

*The purpose of this ordinance example is to provide assistance to small and medium sized rural communities in the drafting of ordinances for water, wastewater, and other utility services. The use of this ordinance example beyond the scope for which it was prepared is not recommended without consulting competent government or outside counsel. Users are cautioned to check for changes in the laws of the State of Indiana before implementing any ordinance. Statutory changes may materially affect the ability of an entity to enforce an ordinance.*

## **An Ordinance to Establish and Regulate a Regional Sewer District**

### **ARTICLE I**

#### **Definitions**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Section 1.01. "Board" shall mean the Regional Sewer or Water District Board pursuant to IC 13-26, or any duly authorized officials acting on its behalf.

Section 1.02. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Section 1.03. "Building sewer" shall mean the extension from the building drain, through and including a suitable septic tank to the public sewer.

Section 1.04. "District" shall mean the regional sewer or water district.

Section 1.05. "Easement" shall mean an acquired legal right for the specific use of land owned by others, including but not limited to right of access to the property's septic tank for the purposes of cleaning and inspection.

Section 1.06. "May" is permissive.

Section 1.07. "Natural outlet" shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Section 1.08. "Person" shall mean any individual, firm, company, association, society, corporation or group.

Section 1.09. "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.

Section 1.10. "Sanitary sewer" shall mean a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

Section 1.11. "Sewage" is the spent water of a community. The preferred term is "wastewater."

Section 1.12 . "Sewer" shall mean a pipe or conduit that carries wastewater.

Section 1.13. "Shall" is mandatory.

Section 1.14. "Storm drain" shall mean a drain for conveying water, groundwater, subsurface water or unpolluted water from any source.

Section 1.15. "Unpolluted water" is 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.

Section 1.16. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

Section 1.17. "Wastewater facilities" shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

Section 1.18. "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

## **ARTICLE II**

### **Use of Public Sewers Required:**

Section 2.01. It shall be unlawful for any person to place, deposit, or permit to be

deposited in any unsanitary manner on public or private property within the District, or in any area under the jurisdiction of said District, any human or animal excrement, garbage or objectionable waste.

Section 2.02. It shall be unlawful to discharge to any natural outlet within the District, or in any area under the jurisdiction of said District, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

Section 2.03. 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 wastewater.

Section 2.04. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the District 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 sewer of the District, is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and to connect such facilities via the building sewer (through and including a suitable septic tank) to the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet (30.5 meters) of the property line. As a condition of connection to a public sewer, the owner(s) shall grant a right of access easement to the septic tank to the District for the purpose of cleaning and inspection.

### **ARTICLE III**

#### **Private Wastewater Disposal**

Section 3.01. Where a public sanitary sewer is not available under the provisions of Section 2.04 hereof, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

Section 3.02. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the District. The application for such permit shall be made on a form furnished by the District, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the District. A permit and inspection fee of Twenty-Five Dollars (\$25) shall be paid to the District at the time the application is filed.

Section 3.03. A permit for a private wastewater disposal system shall not

become effective until the installation is completed to the satisfaction of the District. The District shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the District when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the District.

Section 3.04. The type, capacities, location and layout of a private wastewater disposal system shall comply with all provisions of the state and local laws, ordinances, regulations and orders regulating private waste disposal systems. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than the square feet allowed by ordinance. No septic tank or cesspool shall be permitted to discharge to any natural outlet, directly or indirectly via field tile, storm drain or any other conveyance other than a public sanitary sewer.

Section 3.05. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 3.04 hereof, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this Ordinance, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge, and if not used as a component of the building sewer, filled with suitable material.

Section 3.06. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the District.

Section 3.07. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the District.

## **ARTICLE IV**

### **Building Sewers and Connections**

Section 4.01. No unauthorized person(s) shall uncover, make any connections or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the District. Said permission shall be subject to the existence of sufficient hydraulic and/or treatment capacities of the sewerage and/or wastewater treatment facilities, as determined by the District.

Section 4.02. There shall be one (1) class of building sewer permit, which class shall be for residential and commercial service. The owner(s) or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the District. A permit and inspection fee of Twenty-Five Dollars

(\$25) for a residential or commercial building sewer permit shall be paid to the District at the time the application is filed.

Section 4.03. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s), with the exception that the District shall, at its expense, inspect each septic tank which will be connected to the public sewer prior to connection. Said inspection shall be for the purpose of insuring that each septic tank connected to the public sewer is structurally sound and meets all criteria as provided in Section 12.0 1. The owner(s) shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The costs borne by the property owner shall include a new septic and pumping unit acceptable and approved by the District. The property owner shall also bear the cost of providing electrical service to the pumping units, known as "step units." The property owner shall bear all monthly electrical usage costs associated with the step unit to which their sewage flows.

Section 4.04. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the District does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Section 4.05. 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 all applicable criteria under local, state or federal law. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

Section 4.06. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In any buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 4.07. (a) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, basement or yard drains, or other sources of surface runoff or groundwater to a building sewer which in turn is connected directly or indirectly to a public sanitary sewer.

(b) Any such connection to a private sewage disposal system which existed

prior to the availability of public sewers shall be removed from the building sewer prior to the connection with the public sewer.

Section 4.08. 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 District, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the District before installation.

Section 4.09. The applicant for the building sewer permit shall notify the District 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 District or its representative. The applicant shall provide access to all structures (and areas of structure) to the District for the purpose of establishing compliance with Section 4.07 hereof.

Section 4.10. 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 District.

## **ARTICLE V**

### **Use of the Public Sewers**

Section 5.01. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, sump pumps, basement or yard drain, or cooling water to any sewer; provided, however, that stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the District.

Section 5.02. Stormwater, other than that exempted under Section 5.01 hereof and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated storm sewers to a natural outlet approved by the District and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the District, to a storm sewer or natural outlet.

Section 5.03. No person(s) shall discharge or cause to be discharged any waters

or wastes to any public sewers that are in violation of any Use Ordinance in effect at that time by the \_\_\_\_\_ Regional Sewage District located in \_\_\_\_\_ County, Indiana.

Section 5.04. 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 Section 5.03 hereof and/or which, in the judgment of the District, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the District may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover added cost of handling and treating the wastes not covered by existing sewer charges.

When considering the above alternatives, the District shall give consideration to the economic impact of each alternative on the discharger. If the District permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District.

Section 5.05. The District may determine whether the suitable septic tank required as a component of the building sewer will satisfy the requirements for the collection system.

Section 5.06. When required by the District, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the District. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 5.07. The District may require a user of sewer services to provide information needed to determine compliance with this Ordinance. These requirements may include:

- (a) Wastewaters discharge peak rate and volume over a specified time period;
- (b) Chemical analyses of wastewaters;
- (c) Information on raw materials, processes and products affecting wastewater volume and quality;
- (d) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;
- (e) A plot plan of sewers of the user's property showing sewer and

pretreatment facility location;

(f) Details of wastewater pretreatment facilities; and/or

(g) Details of systems to prevent and control the losses of materials through spills to the public sewers.

Section 5.08. 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. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the District.

## **ARTICLE VI**

### **Damage to Public Sewers**

Section 6.01. No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct, criminal mischief and theft.

## **ARTICLE VII**

### **Powers of Authority of Inspectors**

Section 7.01. The District and other duly authorized employees or designees of the District bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the sewerage system in accordance with the provisions of this Ordinance.

Section 7.02. While performing the necessary work on private properties referred to in Section 7.01 above, the District or duly authorized employees of the District shall observe all safety rules applicable to the premises established by the owner of a facility discharging industrial wastes, and such owner shall be held harmless for injury or death to the District employees, and the District shall indemnify the employees against liability claims and demands for personal injury or property damage asserted against the owner of such a facility and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner of such a facility to maintain safe conditions as required in Article V hereof.

**Section 7.03.** The District and other duly authorized employees or designees of the

District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## **ARTICLE VIII**

### **Penalties**

Section 8.01. Any person found to be violating any provision of this Ordinance, except Article VI, shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory corrections thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 8.02. Any person who shall continue any violation (other than a violation of Section 5.01 hereof), beyond the time limit provided for in Section 8.0 1 shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount no less than Fifty Dollars (\$50) and not exceeding Two Thousand Five Hundred Dollars (\$2,500) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 8.03. Any person violating any of the provisions of this Ordinance shall become liable to the District for any expense, loss or damage occasioned the District by reason of such violation.

Section 8.04.

- (a) Any person violating or suspected of violating Section 5.01 hereof shall be subjected to a penalty of Fifty Dollars (\$50) per month (or fraction thereof in which the violation occurs).
- (b) A person may avoid payment of said penalty by consenting to an inspection described in Section 4.09 hereof, for the purpose of establishing compliance with Section 5.0 1.
- (c) A person consenting to such an inspection and found in violation shall be given ninety (90) days to comply with Section 5.01 without being subject to penalty.

## **ARTICLE IX**

## **Validity**

Section 9.01. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9.02. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

## **ARTICLE X**

### **Ordinance in Force**

Section 10.01. This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

## **ARTICLE XI**

### **Appeals of Provision**

Section 11 .1. Any person who believes himself aggrieved through the enforcement of this Ordinance has the right to seek administrative relief before the Board of the District, and any decision concerning the sewage system of the District may be appealed to a court of competent jurisdiction.

## **ARTICLE XII**

### **Test Procedures**

Section 12.01. All test procedures shall be in accordance with 40 CFR 136 - "Guidelines Establishing Test Procedures for Analysis of Pollutants."  
Passed and adopted by the \_\_\_\_\_ Regional Sewer District Board on the 12th day of January, 2005.

\_\_\_\_\_  
Regional Sewer District Presiding Officer

\_\_\_\_\_  
ATTEST:  
Clerk-Treasurer

Presented by me to the Regional Sewer District Board

on the \_\_th day of \_\_\_\_\_, 2\_\_\_, at o'clock p.m.

This ordinance approved and signed by me on the 12th day of January, 2005, at

\_\_\_\_\_  
Regional Sewer District Presiding Officer

EXAMPLE