

## **CHAPTER 9: UTILITIES**

### Article

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## ARTICLE 1: GENERAL PROVISIONS

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### **§ 9-1 AUTHORITY TO ESTABLISH UTILITY SERVICE.**

A town may furnish or regulate the furnishing of utility service to the public.  
(1995 Code, § 9-1)

***Statutory reference:***

*Municipal sewage works, see I.C. 36-9-23-1 through 36-9-23-36*  
*Utility service to the public, see I.C. 36-9-2-15*

### **§ 9-2 AUTHORITY TO ESTABLISH WATERWORKS.**

A town may regulate the furnishing of water to the public, and may establish, maintain, and operate waterworks.  
(1995 Code, § 9-2)

***Statutory reference:***

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

### **§ 9-3 AUTHORITY TO REGULATE THE DISPOSAL OF SANITARY SEWAGE.**

(A) A town may regulate the furnishing of the service of collecting, processing, and disposing of waste substances and domestic or sanitary sewage, which includes the power to fix the price to be charged for that service.

(B) A town may collect, process, and dispose of waste substances and domestic or sanitary sewage, and may establish, maintain, and operate sewers, sewage disposal systems, and systems to collect and dispose of waste substances.

(1995 Code, § 9-3)

***Statutory reference:***

*Disposal of substances and domestic or sanitary sewage, see I.C. 36-9-2-16 and 36-9-2-17*



## ARTICLE 2: PUBLIC AND PRIVATE SEWER AND DRAIN REGULATIONS

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### § 9-10 DEFINITIONS.

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

**BIOCHEMICAL OXYGEN DEMAND** or **BOD**. The quantity of oxygen expressed in mg/l utilized in the biochemical oxidation of organic matter under standard laboratory procedures with nitrification inhibition in five days at 20°C.

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

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

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

***BUILDING SEWER.*** The extension from the building drain to the public sewer or other place of disposal. Also called ***HOUSE CONNECTION.***

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

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

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

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

- (1) Chemical oxygen demand;
- (2) Total organic carbon;
- (3) Phosphorus and phosphorus compounds;
- (4) Nitrogen and nitrogen compounds; and

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

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

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

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

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

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

**INDUSTRIAL WASTES.** The liquid wastes from industrial manufacturing processes, trade, or business as distinct from employee wastes or wastes from sanitary conveniences.

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

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

**INFLOW.** The water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, 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.)

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

**MAJOR CONTRIBUTING INDUSTRY.** An industry that:

- (1) Has a flow of 50,000 gallons or more per average work day;
- (2) Has a flow greater than 5% of the flow carried by the municipal system receiving the waste;
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Pub. L. No. 307(a); or
- (4) Has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

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

**NH<sub>3</sub>N.** The same as ammonia nitrogen measured as nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in *Standard Methods* as defined below.

**NORMAL DOMESTIC SEWAGE.** The same meaning as defined in Chapter 9, Article 3.

**NPDES PERMIT.** A permit issued under the national pollutant discharge elimination system for discharge of wastewaters to the navigable waters of the United States pursuant to Pub. L. No. 402 of 92-500.

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

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

***PERSON.*** Any individual, firm, company, association, society, corporation, group, or other entity.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

**SHALL.** Mandatory; **MAY** is permissive.

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

**STANDARD METHODS.** The laboratory procedures set forth in the latest edition, at the time of analysis, of *Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

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

**SUPERINTENDENT.** The Superintendent of the municipal sewage works of the town, or his or her authorized deputy, agent or representative.

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

**TOTAL SOLIDS.** The sum of suspended and dissolved solids.

**TOXIC AMOUNT.** Concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Pub. L. No. 307(a).

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

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

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

(1995 Code, § 9-10) (Ord. 1991-6, passed 7-1-1991)

**§ 9-11 SPECIFIC REGULATIONS.**

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

(B) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, either by gravity or by pumping, storm waters, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. The town shall require the removal of unpolluted waters from any wastewater collection or treatment facility.

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

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

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

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

(G) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer of the town is required at his or her expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this article, within 60 days after date of official notice to do so, provided that the public sewer is within 300 feet of the property line.

(H) No new connection shall be made unless there is capacity available to all downstream sewers, lift stations, force mains, and the sewage treatment plant, including capacity for BOD and SS. (1995 Code, § 9-11) (Ord. 1991-6, passed 7-1-1991; Ord. 2007-01, passed 6-18-2007)

**§ 9-12 PERMITS AND FEES.**

(A) Where a public sanitary sewer is not available under the provisions of § 9-11(G), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

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

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the works at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent.

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

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

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

(G) When a public sewer becomes available, the building sewer shall be connected to 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.

(H) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.  
(1995 Code, § 9-12) (Ord. 1991-6, passed 7-1-1991)

**§ 9-13 TWO CLASSES OF BUILDING SEWER PERMITS AND FEES.**

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

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

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(1) For residential and commercial service; and

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

(C) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the 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 article.

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

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

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

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. *Manual of Practice* in No. FD-5. All the connections shall be made gas-tight and water-tight. 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 and testing shall be made under the supervision of the Inspector or his or her representative. The applicant shall provide access to all structures (and areas of structures) to the Inspector for the purpose of establishing compliance with division (H) above.

(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. (1995 Code, § 9-13) (Ord. 1991-6, passed 7-1-1991)

**§ 9-14 PROHIBITED DISCHARGES.**

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

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

(2) Any waters or wastes containing toxic (as described in § 307A of the Clean Water Act) or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;

(3) Any waters or wastes having a pH lower than 5 and 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works or interfere with any treatment process;

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

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

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

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

(8) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or 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 quantities as to constitute a significant load on the sewage treatment works; or

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

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

(B) (1) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (A) above, and which in judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(a) Require any industries to submit information on wastewater quantities and characteristics and obtain prior approval for discharges;

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

(c) Require pretreatment of the wastes to within the limits of normal sewage as defined;

(d) Require control or flow equalization of the wastes so as to avoid any “slug” loads or excessive loads that may be harmful to the treatment works; or

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

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

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

(D) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained so as to be safe and accessible at all times. Agents of the town, the State Water Pollution Control Agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing.

(E) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance 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, except for applications for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA (40 CRF Part 136). In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

(F) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor, by the industrial concern, at rates as are compatible with Chapter 9, Article 3.

(1995 Code, § 9-14) (Ord. 1991-6, passed 7-1-1991)

#### **§ 9-15 PRETREATMENT OF INDUSTRIAL WASTES.**

Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the rules and regulations adopted by the United States Environmental Protection Agency (USEPA) (40 C.F.R. Part 403), and *Guidelines Establishing Test Procedures for Analysis of Pollutants* (40 C.F.R. Part 136), in addition to any more stringent requirements established by the town and any subsequent state or federal guidelines and rules and regulations.

(1995 Code, § 9-15) (Ord. 1991-6, passed 7-1-1991)

**§ 9-16 MONTHLY SUMMARY REPORTS.**

Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the town and no construction of the facilities shall be commenced until approval in writing is granted. Where the facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his or her expense and shall be subject to periodic inspection by the town to determine that the facilities are being operated in conformance with applicable federal, state, and local laws and permits. The owner shall maintain operating records and shall submit to the town a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against town monitoring records.  
(1995 Code, § 9-16) (Ord. 1991-6, passed 7-1-1991)

**§ 9-17 UNPOLLUTED WATER.**

Unpolluted water from air conditioners, cooling, condensing systems, or swimming pools, shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the town. Where a storm sewer is not available, discharge may be to a natural outlet approved by the town and by the state. Where a storm sewer, combined sewer, or natural sewer is not available, the unpolluted water may be discharged to a sanitary sewer pending written approval by the town.  
(1995 Code, § 9-17) (Ord. 1991-6, passed 7-1-1991)

**§ 9-18 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.  
(1995 Code, § 9-18) (Ord. 1991-6, passed 7-1-1991)

**§ 9-19 REQUIRED INFORMATION.**

The town may require users of the treatment works, other than residential users, to supply pertinent information on waste water flows and characteristics, the measurements, tests, and analysis shall be made at the users' expense. If made by the town, an appropriate charge may be assessed to the user at the option of the town.  
(1995 Code, § 9-19) (Ord. 1991-6, passed 7-1-1991)

**§ 9-20 STRENGTH OF WASTEWATERS.**

The strength of wastewaters shall be determined, for periodic establishment of charges provided for in Chapter 9, Article 3, from samples taken at the aforementioned structure at any period of time and



of a duration and in a manner as the town may elect, or, at any place mutually agreed upon between the user and the town. Appropriate charges for sampling and analysis may be assessed to the user at the option of the town. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the town.

(1995 Code, § 9-20) (Ord. 1991-6, passed 7-1-1991)

**§ 9-21 INTERCEPTORS AND TRAPS.**

(A) Grease, oil, and sand interceptors or traps shall be provided when, in the opinion of Superintendent, 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 the interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the town and shall be located as to be readily and easily accessible for cleaning and inspection.

(B) They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas-tight, water-tight, and equipped with easily removable covers. Where installed, all grease, oil, and sand interceptors or traps shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(1995 Code, § 9-21) (Ord. 1991-6, passed 7-1-1991)

**§ 9-22 NOTIFICATION OF UNUSUAL FLOWS.**

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

(1995 Code, § 9-22) (Ord. 1991-6, passed 7-1-1991)

**§ 9-23 STATE AND FEDERAL REGULATIONS.**

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

(1995 Code, § 9-23) (Ord. 1991-6, passed 7-1-1991)

**§ 9-24 DISORDERLY CONDUCT.**

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

(1995 Code, § 9-24) (Ord. 1991-6, passed 7-1-1991)

**§ 9-25 INSPECTIONS AND TESTING.**

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

(B) While performing the necessary work on private properties referred to in division (A) 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 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 § 9-14(E).

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

(1995 Code, § 9-25) (Ord. 1991-6, passed 7-1-1991)

**§ 9-26 PENALTY.**

(A) Any person found to be violating any provisions of this article, except § 9-24, 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 the notice, permanently cease all violations.

(B) Any person who shall continue any violation (other than a violation of § 9-11(B)) beyond the time limit provided for in § 9-26(A) shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding \$500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(C) Any person violating any of the provisions of this article shall become liable to the town for any expense, loss, or damage occasioned the town by reasons of the violation.

(D) Any person violating or suspected of violating § 9-11(B) shall be subjected to a penalty of \$50 per month (or fraction thereof in which the violation occurs).

(E) A person may avoid payment of the penalty by consenting to an inspection described in § 9-13(J) for the purpose of establishing compliance with § 9-11(B).

(F) A person consenting to such an inspection and found in violation shall be given 90 days to comply with § 9-11(B) without being subject to penalty.  
(1995 Code, § 9-26) (Ord. 1991-6, passed 7-1-1991)

**§ 9-27 APPEALS.**

The rules and regulations promulgated by the town, after approved by the Town Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the Administrator of the sewage system to the Town Council and that any decision concerning sewage system of the Town Council may be appealed to a court of competent jurisdiction under the appeal procedures provided for in the State Administrative Adjudication Act.  
(1995 Code, § 9-28) (Ord. 1991-6, passed 7-1-1991)



### ARTICLE 3: SEWER WORKS

#### Section

- 9-35 Definitions
- 9-36 Five classes of users
- 9-37 Sewage rates
- 9-38 Quantities of water
- 9-39 Strength and character of discharges
- 9-40 Connection fees
- 9-41 Billing procedures
- 9-42 Biennial study of rates
- 9-43 By-laws
- 9-44 Appeal procedures
- 9-45 Special rate contracts
- 9-46 Annexed areas
- 9-47 Effective date

#### § 9-35 DEFINITIONS.

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

***BOD*** or ***BIOCHEMICAL OXYGEN DEMAND***. The same meaning as defined in Chapter 9, Article 2.

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

***COUNCIL***. The Town Council of the Town of Hope, or any duly authorized officials acting on its behalf.

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

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

**NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM) PERMIT.** The same meaning as defined in Chapter 9, Article 2.

**NH<sub>3</sub>N or AMMONIA NITROGEN.** The same meaning as defined in Chapter 9, Article 2.

**NORMAL DOMESTIC SEWAGE** (for the purpose of determining surcharges). Wastewater or sewage having an average daily concentration as follows: BOD not more than 300 mg/l; S.S. not more than 300 mg/l. As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.

**OPERATION AND MAINTENANCE COSTS.** Include 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 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 the 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, and the like.

**SEWAGE.** The same meaning as defined in Chapter 9, Article 2.

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

**SHALL.** Mandatory; **MAY** is permissive.

**S.S. or SUSPENDED SOLIDS.** The same meaning as defined in Chapter 9, Article 2.

**TOWN.** The Town of Hope, acting by and through the Council.

**USER CHARGE.** A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of the works pursuant to Pub. L. No. 204(b) of 92-500.

**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).  
(1995 Code, § 9-35) (Ord. 1991-5, passed 7-1-1991)

#### **§ 9-36 FIVE CLASSES OF USERS.**

(A) Every person whose premises are serviced 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.

(B) User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

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

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

- (a) Residential;
- (b) Commercial;
- (c) Governmental;
- (d) Institutional; and
- (e) Industrial.

(1995 Code, § 9-36) (Ord. 1991-5, passed 7-1-1991)

**§ 9-37 SEWAGE RATES.**

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

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

- (1) Treatment rate per 1,000 gallons of usage per month:

	<i>User Charge</i>	<i>Debt Service</i>	<i>Total</i>
All users	\$0.89	\$0.96	\$1.85

plus

- (2) Base rate per month, as follows:

<i>Base Rate</i>	<i>User Charge</i>	<i>Debt Service</i>	<i>Total</i>
5/8-inch to 3/4-inch water meter	\$3.82	\$1.33	\$5.15
1-inch water meter	\$5.62	\$3.33	\$8.95
1-1/4-inch water meter	\$7.42	\$5.33	\$12.75
1-1/2 water meter	\$9.58	\$7.72	\$17.30
2-inch water meter	\$14.62	\$13.33	\$27.95
3-inch water meter	\$30.22	\$30.63	\$60.85
4-inch water meter	\$50.62	\$53.23	\$103.85
6-inch water meter	\$111.82	\$121.03	\$232.85

(B) Un-metered water users: for users of the sewage works that are un-metered water users or accurate meter readings are not available, the monthly charge shall be determined as an average of single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month



(or period equaling a month). The rate shall include a base rate as listed above plus an estimated treatment charge as outlined on the schedule of rates and charges as follows:

<i>User</i>	<i>Monthly Debt</i>		
	<i>User Charge</i>	<i>Debt Service</i>	<i>Total</i>
Residential; single family residence/unit	\$8.23	\$6.12	\$14.35

(C) The town, including the Utility Department, shall not be charged for service rendered to it.

(D) In order to recover the cost of monitoring industrial wastes the town shall charge the user the actual cost of monitoring but not less than \$25 per sample. This charge will be reviewed on the same basis as all other rates and charges in the ordinance.

(1995 Code, § 9-37) (Ord. 1991-5, passed 7-1-1991; Ord. 97-05A, passed 7-21-1997)

### § 9-38 QUANTITIES OF WATER.

The quantity of water discharged into the sanitary sewerage system and obtained from sources other than the utility that serves the town shall be determined by the town in a manner as the town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section. The town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the town that those quantities do not enter the sanitary sewerage system.

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

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

(C) 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 sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.

(D) In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial waste, water, or other liquids into the town's sanitary sewerage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewerage system, then the owner or other interested party shall, at his or her own expense, 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 dwelling units such as mobile homes, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids into the town's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in that case, billing shall be for a single service in the manner set out elsewhere herein. A **DWELLING UNIT** shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

(1995 Code, § 9-38) (Ord. 1991-5, passed 7-1-1991)

### § 9-39 STRENGTH AND CHARACTER OF DISCHARGES.

In order that the rates and charges reflect the costs of providing service rendered to users, the town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the sewage system, in a manner and by method as the town may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the town at all times.

(A) Normal domestic waste strength sewage should not exceed a biochemical oxygen demand of 300 milligrams per liter of fluid or nitrogen in excess of 300 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 \$0.08 per pound of suspended solids for suspended solids received in excess of 300 milligrams per liter of fluid.

(2) *Rate surcharge based upon BOD.* There shall be an additional charge of \$0.08 per pound of biochemical oxygen demand for BOD received in excess of 300 milligrams per liter of fluid.

(B) The determination of suspended solids, five-day biochemical oxygen demand, ammonia nitrogen and phosphorous contained in the waste shall be in accordance with the latest copy of *Standard Methods for the Examination of Water, Sewage and Industrial Wastes*, as written by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and in conformance with *Guidelines Establishing Test Procedures for Analysis of Pollutants*, Regulation C.F.R. Part 136, published in the Federal Register on October 16, 1973.  
(1995 Code, § 9-39) (Ord. 1991-5, passed 7-1-1991)

#### **§ 9-40 CONNECTION FEES.**

The owner of any lot, parcel of real estate, or building connecting to the sewage works shall, prior to being permitted to make a connection, pay a connection charge in the amount of \$500 for each connection. The Town Council now finds such a connection charge to be a reasonable and equitable pro rata cost of construction of a local or lateral sewer adequate to serve the property so connecting and the cost of providing a connection to the sewer system.  
(1995 Code, § 9-40) (Ord. 1991-5, passed 7-1-1991)

#### **§ 9-41 BILLING PROCEDURES.**

The rates and charges shall be prepared, billed and collected by the town in the manner provided by law and ordinance.

(A) The rates and charges for all users shall be prepared and billed monthly, and at the end of each year, each user shall be given a notice, in conjunction with a regular bill, of the rates charged for operation, maintenance, and replacement for that user for the next year.

(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 the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the town for the purpose of determining whether bills have been paid by 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 are hereby declared to be delinquent and a penalty of 10% of the amount of the rates or charges shall thereupon attach thereto. The time at which the rates or charges shall be paid is now fixed at 15 days after the date of mailing of the bill.

(1995 Code, § 9-41) (Ord. 1991-5, passed 7-1-1991)

**§ 9-42 BIENNIAL STUDY OF RATES.**

(A) In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the town shall cause a study to be made within a reasonable period of time following the first two years of operation, following the date on which this article 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, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for operation and maintenance, replacements, debit service requirements, and capital improvements to the waste treatment systems.

(B) Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the town shall cause a similar study to be made for the purpose of reviewing the fairness, equity, and proportionality of the rates and charges for sewage services on a continuing basis. The studies shall be conducted by officers or employees of the town, or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in the studies, or by the combination of officers, employees, certified public accountants, or engineers as the town shall determine to be best under the circumstances. The town shall, upon completion of the study, revise and adjust the rates and charges, as necessary, in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

(1995 Code, § 9-42) (Ord. 1991-5, passed 7-1-1991)

**§ 9-43 BY-LAWS.**

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

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

(1995 Code, § 9-43) (Ord. 1991-5, passed 7-1-1991)

**§ 9-44 APPEAL PROCEDURES.**

The rules and regulations promulgated by the town, after approved by the Town Council, shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the Administrator of the user charge to the Town Council, and that any decision concerning

user charges of the Town Council may be appealed to a court of competent jurisdiction under the appeal procedures provided for in the State Administrative Adjudication Act.  
(1995 Code, § 9-45) (Ord. 1991-5, passed 7-1-1991)

**§ 9-45 SPECIAL RATE CONTRACTS.**

The Council is further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and the rate shall be limited to the costs. The contract shall be in compliance with Pub. L. No. 92-500 and 95-217.  
(1995 Code, § 9-46) (Ord. 1991-5, passed 7-1-1991)

**§ 9-46 ANNEXED AREAS.**

The Council shall not grant free service or use of the sewage treatment system to any person, group, or entity. It is not necessary for an area or parcel of real estate to be annexed to the town to receive sewage treatment.  
(1995 Code, § 9-47) (Ord. 1991-5, passed 7-1-1991)

**§ 9-47 EFFECTIVE DATE.**

The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this article.  
(1995 Code, § 9-48) (Ord. 1991-5, passed 7-1-1991)



## ARTICLE 4: SURCHARGES OF SANITARY SEWER SERVICE

### Section

- 9-55 Documents incorporated by reference
- 9-56 Inspections and tests
- 9-57 Supplemental regulations
- 9-58 Definition
- 9-59 Monthly surcharge
- 9-60 Moratorium
- 9-61 Procedures and conditions for connection to sanitary sewer
- 9-62 Non-compliance following inspections; fees
- 9-63 Public purpose
- 9-64 Sanitary sewage system connection charge
- 9-65 Wastewater deposit fees

### *Editor's note:*

*Chapter 10.01 of the 1983 Hope Municipal Code incorporated by reference Exhibits A and B, which were Ord. 1991-3, passed May 6, 1991; and Ord. 1991-4, passed June 3, 1991*

### **§ 9-55 DOCUMENTS INCORPORATED BY REFERENCE.**

Ordinances addressing the issuance of bonds and the connection to the sewer utility are incorporated herein by reference, with originals of the same being available for public inspection in the office of the Clerk-Treasurer during regular business hours.  
(1995 Code, § 9-55)

### **§ 9-56 INSPECTIONS AND TESTS.**

The town shall impose a surcharge for sanitary sewer service for eliminating the introduction of prohibited waters into the town sanitary sewer system; and the town shall periodically inspect and test for compliance with this section, all pursuant to the following sections.  
(1995 Code, § 9-56) (Ord. 1987-3, passed 6-1-1987)

### **§ 9-57 SUPPLEMENTAL REGULATIONS.**

This article shall be deemed supplemental to all other ordinances and provisions thereof for enforcement and compliance purposes only and shall not be deemed to be amendatory or recessary

with respect to same and further, any charges, fees, fines, or penalties hereinafter imposed or levied shall be in addition to any charges, fees, fines, or penalties heretofore in effect or which may hereafter be imposed.

(1995 Code, § 9-57) (Ord. 1987-3, passed 6-1-1987)

#### **§ 9-58 DEFINITION.**

As used in this article, the term *PERSON* shall mean any individual, firm, company, association, society, corporation, or group, unless the context specifically indicates otherwise.

(1995 Code, § 9-58) (Ord. 1987-3, passed 6-1-1987)

#### **§ 9-59 MONTHLY SURCHARGE.**

A surcharge of \$20 per month, per billing account, shall be imposed in addition to all other charges heretofore authorized and imposed beginning the month immediately following passage and adoption of this ordinance by the Town Council.

(1995 Code, § 9-59) (Ord. 1987-3, passed 6-1-1987)

#### **§ 9-60 MORATORIUM.**

There shall be a moratorium upon the requirement for payment by any persons for a period of nine months from the time of imposition of the surcharge as set forth in § 9-59. Further, any person who has, pursuant to § 9-61 below, consented to the inspection of their respective premises within 120 days of the date of adoption of this article, shall not be liable for payment until the inspection has been accomplished and the person given the opportunity to bring the premises into compliance within the time frame set out in the § 9-61.

(1995 Code, § 9-60) (Ord. 1987-3, passed 6-1-1987)

#### **§ 9-61 PROCEDURES AND CONDITIONS FOR CONNECTION TO SANITARY SEWER.**

A person may avoid liability for payment of the surcharge established in § 9-59 upon a showing that he or she is in compliance with all provisions of §§ 5(a) and (b) of Ord. 1965-3, and any amendments thereof, of the town, which ordinance was initially adopted June 8, 1965, which showing shall consist of the following procedures and conditions as to each building or appurtenance connected to the sanitary sewer.

(A) Each person shall, as to each such building or appurtenance so connected to the sanitary sewer, execute a "grant of permission" to the town to come upon the property and within the premises thereon, of the persons to inspect and/or perform sewer tests as may be deemed necessary by the town to verify the compliance hereinbefore referred to.



(B) The grant of permission set forth in division (A) above shall be deemed to include periodic inspections and/or tests as may be determined to be necessary to ensure compliance with §§ 5(a) and (b) of Ord. 1965-3.

(C) The term *TOWN* as used herein shall mean and include the employees, or designees of the town as it shall, from time to time, utilize in making the inspections and/or tests heretofore referred to. The persons shall have on their persons identification to verify the fact that they, in fact, represent the town for those purposes.

(D) The inspections shall be made upon reasonable notice of at least 48 hours. There shall be no fee charged for the inspections.

(E) If, upon the initial inspection contemplated by division (A) above to verify compliance, a person is, in fact, not found to be in compliance, the person shall be given 14 days from the date of the inspection to comply.

(1995 Code, § 9-61) (Ord. 1987-3, passed 6-1-1987)

**§ 9-62 NON-COMPLIANCE FOLLOWING INSPECTIONS; FEES.**

In the event a person is found to be in compliance upon the initial inspection contemplated by § 9-61(A) or complies within 14 days as provided in § 9-61(E) and, upon subsequent inspection is found not to be in compliance, the person shall be liable for payment of an amount equal to the sum of the months since adoption of this article, multiplied by the monthly surcharge in effect during that period as the case may be; provided that the liability shall be reduced to 50% of the amount if the person complies within a period of ten days after notice by the town of his or her non-compliance. In the event a person is found to be in a state of non-compliance a second or subsequent time, then the person shall be liable for a sum equal to \$1,000 plus an amount equal to the sum of the months since adoption of this article multiplied by the monthly surcharge in effect during those periods as the case may be.

(1995 Code, § 9-62) (Ord. 1987-3, passed 6-1-1987)

**§ 9-63 PUBLIC PURPOSE.**

The Town Council has determined that the measures heretofore set out are a reasonable means of ensuring compliance with Ord. 1965-3, §§ 5(a) and 5(b) and are further necessary to protect and ensure the health, safety, and welfare of the citizens of the town and surrounding areas.

(1995 Code, § 9-63) (Ord. 1987-3, passed 6-1-1987)

**§ 9-64 SANITARY SEWAGE SYSTEM CONNECTION CHARGE.**

A connection charge shall be collected for the privilege of connection to the sanitary sewage system. The charge shall be in the sum of \$200.

(1995 Code, § 9-65) (Ord. 1989-12, passed 7-24-1989)

**§ 9-65 WASTEWATER DEPOSIT FEES.**

All persons, business entities, and corporations desiring wastewater service by the town utility shall make application for the service at the utility office. All new users shall be required to make a deposit of \$50 with the Clerk-Treasurer of the town. This deposit shall be held without interest and may be applied from time to time to any delinquency owed by the user making the deposit. Prior to any continuation of service, once the deposit has been used in whole or in part to pay the delinquent charges of the user, the user shall be required to re-deposit the sum as is necessary to reinstate the deposit to its original amount. As used herein, *NEW USER* shall be interpreted or defined to mean any and all users who are connecting to the wastewater system of the town for the first time and any and all users who have had service terminated for any reason, including, but not limited to, nonpayment of wastewater rates and charges, and are seeking to have the service restored or reinstated.

(Ord. 99-02, passed 1-18-1999)

## **ARTICLE 5: POLICIES CONCERNING ADJUSTMENTS TO SEWER BILLS**

### Section

- 9-70 Leaks that do not go into the sewer system
- 9-71 Filling of swimming pools
- 9-72 Water contracts; Hauser High School and the Masonic Lodge

### **§ 9-70 LEAKS THAT DO NOT GO INTO THE SEWER SYSTEM.**

The adjustment is based on at least four months average consumption. Only one adjustment per leak. This is to cover leaks that fall between meter readings.  
(1995 Code, § 9-70)

### **§ 9-71 FILLING OF SWIMMING POOLS.**

The adjustment is based on at least four months average consumption or the customer's record of actual gallons to fill.  
(1995 Code, § 9-71)

### **§ 9-72 WATER CONTRACTS; HAUSER HIGH SCHOOL AND THE MASONIC LODGE.**

No sewer adjustments are made for these two contracts.  
(1995 Code, § 9-72)



## ARTICLE 6: WATER UTILITY

### Section

- 9-80 Metered water rates
- 9-81 Minimum monthly water charge
- 9-82 Fire hydrants
- 9-83 Automatic sprinklers
- 9-84 Connection charge
- 9-85 Other fees, deposit, and charges
- 9-86 Free water service prohibited
- 9-87 Monthly billings and delinquent fees
- 9-88 Water deposit fees and connection fees
- 9-89 Water meter regulations
- 9-90 Stopcocks and shut-offs
- 9-91 Water hydrant regulations
- 9-92 Prohibited activities
- 9-93 Cancellation of water; disconnection regulations
- 9-94 Removal of the town water utility from jurisdiction of Utility Regulatory Commission

### § 9-80 METERED WATER RATES.

Metered rates per month rates per 1,000 gallons:

- (A) First 5,000 gallons: \$5.92;
  - (B) Next 10,000 gallons: \$5.05;
  - (C) Next 20,000 gallons: \$4.19; and
  - (D) Over 35,000 gallons: \$3.32.
- (Ord. 2005-03, passed 8-22-2005)

### § 9-81 MINIMUM MONTHLY WATER CHARGE.

Each user shall pay a minimum monthly charge based upon meter size, per month, as follows:

**Hope - Utilities**

<i>Meter Size</i>	<i>Gallons Allowed</i>	<i>Minimum Charge</i>
5/8-inch	2,500	\$14.80
3/4-inch	2,500	\$14.80
1-inch	5,000	\$29.60
1-1/4 inch	10,000	\$54.85
1-1/2 inch	15,000	\$80.10
2-inch	30,000	\$142.95
3-inch	57,500	\$238.60
For which the user shall be entitled to the quantity of water set out above under the metered rates schedule		

(Ord. 2005-03, passed 8-22-2005)

**§ 9-82 FIRE HYDRANTS.**

<i>Fire Hydrant Rental</i>	<i>Rate per Annum</i>
Private hydrants, per hydrant	\$288.38
Public hydrants, per hydrant	Exempt from annual fire protection charges

(Ord. 2005-03, passed 8-22-2005)

**§ 9-83 AUTOMATIC SPRINKLERS.**

Each user shall pay for fire protection on the following schedule:

<i>Fire Protection Rates - Automatic Sprinkler Systems</i>	<i>Rate per Annum</i>
1-inch connection - per annum	\$8.04
1-1/4 inch connection - per annum	\$12.51
1-1/2 inch connection - per annum	\$17.99
2-inch connection - per annum	\$32.03

<i>Fire Protection Rates - Automatic Sprinkler Systems</i>	<i>Rate per Annum</i>
3-inch connection - per annum	\$72.10
4-inch connection - per annum	\$128.11
6-inch connection - per annum	\$288.38

(Ord. 2005-03, passed 8-22-2005)

**§ 9-84 CONNECTION CHARGE.**

Each user, at the time he or she is connected with the waterworks system, shall pay a connection charge to cover the cost of connection to the main, furnishing and laying service pipe; corporate and stop cocks, service and meter box, and installing the meter on the following schedule:

<i>Connection Charge - 5/8-inch to 3/4-inch Meters</i>	
Single tap	\$1,000
Double tap	\$1,500
Large meters*	Actual cost (but not less than 5/8 to 3/4 inch meter)
*The charge for connections requiring a meter larger than 5/8 to 3/4-inch shall be the actual cost of installation including labor, materials, and equipment, but in no event shall be less than the charge for the 5/8 to 3/4-inch meter	

(Ord. 2005-03, passed 8-22-2005)

**§ 9-85 OTHER FEES, DEPOSIT, AND CHARGES.**

(A) *Customer deposit.* An initial customer deposit of \$75 shall be charged to each customer before service is initially connected for the customer. The deposit shall be returned to the customer when customer has terminated water service provided all charges due and owing from the customer are paid. Otherwise the deposit shall be used to offset any charges due and owing by the customer.

(B) *Collections and deferred payment charge.* All bills for water services not paid within 15 days from the due date thereof, as stated in the bills, shall be subject to the collection or deferred payment charge of 10% on the first \$3 and 3% on the excess over \$3.

(C) *Re-connection fee.* A re-connection fee of \$25 shall be charged for reinstating water service to a customer after any disconnection during business hours. After business hours re-connection fee will be \$40.

(D) *Returned check charge.* A charge of \$25 will be charged to the customer for any returned checks, not including any other collection costs to which the utility is entitled by operation of law. (Ord. 2005-03, passed 8-22-2005)

#### **§ 9-86 FREE WATER SERVICE PROHIBITED.**

Except for water service furnished to the town, including the Utility Department, no free service of the water utility shall be furnished to any person, firm, organization, or corporation, public or private, and all rates and charges shall be nondiscriminatory, provided that the Town Council reserves the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust. The town, including the Utility Department, shall not be charged for service rendered to it.

(Ord. 97-05A, passed 7-21-1997)

#### **§ 9-87 MONTHLY BILLINGS AND DELINQUENT FEES.**

(A) Bills for water service shall be rendered monthly and shall be delinquent 15 days after their rendition. Any owner or user becoming delinquent in the payment of any water charge shall be given written notice by U.S. mail advising them of the amount and kind of the delinquency.

(B) Bills which are unpaid after 15 days following the due date stated on the bills shall be subject to the collection charge of 10% on the first \$3 of unpaid billing, and 3% on the balance in excess of \$3.

(C) If any bill shall remain delinquent for a period of 30 days or more from the mailing of notice, the water service shall be disconnected and shall not be reconnected except upon payment of all delinquent bills together with a reconnection charge as provided pursuant to division (C)(2) below, determined in accordance with the following.

(1) *Fees for disconnecting service.* In the event it becomes necessary for water service to be disconnected for any reason, including, but not limited to, for non-payment of monthly billing which has become 30 days or more delinquent, or at the request of the utility customer, a charge of \$5 shall be assessed to the utility customer for the disconnection.

(2) *Fees for reconnecting service.* In order for a utility customer to have water service reconnected, the following is required.

(a) In the event that the disconnecting of service was due to the non-payment of a monthly bill which had become 30 days or more delinquent, service may not be reconnected until the utility customer has paid all current and delinquent utility service charges, the \$5 disconnect fee as provided in division (C)(1) above, and a \$5 reconnect fee.



(b) In the event that the disconnecting of service was done at the request of the utility customer, the service shall be reconnected at the request of the utility customer. A \$5 reconnect fee shall be charged at the time service is reconnected.

(c) If any bill shall remain delinquent for a period of 30 days or more from the mailing of notice, the water service shall be disconnected and shall not be reconnected, except upon payment of all delinquent bills together with a reconnection charge as provided pursuant to division (C)(2)(c)2. below, determined in accordance with the following.

1. *Fees for disconnecting service.* In the event it becomes necessary for water service to be disconnected for any reason, including, but not limited to: for nonpayment of monthly billing which has become 30 days or more delinquent, or at the request of the utility customer, a charge of \$10 shall be assessed to the utility customer for the disconnection.

2. *Fees for reconnecting service.* In order for a utility customer to have water service reconnected, the following is required.

a. In the event that the disconnecting of service was due to the non-payment of a monthly bill which had become 30 days or more delinquent, service may not be reconnected until the utility customer has paid all current and delinquent utility service charges, the \$10 disconnect fee as provided in division (C)(1) above and a \$10 reconnect fee.

b. In the event that the disconnecting of service was done at the request of the utility customer, the service shall be reconnected at the request of the utility customer. A \$10 reconnect fee shall be charged at the time service is reconnected.

c. If the reconnection is requested and performed when the town utility office is closed, the reconnection fee shall be \$30.

(3) *Procedure for reconnecting service following a disconnection due to non-payment of utility service charges.* Any utility customer who has paid all current and delinquent utility service charges, and reconnect and disconnect fees as provided in divisions (C)(1) and (2) above, by 2:00 p.m. local time on any normal business day may have utility service reconnected that same day. Any utility customer who pays all current and delinquent utility service charges and the disconnect and reconnect fees as provided in divisions (C)(1) and (2) above after 2:00 p.m. local time on any normal business day shall have utility service reconnected by 12:00 noon local time on the next normal business day.

(4) *Responsibility of owner(s) of rental property.* In the case of rental premises, all water rates shall be charged to the owner(s) of the properties receiving water service and the owner(s)'s consent to and shall become liable for the water furnished to the premises. All delinquent charges shall be a lien upon the real estate of the owner and shall be payable with the attorney's fees, costs of collection, disconnect expenses, and shall be payable without relief from valuation and appraisal laws.

(1995 Code, § 9-87) (Ord. 1994-10, passed 1-2-1995; Ord. 2002-01, passed 5-20-2002)

**§ 9-88 WATER DEPOSIT FEES AND CONNECTION FEES.**

(A) All persons, business entities, and corporations desiring water service by town water utility shall make application for the service at the water utility office. All new users shall be required to make a deposit of \$50 with the Clerk-Treasurer of the town. This deposit shall be held without interest and may be applied from time to time to any delinquency owed by the user making the deposit. Prior to any continuation of service, once the deposit has been used in whole or in part to pay the delinquent charges of the user, the user shall be required to re-deposit a sum as is necessary to reinstate the deposit to its original amount. As used herein, *NEW USER* shall be interpreted or defined to mean any and all users who are connecting to the waterworks system of the town for the first time and any and all users who have had service terminated for any reason, including, but not limited to, nonpayment of water rates and charges, and are seeking to have the service restored or reinstated. All applicants for service and present users shall also pay a non-refundable connection fee of \$5 each time water service is resumed at any premises which do not require meter installation or when a present user requests temporary shut-off or turn-on of water service for any reason. No connection fee shall be collected when a charge for meter installation is collected.

(B) All water hook-ups shall be paid in advance at the time of application with the exception of those hook-ups which require a one inch or larger meter, in which case partial payment in the amount charged for installation of the five-eighth inch meter shall be made.

(1995 Code, § 9-88) (Ord. 1989-17, passed 12-18-1989; Ord. 98-02, passed 2-16-1998)

**§ 9-89 WATER METER REGULATIONS.**

(A) Water meters shall be installed outside the building so that they can be read without the necessity of gaining access into the premises and shall be affixed to the main water line so that all water used in the premises passed through the meter. The size of the water meter shall be determined by the Water Superintendent. In case any water meter shall get out of order, the customer shall be charged at the average rate of consumption registered by the meter before it became out of repair.

(B) All owners and tenants who are water users consent to the entry upon their premises at reasonable times and hours, and upon requests for admission thereto by an officials or employees of the Water Utility of the town for the purpose of inspection of water line or fixtures.

(1995 Code, § 9-89) (Ord. 1981-1, passed 1-19-1981)

**§ 9-90 STOPCOCKS AND SHUT-OFFS.**

All service pipes to users must have a stopcock or shut-off place at the street or curb. Consumers shall not turn off the water at the stopcock or shut-off without consent of the Water Superintendent.

(1995 Code, § 9-90) (Ord. 1981-1, passed 1-19-1981)

**§ 9-91 WATER HYDRANT REGULATIONS.**

No person shall take water from any hydrant, except for fire use or street cleaning use by Fire Department or Street personnel.

(1995 Code, § 9-91) (Ord. 1981-1, passed 1-19-1981)

**§ 9-92 PROHIBITED ACTIVITIES.**

All users are strictly prohibited from furnishing water or allowing the same to be taken from their water lines to furnish water to others without first securing the consent of the Water Superintendent and after those being furnished have made due application for water use to the proper town officials.

(1995 Code, § 9-92) (Ord. 1981-1, passed 1-19-1981)

**§ 9-93 CANCELLATION OF WATER; DISCONNECTION REGULATIONS.**

All permits for water use and supply may be canceled at the option of the town, and service discontinued for the following reasons:

- (A) The wasting or improper use of water through negligence or defective or imperfect fixtures;
- (B) For refusal to pay bills and charges promptly as set forth in § 9-87;
- (C) For interference or tampering with water meter or any other fixture of the waterworks system;
- (D) For failure to apply for a permit in case of new user or change in usage of water; and/or

(E) For violation of any other regulation herein now existing or subsequently adopted by the town.  
(1995 Code, § 9-93) (Ord. 1981-1, passed 1-19-1981)

**§ 9-94 REMOVAL OF THE TOWN WATER UTILITY FROM JURISDICTION OF UTILITY REGULATORY COMMISSION.**

The Town Council removes the town water utility from the jurisdiction of the State Utility Regulatory Commission for approval of rates and charges of the town water utility and the issuance of stocks, bonds, notes, or other evidence of indebtedness of the town water utility.

(1995 Code, § 9-94) (Ord. 1989-9, passed 9-5-1989)



## **ARTICLE 7: STORM WATER**

### Section

- 9-100 Establishment of a sub-utility of storm water management
- 9-101 Storm water utility policies and rates

### **§ 9-100 ESTABLISHMENT OF A SUB-UTILITY OF STORM WATER MANAGEMENT.**

(A) I.C. 8-1.5-5 concerning storm water management systems is hereby adopted by the Town Council of the town, so as to make the Act and any and all amendments thereto effective and operative in the town.

(B) Pursuant to I.C. 8-1.5-5, a sub-utility of storm water management shall be and is hereby created for the purpose of providing for the collection, disposal, and drainage of storm and surface water in the town.

(C) Pursuant to I.C. 8-1.5-5, the sub-utility of storm water management shall be controlled by a Board of Directors, which shall consist of three Directors appointed by the Town Council, with not more than two of whom may be of the same political party.

(D) The initial terms of the first Directors appointed pursuant to this article shall be staggered so that one Director shall have a one-year term; one Director shall have a two-year term; and one Director shall have a three-year term; and, thereafter the terms of all directors shall be for a period of three years and all initial terms shall begin on the first day of the month following adoption of this article.

(E) Pursuant to I.C. 8-1.5-5, there is hereby created a special taxing district which shall include all of the territory within the corporate boundaries of the town.

(F) The Board of Directors shall prepare a budget for the operation of the sub-utility on an annual basis which budget shall be subject to approval by the Town Council and any issuance of bonds or other methods for making capital improvements shall be approved by the Town Council.

(G) The town shall adopt interim rates for the sub-utility for storm water by additional ordinance. (Ord. 2001-05, passed 8-20-2001)

**§ 9-101 STORM WATER UTILITY POLICIES AND RATES.**

(A) The schedules of interim rates and the rate structures set out in the ordinance from which this article is derived and incorporated herein by reference, is hereby adopted.

(B) The rates shall be collected through the semi-annual property tax statement of the property owner as permitted by I.C. 8-1.5-5-7.

(C) Pursuant to I.C. 8-1.5-5-6 and other appropriate sections, the Clerk-Treasurer of the town shall account for all funds collected and expended for storm water management.

(D) Pursuant to I.C. 8-1.5-5-6 and other appropriate sections, the Storm Water Board retains the right to direct the spending of funds with the approval of the Town Council through written directive to the Clerk-Treasurer of the town.

(E) The sub-utility of storm water management shall implement policies and procedures governing its operation.

(F) Accounts shall be established pursuant to State Board of Accounts guidelines.

(G) The operation of the Storm Management Board of the town shall be in compliance with I.C. 8-1.5-5-1 et seq.  
(Ord. 2004-06, passed 5-17-2004)