AND CHARGES.

(A) *Meter rates per month.* Rates and charges based on the use of and services rendered by the city system shall be as established in the most recent rate ordinance, which is hereby adopted by reference, as amended from time to time by the Common Council. The rate ordinance shall be available for public inspection in the office of the City Clerk.

('66 Code, § 6-1-2-1)

(B) *Minimum monthly charge.* The minimum monthly charge shall be as established in the most recent rate ordinance, which is hereby adopted by reference, as amended from time to time by the Common Council. The rate ordinance shall be available for public inspection in the office of the City Clerk.

(2) In no event shall the monthly minimum for metered or unmetered services be less than \$4.79 per month.

('66 Code, § 6-1-2-2)

(C) *Rates outside the city.* For water rates for customers outside the city limits, add 25% to rates otherwise. ('66 Code, § 6-1-2-3)

(D) *Rate payment.* All bills shall be due and payable monthly and bills unpaid more than 15 days following the date of billing shall include a collection charge of 10% plus attorney's fees and cost of collection. An additional service charge of \$20 shall be collected for turning off and turning on thereafter any water service which is delinquent in payments. ('66 Code, § 6-1-2-4)

(E) *Special charges.*

(1) The amount to be paid for fire hydrant services by users having private fire hydrants shall be payable monthly. The rate shall be as established in the most recent rate ordinance, which is hereby adopted by reference, as amended from time to time by the Common Council. The rate ordinance shall be available for public inspection in the office of the City Clerk.

(2) The amount to be paid by the city for fire hydrant rental shall be \$207.90 per hydrant per year, payable monthly.

(3) Water furnished to temporary users, such as contractors, etc., shall be charged on the basis of the above consumption rates as estimated by the Waterworks Superintendent.

(4) Water supplied for railroad use may be charged for on such terms as shall be fixed by specific contract approved by the Common Council and the Public Service Commission of Indiana.

(5) Water furnished for use by automatic sprinkler systems shall be charged for at rates as established in the most recent rate ordinance, which is hereby adopted by reference, as amended from time to time by the Common Council. The rate ordinance shall be available for public inspection in the office of the City Clerk.

('66 Code, § 6-1-2-5)

(F) *Connection charges.* Connection charges shall be as established in the most recent rate ordinance, which is hereby adopted by reference, as amended from time to time by the Common Council. The rate ordinance shall be available for public inspection in the office of the City Clerk.

('66 Code, § 6-1-2-6)

(G) *Special funds.* Funds, in lieu of taxes, shall be included in the revenues of the municipal water utility and shall be transferred to the city's general fund to off-set city fire hydrant rental. ('66 Code, § 6-1-2-7)

(Ord. 1540, passed - -81)

§ 51.04 UTILITY REMOVED FROM STATE JURISDICTION.

The city water utility is hereby removed from the jurisdiction of the Indiana Utility Regulatory Commission.

(Ord. 1948, passed 5-1-2000)

CHAPTER 52: SEWERS

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GENERAL PROVISIONS**§ 52.001 DEFINITIONS.**

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

BOARD. The Board of Public Works and Safety of the city, or any duly authorized officials acting in its behalf.

BIOCHEMICAL OXYGEN DEMAND or **BOD.** The quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20° C. The laboratory determinations shall be made in accordance with procedures set forth in *Standard Methods*.

BUILDING or **HOUSE DRAIN.** That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point approximately five feet outside the foundation wall of the building.

BUILDING or **HOUSE SEWER.** The pipe which is connected to the building or house drain at a point approximately five feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer or other place of disposal.

CHEMICAL OXYGEN DEMAND or **COD.** A measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in *Standard Methods* below.

CITY. The City of Elwood, Indiana, or any duly authorized officials acting in its behalf.

COMBINED SEWER. A sewer intended to receive both waste water and storm or surface water.

COMPATIBLE POLLUTANT.

(1) Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants, and in fact does remove pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80% or greater.

(2) Minor incidental removals in the order of 10% to 30% are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- (a) Chemical oxygen demand;

- (b) Total organic carbon;
- (c) Phosphorus and phosphorus compounds;
- (d) Nitrogen and nitrogen compounds; and

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

EFFLUENT. The water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.

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

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

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

HYDROGEN ION CONCENTRATION. See definition of "pH."

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

INDUSTRIAL SEWAGE. Any solid, liquid, gaseous substance or form of energy discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person as defined below, exclusive of sanitary sewage.

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

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

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

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

MAJOR CONTRIBUTING INDUSTRY. An industry that:

- (1) Has a flow of 50,000 gallons or more per average work day;
- (2) Has a flow greater than 5% of the flow carried by the municipal system receiving the waste;
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under 33 USC 1251, *et seq.*; or
- (4) Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly-owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

MAY. Is permissible.

NORMAL DOMESTIC SEWAGE. The same meaning as defined in § 52.065.

NPDES PERMIT. A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to 33 USC 1251, *et seq.*

OUTLET. Any **OUTLET**, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.

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

pH. The logarithm (to the base ten) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram/atoms per liter of solution.

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

PRIMARY SEWER MAIN. For purposes of this chapter shall mean the public sewer main which is required to transport sewage from the property line of the nearest prospective customer to the proposed point of connection at the sewage work's existing sewer main.

PROPERLY SHREDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½-inch in any dimension.

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

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

SECONDARY SEWER MAIN. The public sewer main which is required to provide service from a prospective customer to the primary sewer main.

SEWER SERVICE CHARGE. Includes the revenue systems to cover operation, maintenance and replacement (OM&R) and local capital costs, along with any surcharges associated with either or both of these revenue systems.

SEWAGE. The water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.

SEWAGE TREATMENT PLANT. The arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.

SEWAGE WORKS. The organization and all facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge. Namely the sewerage system and the treatment plant.

SEWER. A pipe or conduit for carrying sewage or other waste liquids.

(1) **PRIVATE SEWER.** A sewer which is not owned by a public authority.

(2) **PUBLIC SEWER.** A primary sewer or secondary sewer in which all owners of abutting property have equal rights and which is controlled by the city's sewage works.

(3) **SANITARY SEWER.** A sewer which carries sewage and to which storm, surface, ground waters and unpolluted industrial waste waters are not intentionally admitted.

(4) **STORM SEWER.** A sewer which carries storm and surface water drainage but excludes sewage.

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

SHALL. Is mandatory.

SLUDGE. Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.

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

SUPERINTENDENT. The Superintendent of the Sewage Department of the city or his duly authorized representative.

SURCHARGE. The extra charges for sewerage service assessed customers whose sewage is of such a nature that it imposes upon the city's sewage works a burden greater than that covered by the basic service charge.

SUSPENDED SOLIDS. Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in *Standard Methods*.

TOTAL REVENUE. For purposes of this chapter, that revenue obtained from monthly minimum billing for the use of and service rendered by the sewage works and does not include front foot assessments, permit or inspection fees or other charges.

TOTAL SOLIDS. The sum of suspended and dissolved solids.

TOXIC AMOUNT. Concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to 33 USCA 1251, *et seq.*

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

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

WATERCOURSE. A channel in which a flow of water occurs either continuously or intermittently. ('66 Code, § 6-2-1-1) (Ord. 1498, passed - -81)

§ 52.002 STATE AND FEDERAL COMPLIANCE.

All provisions of this chapter and limits set herein shall comply with any applicable state and/or federal requirements now or hereafter in effect.

('66 Code, § 6-2-1-61) (Ord. 1498, passed - -81)

§ 52.003 VIOLATIONS.

(A) Any person found to be violating any provision of this chapter except § 52.046 (C) shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.

(B) Any person who shall continue any violation beyond the time limit provided for in division (A) above shall be guilty of a misdemeanor. Each day in which any such violation shall continue shall be deemed a separate offense.

(C) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city or downstream users by reason of such violation.

('66 Code, § 6-2-1-62) (Ord. 1498, passed - -81) Penalty, see § 10.99

CONNECTION REQUIREMENTS**§ 52.015 CERTAIN DISPOSAL FACILITIES PROHIBITED.**

Except as hereinafter provided in § 52.029, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

('66 Code, § 6-2-1-5) (Ord. 1498, passed - -81) Penalty, see § 10.99

§ 52.016 CONNECTION TO PUBLIC SEWER REQUIRED.

The owner of all houses, buildings or properties used for human occupancy employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his 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, provided that the public sewer is within 150 feet of the property line.

('66 Code, § 6-2-1-6) (Ord. 1498, passed - -81) Penalty, see § 10.99

§ 52.017 UNAUTHORIZED USE.

No unauthorized person shall uncover, make any connections with, open into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board of Public Works and Safety.

('66 Code, § 6-2-1-7) (Ord. 1498, passed - -81) Penalty, see § 10.99

§ 52.018 PERMIT REQUIRED; APPLICATION.

No person shall make any connection with the public sewers or drains, or with any extension or connection previously made, without first obtaining a written permit from the Board of Public Works and Safety. The application for such permit must be made in writing not later than the day previous to the opening of the street by the owner or authorized agent of the property to be drained, and must be accompanied by a clear description of the premises, the name of the person employed to do the work and the permit fee in the amount determined by the Board. All such applications must be filed with the Clerk-Treasurer.

('66 Code, § 6-2-1-8) (Ord. 1498, passed - -81) Penalty, see § 10.99

§ 52.019 OWNER RESPONSIBLE FOR INSTALLATION.

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

('66 Code, § 6-2-1-9) (Ord. 1498, passed - -81)

§ 52.020 SEPARATE BUILDING SEWER; EXCEPTION.

(A) A separate and independent building sewer shall be provided for every building; except where two buildings are in close proximity and no private sewer is available or can be constructed to the second building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the second building and the whole considered as one building sewer. ('66 Code, § 6-2-1-10)

(B) Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this chapter. ('66 Code, § 6-2-1-11)

(Ord. 1498, passed - -81)

§ 52.021 BUILDING SEWERS; MATERIALS AND SPECIFICATIONS.

(A) *Materials.* The building sewer shall be cast iron soil pipe, ASTM specification or equal, verified clay sewer pipe, ASTM specification or equal, or other suitable material as governed by the *Indiana Plumbing Rules and Regulations*, most current edition, as amended of this chapter and any provisions thereof which may be amendatory thereof or supplemental thereto from time to time hereafter, and as shall be approved by the Superintendent. Joints shall be tight and waterproof. Any part of the building sewer that is located within ten feet of water service pipe shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipes with leaded joints may be required by the Superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Superintendent. ('66 Code, § 6-2-1-12)

(B) *Size.* The size and slope of the building sewers shall be subject to the approval of the Superintendent but in no event shall the diameter be less than six inches for single family or duplex residential units and not less than six inches for all other uses. The slope of the six-inch pipe shall be not less than ¼-inch per foot or sufficient slope to maintain a two feet per second velocity in the sewer. ('66 Code, § 6-2-1-13)

(C) *Elevation.* Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipes and fittings. ('66 Code, § 6-2-1-14)

(Ord. 1498, passed - -81)

§ 52.022 LOW SEWER REQUIREMENT.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.

('66 Code, § 6-2-1-61) (Ord. 1498, passed - -81)

§ 52.023 EXCAVATIONS.

(A) *Excavations.* All excavations required for the installation of a building sewer shall be open trench work, unless otherwise approved by the Superintendent. Pipe laying and backfill shall be placed until the work has been inspected by the Superintendent or his representative. ('66 Code, § 6-2-1-16)

(B) *Guards and restorations.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways

and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. ('66 Code, § 6-2-1-20)

(Ord. 1498, passed - -81)

Cross-reference:

Reconstruction of sidewalks, see § 96.05

Streets and Sidewalks, see Chapter 96

§ 52.024 JOINT SPECIFICATIONS.

All joints and connections shall be made gas tight and water tight, and as governed by the *Indiana Plumbing Rules and Regulations*, most current edition, as amended, and any provisions thereof which may be amendatory thereof or supplemental thereto from time to time hereafter.

('66 Code, § 6-2-1-17) (Ord. 1498, passed - -81) Penalty, see § 10.99

§ 52.025 TAPPING INTO SEWER.

The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer does not have a properly approved tapping saddle in the public sewer at the location specified by the Superintendent. The tapping saddle shall be installed in neatly tapped hole cut into the public sewer; the connection between the tapping saddle and public sewer shall be secured by the use of epoxy compound. The centerline of the building sewer at the tapping saddle shall be at or above the centerline of the public sewer. A smooth, neat joint shall be made and the connection made secure and watertight. Special fittings may be used for the connection only when approved by the Superintendent.

('66 Code, § 6-2-1-18) (Ord. 1498, passed - -81)

§ 52.026 CONNECTION SUPERVISION.

The applicant for the building sewer permit shall notify the Superintendent 24 hours in advance of when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

('66 Code, § 6-2-1-19) (Ord. 1498, passed - -81)

§ 52.027 NONCONFORMING CONNECTION.

Any connection made contrary to the provisions of this chapter shall be removed when required by the Board of Public Works and Safety.

('66 Code, § 6-2-1-21) (Ord. 1498, passed - -81)

§ 52.028 LIMITED CONNECTIONS.

No proposed connection or inlet shall be permitted if, in the opinion of the Board of Public Works and Safety and/or the Superintendent such inlet and connection would overburden such sewer. ('66 Code, § 6-2-1-22) (Ord. 1498, passed - -81)

§ 52.029 PRIVATE SEWERS.

(A) *Use.* Where a public sanitary or combined sewer is not available under the provisions of § 52.016, the building sewer shall be connected to a private sewage disposal system complying with the provisions of §§ 52.002 and 52.051 and this section, inclusive. ('66 Code, § 6-2-1-48)

(B) *Standards.* At any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the city, where there is installed a water carriage sewage disposal system which is not connected to a proper public sewer system, there shall be established, installed or constructed and maintained at no expense to the city, a private sewage disposal system which shall comply with the recommendations of the Indiana State Board of Health. ('66 Code, § 6-2-1-49)

(C) *Privy.* At any house, building or property used for human, occupancy, employment, recreation or other purposes, situated within the city, where there is installed a privy, the privy shall be of the sanitary type and shall be constructed and maintained at no expense to the city to comply with the recommendations of the Indiana State Board of Health. ('66 Code, § 6-2-1-50)

(D) *Construction.* All private residential sewage disposal systems and privies shall be installed, constructed and maintained at no expense to the city in an approved manner as described and illustrated by the Indiana State Board of Health. ('66 Code, § 6-2-1-51)

(E) *Defective private system.* Should any defect occur in any private water carriage sewage disposal system or privy which would cause the sewage disposal system or privy to fail to meet the requirements in divisions (B), (C) and (D), the defect shall be corrected immediately by the owner or agent of the owner, occupant or agent of the occupant at no expense to the city. Failure on the part of the owner or agent of the owner, occupant or agent of the occupant to do so shall be a violation of this chapter and he shall be subject to the penalties prescribed in § 52.003. ('66 Code, § 6-2-1-52)

(F) *Public sewer connection required.* Wherever a public sewer becomes available to a house, building or property used for human occupancy, employment, recreation or other purposes, served by a private sewage disposal system or privy as provided for in § 52.016, situated within the city, direct connection shall be made to the public sewer, and any septic tanks, seepage pits, privy pits and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner. ('66 Code, § 6-2-1-53)

(G) *Compliance.* Within 30 days after receiving an official order in writing from the Superintendent, the owner, agent of the owner, the occupant or the agent of the occupant of the property shall comply with the provisions of this chapter set forth in the official order of the Superintendent,

except as provided in division (D) above. The official order shall be served on the owner and the occupant or on the owner has assumed the duty of complying with the provisions of the official order. ('66 Code, § 6-2-1-54)

(H) Application for permit.

(1) Before commencement of construction of a private sewage disposal system or privy the owner or agent of the owner shall first obtain a written permit from the Board of Public Works and Safety. The application for such permit shall be made to the Clerk-Treasurer on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Board of Public Works and Safety. A permit and inspection fee in an amount determined by the Board shall be paid to the Clerk-Treasurer at the time the application is filed. ('66 Code, § 6-2-1-55)

(2) A permit for a private sewage disposal system or privy 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 48 hours of the receipt of notice by the Superintendent. ('66 Code, § 6-2-1-56)

(Ord. 1498, passed - -81) Penalty, see § 10.99

REGULATIONS

§ 52.040 DISPOSITION OF WASTE AND WASTEWATER.

(A) *Waste.* It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the city of Elwood, Indiana, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste. ('66 Code, § 6-2-1-2)

(B) *Wastewater.* No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the city, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter - and the NPDES permit. ('66 Code, § 6-2-1-3)
(Ord. 1498, passed - -81) Penalty, see § 10.99

§ 52.041 CERTAIN DISCHARGES PROHIBITED.

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial waste or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter. ('66 Code, § 6-2-1-3) (Ord. 1498, passed - -81) Penalty, see § 10.99

§ 52.042 STORM WATER AND OTHER POLLUTED DRAINAGE.

(A) Storm water and any other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Superintendent and the State of Indiana into a storm sewer or natural outlet. ('66 Code, § 6-2-1-23)

(B) From and after the effective date of Ordinance No. 1663, no additional storm water, ground water or field tile discharges shall be allowed to be discharged into the combined sewer collection system.

(C) The Common Council hereby resolves that the impact of storm water runoff from all developed and developing territory located within the city should be considered, in private and public projects alike, by weighing the risks, benefits and costs to both the property owners affected and the general public as a whole. (Ord. 1498, passed - -81; Am. Ord. 1663, passed 5-4-87; Am. Ord. 1969, passed 5-7-01) Penalty, see § 10.99

§ 52.043 PUBLIC SEWER DISCHARGE.

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

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

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

(C) Any waters or wastes having a pH lower than 5.0 or higher than 9.0, or having other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

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

('66 Code, § 6-2-1-24) (Ord. 1498, passed - -81) Penalty, see § 10.99

§ 52.044 RESTRICTED DISCHARGE.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes except if it appears likely in the opinion of the Superintendent that such wastes will not harm either the sewers, sewage treatment process or equipment, nor have an adverse effect on the receiving stream, nor can otherwise endanger life, limb, public property nor constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The following substances, including but not limited to, are not acceptable.

(A) Any liquid or vapor having a temperature higher than 150° F., or 65° C.

(B) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l of which not more than 25 mg/l is soluble oils, or containing substances which may solidify or become so highly viscous as to retard flow in the sewer system at temperatures between 32° and 150° F., or 0° and 65° C.

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder (other than in a residence) may be subject to the review and approval of the Superintendent.

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

(E) Any waters or wastes exceeding the following maximum allowable limits: Two mg/l of Zinc, two mg/l of total Chromium, .1 mg/l Cadmium, .5mg/l of Copper, .5 mg/l of Cyanide, two mg/l of Nickel, one mg/l of Chromium as Cr (Hexavalent), .002 mg/l of Mercury as Hg, .05 mg/l of Lead as Pb, 30 mg/l of chlorine demand, 15 mg/l of Iron and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

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

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

(H) Any waters or wastes having a pH of less than 5.0 or in excess of 9.

(I) Materials which exert or cause:

(1) 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);

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

(3) Unusual BOD, COD or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant; and/or

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

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

('66 Code, § 6-2-1-25) (Ord. 1498, passed - -81) Penalty, see § 10.99

§ 52.045 INTERCEPTORS.

(A) *Provisions.* Fats, grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendents, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients; except that such interceptors 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. ('66 Code, § 6-2-1-33)

(B) *Construction.* Fats, grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gas-tight and watertight. ('66 Code, § 6-2-1-34)

(C) *Maintenance.* Where installed, all fats, grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. ('66 Code, § 6-2-1-35) (Ord. 1498, passed - -81)

§ 52.046 PRELIMINARY TREATMENT REQUIRED; MAINTENANCE.

(A) The admission into the public sewers of any waters or wastes having:

(1) A five-day BOD greater than 220 milligrams per liter by weight;

(2) Containing more than 240 milligrams per liter by weight of suspended solids;

(3) Containing any quantity of substances having the characteristics described in § 52.044; or

(4) Having an average daily flow greater than 2% of the average daily sewage flow of the city shall be subject to the review and approval of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide at his expense, such preliminary treatment as may be necessary to:

(a) Reduce the BOD to 220 milligrams per liter and the suspended solids to 240 milligrams per liter by weight;

(b) Reduce objectionable characteristics or constituents to within the maximum limits provided in § 52.044; or

(c) Control the quantities and rates of discharge of such waters or wastes.

(B) Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the Stream Pollution Control Board of the state and no construction of facilities shall be commenced until the approval is obtained in writing.

('66 Code, § 6-2-1-36)

(C) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense. ('66 Code, § 6-2-1-37)

(Ord. 1498, passed - -81)

§ 52.047 CONTROL MANHOLES; SAMPLING AND MEASUREMENT.

(A) When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole 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.

('66 Code, § 6-2-1-38)

(B) All measurement, tests and analysis of the characteristics of waters and wastes to which reference is made in §§ 52.044 and 52.046 (A), shall be determined in accordance with *Standard Methods for the Examination of Water Sewage*, and shall be determined at the control manhole provided for in division (A), 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. ('66 Code, § 6-2-1-39)

(Ord. 1498, passed - -81) Penalty, see § 10.99

§ 52.048 SPECIAL AGREEMENTS.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern; provided, however, that the payment shall not be less than the pollutant surcharges provided for in §§ 52.085 through 52.092 and all ordinances amendatory thereof and supplemental thereto. ('66 Code, § 6-2-1-40) (Ord. 1498, passed - -81)

§ 52.049 TAMPERING WITH EQUIPMENT AND THE LIKE PROHIBITED.

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

('66 Code, § 6-2-1-41) (Ord. 1498, passed - -81) Penalty, see § 10.99

§ 52.050 PRETREATMENT CONTROL FACILITIES; STANDARDS AND REQUIREMENTS.

(A) *Reference standards.* Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the rules and regulations adopted by the U.S. EPA and published in the Federal Register on November 8, 1973 (40 C.F.R. Part 128), and *Federal Guidelines Establishing Test Procedures for Analysis of Pollutants*, published in the Federal Register on October 16, 1973 (40 C.F.R. Part 136), in addition to any more stringent requirements established by the city, and any subsequent state or federal guidelines and rules and regulations. ('66 Code, § 6-2-1-42)

(B) *Facility standards.* Plans, specifications and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the city and the state and no construction of such facilities shall be commenced until approval, in writing, is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the city to determine that such facilities are being operated in conformance with applicable federal, state and local laws and permits. The owner shall maintain operating records and shall submit to the city a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against city monitoring records. ('66 Code, § 6-2-1-43)

(C) *Certain unpolluted discharges.* Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the city. Where a storm sewer is not available, discharge may be to a natural outlet approved by the city and the state. Where a storm sewer, combined sewer or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the city. ('66 Code, § 6-2-1-44)

(D) *Industrial cooling water.* Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above section. ('66 Code, § 6-2-1-45)

(E) *Industrial requirement.* The city may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows characteristics. Such measurements, test and analysis shall be made at the users' expense. If made by the city, an appropriate charge may be assessed to the user at the option of the city. ('66 Code, § 6-2-1-46)

(F) *Unusual discharges.* Users of the treatment works shall immediately notify the city of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system. ('66 Code, § 6-2-1-47)
(Ord. 1498, passed - -81)

§ 52.051 DESIGNATED DEPOSITS.

(A) *Designated deposits.* No person shall deposit waste products of septic tanks, cesspools, dry wells, privies or other waste disposal system into the sewage disposal system of the city except at a point or points designated for such deposits by the Board of Public Works and Safety. ('66 Code, § 6-2-1-57)

(B) *Fees assessed.* Any person depositing any waste products referred to in division (A) hereof into the sewage disposal system shall pay a fee to the city of \$.50 per 100 gallons of waste products so deposited payable at the office of the Clerk-Treasurer at times as designated by the Board of Public Works and Safety. ('66 Code, § 6-2-1-58)

(C) *License fee.* Any person depositing waste products referred to in division (A) above into the sewage disposal system shall pay a license fee to the city of \$25 per year, payable at the office of the Clerk-Treasurer on or before May 1 of each calendar year. ('66 Code, § 6-2-1-59)

(D) *Inspections; designated deposits.* Every person so depositing waste products referred to in division (A) hereof into the sewage disposal system shall be subject to inspection by officials designated for such inspections by the Board of Public Works and Safety, and the persons making the inspections shall have the right to require any person depositing the waste in the sewage disposal system to make the proper requirements in the delivery and depositing of the waste products.
('66 Code, § 6-2-1-60) (Ord. 1498, passed - -81) Penalty, see § 10.99

RATES AND CHARGES**§ 52.065 DEFINITIONS.**

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

BIOCHEMICAL OXYGEN DEMAND or **BOD**. The same meaning as defined in § 52.001.

BOARD. The Board of Public Works and Safety of the city or any duly authorized officials acting on its behalf.

CITY. The city of Elwood, acting by and through the Board of Public Works and Safety.

COMMERCIAL USER. Any establishment listed in *The Office of Management and Budget's Standard Industrial Classification Manual*, 1972 Edition, (also referred to as SICM) involved in a commercial enterprise, business or service which, based on a determination by the city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

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

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

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

INDUSTRIAL USER. Any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works. Industrial users shall be identified in the SICM under divisions A, B9 D, E or I.

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

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

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

MAY. Permissive.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT or **NPDES**. The same meaning as defined in § 52.001.

NORMAL DOMESTIC SEWAGE.

(1) For the purpose of determining surcharges, wastewater or sewage having an average daily concentration as follows:

- (a) Biochemical oxygen demand not more than 220 milligrams per liter (mg/l).
- (b) Suspended solids not more than 240 milligrams per liter (mg/l).

(2) As defined by origin, wastewaters from segregated domestic or sanitary conveniences as distinguished from wastes from industrial processes.

OPERATION AND MAINTENANCE COSTS. All costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related federal, state and local requirements. These costs include replacement.

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

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

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

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

SEWAGE. The same meaning as defined in § 52.001.

SEWER INDUSTRIAL COST RECOVERY ORDINANCE. A separate and companion enactment to this subchapter, which provides for recovery from industrial users of the sewage works of a portion of the federal grant amount allocable to the construction of sewage facilities for treating industrial waste pursuant to Section 204 (b) of P.L. 92-500 and 40 C.F.R. Part 35.928 (1) and (2).

SEWER USE ORDINANCE. A separate and companion enactment to this subchapter, which regulates the connection to and use of public and private sewers.

SHALL. Mandatory.

SUSPENDED SOLIDS or **SS**. The same meaning as defined in § 52.001.

USER CHARGE. A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to 33 USC 1251 *et seq.*

USER CLASS. The division of wastewater treatment customers by source, function, waste characteristics and process or discharge similarities (i.e., residential, commercial, industrial, institutional and governmental in the user charge system and is industrial in the industrial cost recovery system). ('66 Code, § 6-2-2-1) (Ord. 1497, passed - -81)

§ 52.066 USER CLASS CHARGES.

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

(A) User charges are subject to the rules and regulations adopted by the U.S. EPA, published in the Federal Register August 21, 1973 (38 C.F.R. 22523) and on February 11, 1974 (39 C.F.R. 5252). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewage works plant and equipment.

(B) The various classes of users of the treatment works for the purposes of this section, shall be as follows. Class I contains residential, commercial, governmental and institutional. Class II contains industrial. ('66 Code, § 6-2-2-2) (Ord. 1497, passed - -81)

§ 52.067 MONTHLY RATES.

For the use and service rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the city sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the city. The rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges. Rates and charges shall be as established in the most recent rate ordinance, which is hereby adopted by reference, as amended from time to time by the Common Council. The rate ordinance shall be available for public inspection in the office of the City Clerk.

('66 Code, § 6-2-2-3) (Ord. 1497, passed - -81; Am. Ord. 1657, passed 1-5-87)

§ 52.068 QUANTITY USE DETERMINATION.

(A) The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the city shall be determined and reasonable elected by the city and the sewage service shall be billed at the above appropriate rates. Further, as is hereinafter provided in this section, the city may make proper allowance in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the city that such quantities do not enter the sanitary sewage system.

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

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

(D) In order that the single family domestic and residential users of sewer service shall not be penalized for sprinkling lawns during the summer months of July, August and September the billing for sewage service for residences or domestic users for the months shall be based upon the water usage for the previous months of April, May and June. In the event the water usage for the previous months is greater than the water usage for the summer months, then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic or residential sewage service as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and used as a single family residence. The sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of the 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 that 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. This credit will be given to qualified users only upon request.

(E) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, and uses water in excess of 50,000 cubic feet per month, and it can be shown to the satisfaction of the city that a portion of water a measured by the water meter or meters does not and cannot enter the sanitary

sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

('66 Code, § 6-2-2-4) (Ord. 1497, passed - -81)

§ 52.069 INDUSTRIAL USE DETERMINATION.

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

(B) Normal sewage domestic waste strength should not exceed a BOD of 220 milligrams per liter of fluid and suspended solids in excess of 240 milligrams per liter of fluid. Additional charges for treating stronger than normal domestic waste shall be made on the following basis:

(1) *Rate surcharge based upon suspended solids.* There shall be an additional charge of \$.15 per pound for suspended solids received in excess of 240 milligrams per liter of fluid.

(2) *Rate surcharge based upon BOD.* There shall be an additional charge of \$.08 per pound for BOD received in excess of 220 milligrams per liter of fluid.

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

('66 Code, § 6-2-2-5) (Ord. 1497, passed - -81)

§ 52.070 BILLING AND COLLECTION.

Rates and charges shall be prepared, billed and collected by the city in the manner provided by law and ordinance.

(A) The rates and charges for all users shall be prepared and billed monthly.

(B) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but the billing shall in no way relieve the owner

from the liability in event payment is not made as herein required. The owners of the properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the city for the purpose of determining whether bills have been paid by the tenant or tenants, provided that the examination shall be made at the office at which the records are kept and during the hours that the office is open for business.

(C) As is provided by statute, all rates and charges not paid when due hereby declared to be delinquent and a penalty of 10% of the rates or charges shall thereupon attached. The time at which the rates or charges shall be paid is now fixed at 15 days after the date of mailing of the bill.
('66 Code, § 6-2-2-6) (Ord. 1497, passed - -81)

§ 52.071 USAGE STUDIES CONDUCTED.

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

(B) Thereafter, on an annual basis, within a reasonable period of time following the normal accounting period, the city shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis. The studies shall be conducted by officers or employees of the city or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the city shall determine to be best under the circumstances.
('66 Code, § 6-2-2-7) (Ord. 1497, passed - -81)

§ 52.072 BY-LAWS AND REGULATIONS.

The city shall make and enforce by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the city's sewerage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections of the sewerage system, and for the regulation, collection, rebating and refunding of rates and charges.
('66 Code, § 6-2-2-8) (Ord. 1497, passed - -81)

§ 52.073 HARMFUL WASTES PROHIBITED.

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

('66 Code, § 6-2-2-9) (Ord. 1497, passed - -81)

§ 52.074 SPECIAL RATE CONTRACTS.

The Board is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable reductions in cost to the sewage works can be determined, and such reduction shall be limited to such reduced costs. The proposed contracts shall be subject to the approval of the Common Council, consistent with federal regulations.

('66 Code, § 6-2-2-10) (Ord. 1497, passed - -81)

INDUSTRIAL COST RECOVERY**§ 52.085 DEFINITIONS.**

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

ACT. *The Federal Water Pollution Control Act Amendments of 1972, 33 USC 1251, et seq., adopted by the 92nd Congress on October 18, 1972.*

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

FEDERAL GRANT AMOUNTS. The portion of the total construction costs for Project No. C-180357 03 which was sponsored by the U.S. EPA. The federal grant will amount to approximately \$4,363,575.

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

INDUSTRIAL USER.

(1) Any non-governmental user of the treatment works identified in the *Standard Industrial Classification Manual*, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (a) Division A: agriculture, forestry and fishing;
- (b) Division B: mining;
- (c) Division D: manufacturing;
- (d) Division E: transportation, communication, electric, gas and sanitary services; and
- (e) Division I: services.

(2) Pursuant to P.L. 95-217, 33 USC 1284, industrial users discharging 25,000 gallons or less per day of equivalent domestic waste are hereby exempt from industrial cost recovery, provided that the waste discharged by the industrial users does not contain any pollutants which:

- (a) Interfere with the treatment works process;
- (b) Are incompatible; or
- (c) Contaminate or reduce the utility of the sludge of the treatment works.

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

NORMAL DOMESTIC WASTES. Wastes which do not exceed a BOD strength of 220 milligrams per liter of fluid or a suspended solids strength in excess of 240 milligrams per liter of fluid. Also, **NORMAL DOMESTIC WASTES** shall mean wastewaters from segregated domestic or sanitary conveniences as distinct from wastes from industrial processes.

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

PROJECT NUMBER C-189357 03. A separate and distinct construction project for construction of the Elwood municipal sewage works which was sponsored by the U.S. EPA under the provision of 33 USC 1251, *et seq.* This project does not include past or future construction, equipment or other services not included under the specific project number and the approved plans, specifications and approved change orders for the project which are on file in the Elwood City Hall, and by reference made a part of this section as fully as if same were attached hereto or incorporated herein.