

**TITLE V: PUBLIC WORKS**

Chapter

**50. SEWERS**

**51. GARBAGE**



## CHAPTER 50: SEWERS

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***GENERAL PROVISIONS*****§ 50.001 AUTHORITY TO ESTABLISH SEWAGE WORKS.**

The town shall establish, construct, equip, own, operate, and maintain sewage works, together with equipment and appurtenances as may be necessary or convenient for the collection, treatment, purification, and disposal in a sanitary manner of the sewage and industrial wastes of the town, including

acquisition of land, rights-of-way, or other property necessary therefor, either within or outside of the corporate limits of the town, under and pursuant to the Act, as defined in § 50.015. (1991 Code, § 50.10) (Ord. 74-10, passed 12-30-1974)

## § 50.002 DEFINITIONS.

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

***B.O.D.*** Denotes biochemical oxygen demand, and shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

### ***COMPATIBLE/INCOMPATIBLE POLLUTANT.***

(1) ***COMPATIBLE POLLUTANT.*** Includes biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria; but may also include the additional pollutants identified in the NPDES permit, which the treatment works was designed to treat and which the works, in fact, does remove to a substantial degree.

(2) ***INCOMPATIBLE POLLUTANT.*** Any pollutant which is not a compatible pollutant.

***CONTROL MANHOLE.*** A manhole in which periodic tests are conducted to analyze the characteristics of waters and wastes in the sewage system.

### ***GARBAGE/PROPERLY SHREDDED GARBAGE.***

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

(2) ***PROPERLY SHREDDED GARBAGE.*** Garbage shredded to the 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.

***INDUSTRIAL WASTE.*** The liquid waste resulting from any manufacturing or industrial operation or process, trade, or business, as distinct from sanitary sewage.

***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.*** Any industrial user of the treatment works that has a flow of 50,000 gallons or more per average work day; or has a flow greater than 5% of the flow carried by the municipal system receiving the waste; or has in its waste a toxic pollutant in toxic amounts as defined in standards issued under § 307(a) of the Federal Water Pollution Control Amendments of 1972, being

33 USC 1317(a); or is found by the issuing authority of an NPDES permit to have a significant impact, either singly or in combination with other contributing industries, on the treatment works receiving the waste or upon the quality of effluent from that treatment works.

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

**NPDES PERMIT.** Any permit, or equivalent document or requirements, issued to the treatment works after enactment of the Federal Water Pollution Control Amendments of 1972 to regulate the discharge of pollutants pursuant to § 402 of that act, being 33 USC 1342.

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

**SANITARY BUILDING DRAIN.** The part of the lowest horizontal piping of the sanitary drainage system inside the walls of any building, which receives the discharge from soil or waste stacks and branches and conveys the same to a point three feet outside the building walls where it connects with its building sewer.

**SANITARY SEWAGE.** Sewage consisting of the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, and drinking fountains.

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

**SEWAGE TREATMENT WORKS, SEWAGE TREATMENT PLANT, TREATMENT WORKS, WORKS.** Any arrangement of devices and structures established and operated by the town for collecting, pumping, treating, and disposing of sewage. Includes all related structures and property.

**SEWER, BUILDING SEWER, COMBINED SEWER, PUBLIC SEWER, SANITARY SEWER, STORM SEWER, STORM DRAIN.** Any pipe or conduit for carrying sewage.

(1) **BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal.

(2) **COMBINED SEWER.** Any sewer receiving both surface run-off and sewage.

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

(4) **SANITARY SEWER.** A sewer to which storm, surface, and ground waters are not intentionally admitted.

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

**SLUG**. Any discharge of water, sewage, or industrial waste which, for any period longer than 15 minutes, has:

(1) A concentration of any constituent exceeding five times the average concentration of the constituent calculated over a 24-hour period during normal operation; or

(2) A quantity of flow exceeding five times the average quantity of flow calculated over a 24-hour period during normal operation.

**SUPERINTENDENT**. The Superintendent of the Rome City Sewage Works, or his or her authorized deputy, agent, or representative.

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

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

(1991 Code, § 50.01) (Ord. 74-10, passed 12-30-1974; Am. Ord. 76-1, passed 1-21-1976; Am. Ord. 76-2, passed 1-21-1976)

### **§ 50.003 INCORPORATION BY REFERENCE OF CERTAIN PROVISIONS.**

(A) The following sections or subsections of Rome City Ordinance 74-10 are hereby incorporated by reference into this chapter: Sections 2 through 12; 21(a), (b), and (I); and 22.

(B) The provisions of these sections and subsections, and of any ordinance supplemental to the subsections and sections, shall be construed as provisions of this chapter and shall have the same force and effect as though they had been expressly included herein.

(C) Two copies of Rome City Ordinance 74-10, including the sections and subsections and any ordinances supplemental thereto, shall be kept on file in the office of the town Clerk-Treasurer and made available for public inspection.

(D) The above enumerated sections or subsections are expressly saved and preserved, and are not subject to any general repeal of ordinances or provisions as provided by § 10.13 of this code, and shall continue in full force and effect until and unless expressly repealed by an ordinance subsequently enacted pursuant to this chapter.

(1991 Code, § 50.25)

**ADMINISTRATION AND FINANCE****§ 50.015 DEFINITIONS.**

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

**ACT.** I.C. 36-9-23 and all laws supplemental thereto.

**BOND** or **BONDS.** Sewage works revenue bonds issued under authority of certain sections of Rome City Ordinance 74-10 which are incorporated by reference in § 50.003. (1991 Code, § 50.11) (Ord. 74-10, passed 12-30-1974)

**§ 50.016 REVENUES FROM CONNECTION CHARGES AND SEWAGE OPERATIONS.**

Any revenues derived from connection charges and all revenues derived from the operation of the sewage works, and from the collection of sewage rates and charges, shall be kept separate from all other funds and bank accounts of the town. Out of these revenues, the proper and reasonable expenses of operation, repair, and maintenance of the works shall be paid, the principal and interest of all bonds and fiscal agency charges of bank-paying agents shall be paid, and the costs of replacements, extensions, additions, and improvements shall be paid as hereinafter provided. No monies derived from the revenues of the sewage works shall be transferred to the General Fund of the town or be used for any purpose not connected with the sewage works so long as any bonds payable from the revenues of the sewage works are outstanding.

(1991 Code, § 50.12) (Ord. 74-10, passed 12-30-1974)

**§ 50.017 OPERATION AND MAINTENANCE FUND.**

(A) There is hereby created a fund to be known as the Operation and Maintenance Fund, to which Fund there shall be credited, as of the last day of each calendar month, a sufficient amount of the revenues of the sewage works so that the balance in the Fund shall be sufficient to pay the expenses of operation, repair, and maintenance for the succeeding two calendar months.

(B) The monies credited to this Fund shall be used for the payment of the reasonable and proper operation, repair, and maintenance expenses of the sewage works on a day-to-day basis, but none of the monies in the Fund shall be used for depreciation, replacements, improvements, extensions, or additions.

(C) Any balance in the Fund in excess of the expected expenses of operation, repair, and maintenance for the next succeeding month may be transferred to the Sewage Works Sinking Fund, if necessary, to prevent a default in the payment of principal or interest on the outstanding bonds.

(1991 Code, § 50.13) (Ord. 74-10, passed 12-30-1974)



**§ 50.018 SEWAGE WORKS SINKING FUND; SUBSIDIARY ACCOUNTS.**

(A) *Sewage Works Sinking Fund.* There is hereby created a sinking fund for the payment of principal and interest of revenue bonds, which by their terms are payable from the revenues of the sewage works, and the payment of any fiscal agency charges in connection with the payment of bonds and interest coupons, which fund shall be designated the Sewage Works Sinking Fund. There shall be set aside and deposited in the Fund, as available and as hereafter provided, a sufficient amount of net revenues of the sewage works (defined as gross revenues exclusive of recovered grant amounts from industrial users as required by the Environmental Protection Agency, after deduction only for the payment of reasonable expenses of operation, repair, and maintenance) to meet the requirements of the Bond and Interest Account and of the Debt Service Reserve Account hereby created in the Sewage Works Sinking Fund. The payments shall continue until the balance in the Bond and Interest Account plus the balance in the Debt Service Reserve Account equal the principal of, and interest on, all of the then outstanding bonds to the final maturity thereof.

(B) *Subsidiary accounts of Sewage Works Sinking Fund.*

(1) *Bond and Interest Account.* Out of any revenues derived from connection charges and from sewage rates and charges, there shall be credited on the first day of each calendar month to the Bond and Interest Account an amount equal to the sum of one-tenth of the interest on all then outstanding bonds payable on the next succeeding interest payment date, and one-tenth of the amount of principal payable on the then outstanding bonds which will be payable on the next succeeding principal payment date, until the amount of interest and principal payable on the next succeeding principal and interest payment dates shall have been so credited. There shall similarly be so credited to the Account any amount necessary to pay the bank fiscal agency charges for paying principal and interest on the bonds as the same become payable. The town shall, from the sums deposited in the Sewage Works Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient monies to pay the principal and interest on the due dates thereof, together with the amount of bank fiscal agency charges.

(2) *Debt Service Reserve Account.* On the first day of each calendar month after making the credits to the Bond and Interest Account, there shall be credited from available net revenues to the Debt Service Reserve Account the sum of \$551, or a higher amount as may be fixed from time to time by the Town Council. These credits to the Debt Service Reserve Account shall continue until the balance therein is not less than the maximum annual principal and interest requirements of the then outstanding bonds payable from the Sewage Works Sinking Fund. Monies in the Debt Service Reserve Account shall be used to pay current principal and interest on the bonds to the extent that monies in the Bond and Interest Account are insufficient for that purpose. Any deficiencies in credits to the Debt Service Reserve Account shall be promptly made up from the next available net revenues remaining after credits to the Bond and Interest Account. In the event monies in the Debt Service Reserve Account are transferred to the Bond and Interest Account to pay principal and interest on bonds, then the depletion in the balance of the Debt Service Reserve Account shall be made up from the next available net revenues after the credits into the Bond and Interest Account hereinbefore provided for. Any monies in the Debt Service Reserve Account in excess of the maximum annual principal and interest requirements of the then outstanding bonds may be used for the redemption of coupon bonds or

prepayment of installments of principal on fully registered bonds which are then callable and payable, or for the purchase of outstanding bonds or installments of principal of fully registered at a price not exceeding par and accrued interest, or may be transferred to the Sewage Works Improvement Fund.

(1991 Code, § 50.14) (Ord. 74-10, passed 12-30-1974)

#### **§ 50.019 SEWAGE WORKS IMPROVEMENT FUND.**

After meeting the requirements of the Operation and Maintenance Fund and the Sewage Works Sinking Fund, any excess revenues may be transferred or credited to a fund designated the Sewage Works Improvement Fund, and this Fund shall be used for improvements, replacements, additions, and extensions of the sewage works. However, monies in the Sewage Works Improvement Fund shall be transferred to the Sewage Works Sinking Fund, if necessary, to prevent a default in the payment of principal and interest on the then outstanding bonds, or to eliminate any deficiencies in credits to or minimum balance in the Debt Service Reserve Account of the Sewage Works Sinking Fund.

(1991 Code, § 50.15) (Ord. 74-10, passed 12-30-1974)

#### **§ 50.020 BANK ACCOUNTS AND INVESTMENT OF SEWAGE FUNDS.**

The Sewage Works Sinking Fund shall be deposited in and maintained as a separate bank account or accounts apart from all other bank accounts of the town. The Operation and Maintenance Fund and the Sewage Works Improvement Fund may be maintained in a single bank account or accounts, but the bank account or accounts shall likewise be maintained separate from all other bank accounts of the town and apart from the Sewage Works Sinking Fund bank account or accounts. All monies deposited in the bank accounts shall be deposited, held, and secured as public funds in accordance with the public depository laws of this state; provided that the monies may be invested in accordance with applicable laws governing the investment of public funds, and, in the event of an investment, the income therefrom shall become a part of the funds invested and shall be used only as provided in this chapter.

(1991 Code, § 50.16) (Ord. 74-10, passed 12-30-1974)

#### **§ 50.021 ACCOUNTING; FISCAL YEAR; FINANCIAL REPORT TO BONDHOLDERS.**

The town shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected from the works, all disbursements made on account of the works, and all transactions relating to the works. There shall be prepared and furnished to the original purchasers of the bonds and, upon written request, to any subsequent holder of the bonds, not more than 90 days after the close of each fiscal year, a complete operating income and expense statement of the works, covering the preceding fiscal year, and the balance in the funds and accounts created by this chapter. The fiscal year of the sewage works shall be from January 1 to December 31, both inclusive. Copies of all statements and reports, together with all audits of the sewage works made available to the town by the State Board of Accounts or any successor body authorized by law to audit municipal accounts, shall be kept on

file in the office of the Clerk-Treasurer. Any holder of the bonds then outstanding shall have the right, at all reasonable times, to inspect the works and all records, accounts, statements, audits, reports, and data of the town relating to the sewage works. The inspections may be made by representatives duly authorized by written instrument.

(1991 Code, § 50.17) (Ord. 74-10, passed 12-30-1974)

### **§ 50.022 SETTING OF SEWER RATES AND CHARGES.**

The town covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by the works, to be paid by the owner of each and every parcel of real estate or building that is connected with and uses the sewage works by or through any part of the sewerage system of the town, or that in any way uses or is served by the works. The rates or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair, replacement, and maintenance of the works, and for the sums required to be paid into the Sewage Works Sinking Fund by this subchapter and by the Act (as defined in § 50.015). The rates and charges shall, if necessary, be changed and adjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair, and maintenance and the requirements of the Sewage Works Sinking Fund. The rates and charges so established shall apply to any and all use of the works by, and service rendered to, the town and all departments thereof as the charges accrue.

(1991 Code, § 50.18) (Ord. 74-10, passed 12-30-1974)

### **§ 50.023 ISSUANCE OF ADDITIONAL REVENUE BONDS.**

(A) The town shall have the right to authorize and issue additional bonds, payable out of the revenues of its sewage works, ranking on a parity with the bonds herein authorized to complete the planned project or for the purpose of financing the cost of future additions, extensions, and improvements to the sewage works. However, the additional bonds shall only be authorized and issued under the following conditions.

(1) The interest and principal of all bonds payable from the revenues of the sewage works shall have been paid to date in accordance with the terms thereof, and the amounts required to be paid into the Sewage Works Sinking Fund and the accounts thereof shall have been paid.

(2) The net revenues of the sewage works in the fiscal year immediately preceding the issuance of any bonds ranking in parity with the bonds herein authorized shall not be less than 120% of the maximum annual interest and principal requirements of the then outstanding bonds, and of the proposed additional parity bonds to the final date of maturity of the then outstanding bonds. For purposes of this division, the records of the sewage works shall be analyzed and all showings shall be prepared by a certified public accountant retained by the town for that purpose.

(3) The interest on the additional parity bonds shall be payable annually on February 1, and the principal shall be payable annually on February 1 in the years in which principal and interest are payable.

(B) Parity bonds may also be issued to refund less than all of the then outstanding bonds authorized herein or ranking on a parity herewith, but any refunding bonds shall be subject to the conditions of this section, unless the bonds being refunded mature within three months of the date of the refunding and no other funds are available to pay the maturing bonds. In computing the maximum annual interest and principal requirements pursuant to division (A)(2) above, the interest on and principal of the refunding bonds shall be substituted for the interest on and principal of the bonds being refunded. Except as provided in this section, and so long as any of the bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of the sewage works shall be authorized, executed, or issued by the town, except as shall be made subordinate and junior in all respects to the bonds herein authorized, or unless all of the bonds herein authorized have been duly called for redemption, and sufficient funds to effect the redemption and retirement have been deposited at the place of redemption on the date fixed for redemption in accordance with the terms and conditions of the bonds and of this chapter.

(1991 Code, § 50.19) (Ord. 74-10, passed 12-30-1974)

#### **§ 50.024 INSURANCE ON SEWAGE WORKS PROPERTY.**

So long as any of the bonds herein authorized are outstanding, the town shall maintain insurance on the insurable parts of the works of a kind and in an amount that would normally be carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of this state. Insurance proceeds shall be used in replacing or repairing the property destroyed or damaged, or else shall be deposited in the Sewage Works Sinking Fund and credited to the Debt Service Reserve Account.

(1991 Code, § 50.20) (Ord. 74-10, passed 12-30-1974)

#### **§ 50.025 RESTRICTION ON ENCUMBRANCE OR DISPOSITION OF SEWAGE WORKS PROPERTY.**

So long as any of the bonds are outstanding, the town shall not mortgage, pledge, or otherwise encumber the works, or any part thereof, nor shall it sell, lease, or otherwise dispose of any portion thereof, except equipment or property which becomes worn-out, obsolete, or no longer suitable for use in the sewage works.

(1991 Code, § 50.21) (Ord. 74-10, passed 12-30-1974)

#### **§ 50.026 MANDATORY SEWER CONNECTION.**

The town shall take all action or proceedings necessary and proper to require connection of all property where liquid and solid waste, sewage, night soil, or industrial waste is produced with available sanitary sewers. The town, insofar as possible, shall cause all the sanitary sewers to be connected with the sewage works.

(1991 Code, § 50.22) (Ord. 74-10, passed 12-30-1974)

**§ 50.027 MAINTENANCE AND EFFICIENT OPERATION OF SEWAGE WORKS.**

The town shall at all times maintain its sewage works in good condition and operate the same in an efficient manner and at a reasonable cost.

(1991 Code, § 50.23) (Ord. 74-10, passed 12-30-1974)

**§ 50.028 RESTRICTION ON REPEAL AND AMENDMENT; CONSENT OF BONDHOLDERS.**

(A) The provisions of this chapter, including the provisions incorporated by reference into this chapter by § 50.003, shall constitute a contract by and between the holders of the sewage works revenue bonds herein authorized, and, after the issuance of the bonds, this chapter shall not be repealed or amended in any respect which will adversely affect the rights of the bondholders, nor shall the Town Council adopt any ordinance or resolution which in any way adversely affects those rights, so long as any of the bonds or the interest thereon remain unpaid. However, subject to the restrictions hereafter provided, with the consent and approval, by written instrument to be maintained on file in the office of the town Clerk-Treasurer, of the holders of not less than 75% in aggregate principal amount of the bonds then outstanding, the town may adopt the ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable for the purpose of amending, adding to, or repealing any provision included or incorporated by reference in this chapter, or in any supplemental ordinance, provided that the effect thereof does not:

- (1) Extend the maturity of principal or interest on any bond issued pursuant to this chapter;
- (2) Reduce the principal amount of any bond or the redemption premium or rate of interest thereon;
- (3) Create a lien upon or a pledge of the revenues of the sewage works ranking prior to the pledge thereof created by this chapter;
- (4) Create a preference or priority of any bond or bonds over any other bond or bonds issued pursuant to the provisions of this chapter; and/or
- (5) Reduce the aggregate principal amount of the bonds required for consent to the adoption of the supplemental ordinance.

(B) Furthermore, notwithstanding the foregoing restrictions, the rights and obligations of the town and the holders of the bonds, the terms and provisions of the bonds, or the provisions of this chapter or of any supplemental ordinance, may be altered in any respect with the consent of the town and the consent of the holders of all of the then outstanding bonds issued pursuant to this chapter. When a supplemental ordinance is adopted in accordance with the provisions and restrictions of this section, no holder of any bond issued pursuant to this chapter shall have any right to object to the adoption of the supplemental ordinance, nor to any of the terms and provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this chapter, or any provision incorporated by reference, shall be deemed modified and amended in accordance therewith, and the

respective rights, duties, and obligations of the town and of all holders of bonds then outstanding issued pursuant to this chapter shall thereafter be determined, exercised, and enforced in accordance with the modifications and amendments.

(1991 Code, § 50.24) (Ord. 74-10, passed 12-30-1974)

### ***CONNECTION AND USAGE REGULATIONS***

#### **§ 50.040 CONNECTION PERMIT REQUIRED.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof for the purpose of constructing, installing, connecting, or operating any building sewer without obtaining a written permit as provided in this subchapter.

(1991 Code, § 50.35) (Ord. 76-2, passed 1-21-1976; Am. Ord. 83-7, passed 10-3-1983) Penalty, see § 50.999

#### **§ 50.041 CLASSES OF BUILDING SEWER PERMIT; APPLICATION PROCEDURE; FEE.**

(A) There shall be two classes of building sewer permits: a Class 1 permit shall be for residential and commercial service when no industrial waste is produced; and a Class 2 permit shall be for service to establishments producing industrial wastes.

(B) In either case, the owner, or his or her agent, shall make application on a special form to be furnished by the town Clerk-Treasurer. The completed application shall be submitted to the Inspector for his or her approval and endorsement and shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. When the application is approved and endorsed by the Inspector, it shall be returned by the applicant to the Clerk-Treasurer for filing.

(C) A permit and inspection fee of \$25 for a Class 1 building sewer permit and \$50 for a Class 2 building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

(D) The tap on fee of \$500 for a Class 1 and a Class 2 building sewer permit is due when the application is endorsed and filed and shall thereafter constitute a valid permit for the applicant to proceed with the construction and installation of the building sewer, subject to final inspection and supervision of the actual connection with the public sewer as provided by § 50.044 of this chapter.

(E) All final inspections shall be scheduled through the town hall with a minimum of 24-hour notice.

(F) Immediately following the final inspection and supervision of the building sewer and its connection to the public sewer, the Inspector, or his or her representative, making the inspection and supervision of the connection shall, if he or she finds the same to be satisfactory and in accordance with the specifications of the permit application, endorse his or her signature upon the application on file in

the office of the Clerk-Treasurer that the inspection and connection have been made and found satisfactory, and the building sewer shall thereafter be considered operational for the disposal of sewage and for the billing user charges for the use of the public sewer.

(1991 Code, § 50.36) (Ord. 76-2, passed 1-21-1976; Am. Ord. 83-7, passed 10-3-1983)

#### **§ 50.042 CRITERIA FOR PRELIMINARY APPROVAL OF BUILDING SEWER PERMIT.**

Based on the application and supplementary materials, the Inspector shall, before endorsing the application, determine to his or her satisfaction that:

(A) The applicant has applied for the proper class of building sewer permit;

(B) No discharge through the building sewer will be made into the public sewer of sewage or wastes which constitute an incompatible pollutant; nor of waters which may not be discharged into the public sewer under the provisions of § 50.045; nor of hazardous or damaging substances prohibited by § 50.046; nor of any waters, wastes, or substances, or quantities thereof, which would not be considered acceptable for discharge into the public sewer by the Superintendent, pursuant to § 50.047;

(C) The intended design, materials, and method of construction of the building sewer system conform to all requirements and specifications for the systems as set forth in § 50.043 or § 50.050 of this chapter, or applicable provisions of the town Building Code; and

(D) If the intended user of the building sewer is, or likely will be, subject to sewer user charges based on a metered rate of flow volume as provided by " 50.070 through 50.076, that provision has been made for the installation of a suitable metering device to measure the volume of flow through the building sewer into the public sewer.

(1991 Code, § 50.37) (Ord. 76-2, passed 1-21-1976; Am. Ord. 83-7, passed 10-3-1983)

#### **§ 50.043 DESIGN AND CONSTRUCTION REQUIREMENTS FOR BUILDING SEWERS.**

The design, construction, and connection of building sewers are required to conform to the following specifications and criteria for approval.

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

(B) A separate and independent building sewer shall be provided for every building; however, 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.

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

(D) 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 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.F. Manual of Practice No. 9 shall apply.

(1) All new construction must install a backflow regulator.

(2) Sewer lines must be laid over a sand or gravel base of eight inches.

(3) The pipes must be schedule 35 or 40 and all joints must be gasketed or glued.

(4) All sewer lines shall have a clean out at grade level and an additional clean out for every 100 feet.

(a) If installation of a sewer requires an outside grinder station to be dedicated to the town, then the station must be constructed to town specifications. These specifications can be obtained from the Town Engineer.

(b) The town requires a certified 15-foot easement for all new grinder stations. This easement shall be surveyed and recorded.

(E) 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.

(F) No person shall make connection of roof downspouts, 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.

(G) The connection of the building sewer into the public sewer shall conform to the requirements of the Building 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 No. 9. All connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(H) (1) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units.



(2) All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

(I) The installation and operation of any garbage grinder equipped with a motor of three-fourth horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

(J) No person shall make a new connection unless there is adequate capacity in all downstream sewers, force mains, lift stations, and treatment plants, including B.O.D. and suspended solids capacity.

(K) (1) All excavations for building sewer installations shall be adequately guarded with barricades and lights to protect the public from hazard.

(2) Streets, sidewalks, and other public property disturbed in the course of the work must be restored in a manner satisfactory to the town.

(1991 Code, § 50.38) (Ord. 76-2, passed 1-21-1976) Penalty, see § 50.999

#### **§ 50.044 FINAL INSPECTION AND APPROVAL OF INSTALLATION.**

The applicant for the building sewer permit shall notify the town hall when the building sewer is ready for inspection and connection to the public sewer. The town hall will then schedule the final inspection within 24 hours of the notification. For the inspection to take place, the sewer line trench must be open and the whole length of the pipe visible. This will allow the Inspector to take pictures and measurements for the sewer records. The connection to the public sewer must be made under the supervision of the Inspector or his or her representative. The Inspector or representative shall then give final endorsement to the application as provided by § 50.041.

(1991 Code, § 50.39) (Ord. 76-2, passed 1-21-1976) Penalty, see § 50.999

#### **§ 50.045 CONTROLLED DISCHARGE OF UNCONTAMINATED WATERS.**

(A) No person shall discharge, or cause to be discharged, any stormwater, surface water, ground water, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to sewers specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged with the approval of the Superintendent to a storm sewer, combined sewer, or natural outlet.

(1991 Code, § 50.40) (Ord. 76-2, passed 1-21-1976) Penalty, see § 50.999

**§ 50.046 DISCHARGE OF CERTAIN SUBSTANCES PROHIBITED.**

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

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

(B) Any waters or wastes containing toxic solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to interfere with or injure 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 treatment plant;

(C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works; and/or

(D) 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, including, but not limited to, diapers, sanitary products, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

(1991 Code, § 50.41) (Ord. 76-2, passed 1-21-1976) Penalty, see § 50.999

**§ 50.047 ADDITIONAL REGULATION OF DISCHARGES BY SUPERINTENDENT.**

(A) No person shall discharge, or cause to be discharged, the following described substances, materials, waters, or wastes, if it appears likely, in the opinion of the Superintendent, that the wastes can harm either the sewers, sewage treatment process, or equipment; would have an adverse effect on the receiving stream; can endanger life, limb, or public property; constitute a nuisance; or would cause the town to violate its NPDES permit. In forming his or her opinion as to the acceptability of these wastes, the Superintendent will give consideration to factors such as quantities of subject wastes in relation to flows and velocities in the sewers; the nature of the sewage treatment process, capacity of the treatment plant, and the degree of treatability of the wastes in the plant; and other pertinent factors. Any exercise of the discretionary powers conferred on the Superintendent by this section to prohibit, restrict, or regulate the discharge of the wastes herein described shall be implemented and promulgated in the manner prescribed by § 50.048 of this chapter.

(B) The substances which may be prohibited, restricted, or regulated at the discretion of the Superintendent are:

(1) Any liquid or vapor having a temperature higher than 150°F (65°C);

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

(3) Any garbage that has not been properly shredded;

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

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to a degree that any material received in the composite sewage at the treatment works exceeds the limits established by the Superintendent;

(6) Any waters or wastes containing phenols or other taste or odor-producing substances, in concentrations exceeding limits established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies having jurisdiction over the discharges to the receiving waters;

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

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

(9) Any materials which exert or cause:

(a) Unusual concentration of inert suspended solids, including, but not limited to, fuller's earth, lime slurries, and lime residues, or of dissolved solids, including, but not limited to, sodium chloride and sodium sulfate;

(b) Excessive discoloration, including, but not limited to, dye wastes and vegetable tanning solutions;

(c) Unusual B.O.D., chemical oxygen demand, or chlorine requirement in quantities so as to constitute a significant load on the treatment works; and/or

(d) Unusual volume of flow or concentrations of wastes constituting slugs, as defined in § 50.002.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the treatment process employed, or are treatable only to a degree that the treatment plant effluent cannot meet the requirements of agencies having jurisdiction over the receiving waters. (1991 Code, § 50.42) (Ord. 76-2, passed 1-21-1976; Am. Ord. 83-7, passed 10-3-1983) Penalty, see § 50.999

**§ 50.048 SUPERINTENDENT'S DUTY TO ISSUE ORDERS.**

(A) If the Superintendent discovers or determines that any waters or wastes are being discharged, are proposed to be discharged, or are likely to be discharged by any individual sewer user, or by any identifiable class of sewer users, or by any and all sewer users in general and in the aggregate, and the waters or wastes contain the substances, possess the characteristics, or are being or will be discharged in the quantities as enumerated in § 50.047, and which, in the judgment of the Superintendent, do or may have any of the deleterious effects described in § 50.047, he or she shall issue and cause to be served or promulgated a written order to the individual user, class of users, or all users in general, as he or she may deem most suitable to alleviate or prevent the problem, in the manner hereafter provided. In the order, the Superintendent may:

(1) Prohibit the continued, proposed, or anticipated discharge of the wastes;

(2) Require pretreatment to an acceptable condition, or a means of controlling and equalizing quantities and rates of discharge, as a requisite for permitting further or future discharge of the waste, and providing also that design and installation of equipment to accomplish these purposes be subject to his or her review and approval; and/or

(3) Prohibit or restrict the further or future discharge of the wastes, subject to the deadlines as he or she may deem necessary and fair, pending the execution of an agreement between the user and the Town Council providing for the payment by the user of extra fees or charges to cover the added cost of handling and treating the wastes to the extent that the same are not covered by existing taxes or sewer charges, as provided by § 50.045.

(B) A written order issued pursuant to this section shall state or indicate the individual users or class of users to which it is intended to apply, or that it applies to all users generally; the specific substance, character, or quantity of discharge to which the order applies; the specific nature of the restriction or regulation being imposed by the order; the date and time when the order shall take effect, which shall allow a reasonable time for compliance, unless any continuation of the discharge would pose an imminent and substantial risk of harm to persons, property, or the environment; and that the order is issued by the Superintendent under authority of this section, and failure to comply will result in penalties or other costs as provided in this chapter.

(1991 Code, § 50.43) (Ord. 76-2, passed 1-21-1976; Am. Ord. 83-7, passed 10-3-1983) Penalty, see § 50.999

**§ 50.049 SERVICE OF ORDER; NONCOMPLIANCE.**

(A) A written order issued pursuant to § 50.048 shall not be effective upon any sewer user until it is served or promulgated, which may be done in any of the following manners as is most expeditious in the particular case. The order may be served or promulgated by:

(1) A copy of the order being delivered by the Superintendent to the user, or his or her agent, in person;

(2) A copy of the order being sent by registered mail with return certificate of delivery, which certificate shall constitute presumptive evidence that the order was received by the user, or his or her agent;

(3) A copy of the order being enclosed with the next sewer charge billing sent to all users to whom the order applies, with payment of the bill being presumptive evidence that the order was received;

(4) Publication at least one time in a newspaper of general circulation within the town of either of the following forms; the publication in either form being deemed evidence that the issuance and character of the order are matters of common public knowledge:

(a) A public notice setting forth the order; or

(b) A news story which includes all of the substantive information contained in the order as previously described.

(5) Whenever application is made for a new sewer connection permit as provided in § 50.041, the Inspector, prior to approving and signing the application, shall attach, thereto, copies of any orders issued pursuant to § 50.048 which would apply to the use of the public sewer by the applicant, and the subsequent execution and filing of the application shall be presumptive evidence that the order was received by the user, or his or her agent; or

(6) Serving specific notice of violation upon the user in the manner provided by § 50.056.

(B) When an order has been issued by the Superintendent, and has been served or promulgated in the manner herein provided, any person to whom the order applies and who discharges or continues to discharge any sewage to the public sewer in contravention of the order shall be considered in violation of this chapter and subject to immediate citation and prosecution therefor, whether or not the notice procedure prescribed by § 50.056 has been invoked.

(1991 Code, § 50.44) (Ord. 76-2, passed 1-21-1976; Am. Ord. 83-7, passed 10-3-1983) Penalty, see § 50.999

#### **§ 50.050 CONTROL MANHOLE FOR INDUSTRIAL WASTES.**

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 the 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 the plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(1991 Code, § 50.45) (Ord. 76-2, passed 1-21-1976) Penalty, see § 50.999

**§ 50.051 MEASUREMENTS AND TESTING FOR WATERS AND WASTE.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and in accordance with the regulations contained in 40 C.F.R. § 136, Guidelines Establishing Test Procedures for Analysis of Pollutants, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analysis 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.

(1991 Code, § 50.46) (Ord. 76-2, passed 1-21-1976)

**§ 50.052 MAINTENANCE OF PRELIMINARY TREATMENT AND FLOW-EQUALIZING FACILITIES.**

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

(1991 Code, § 50.47) (Ord. 76-2, passed 1-21-1976) Penalty, see § 50.999

**§ 50.053 AUTHORIZED INSPECTIONS; INDEMNITY BY TOWN.**

(A) The Superintendent, Inspector, and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. However, the Superintendent, or his or her representatives, shall have no authority to inquire into any industrial processes 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 above, the Superintendent, or duly authorized employees of the town, shall observe all safety rules applicable to the premises established by the company; the company shall be held harmless for injury or death to the town's employees; and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions.

(1991 Code, § 50.48) (Ord. 76-2, passed 1-21-1976)

**§ 50.054 RIGHT OF ACCESS TO TOWN EASEMENTS.**

The Superintendent, and other duly authorized employees of the town bearing proper credentials and identification, shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within 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.

(1991 Code, § 50.49) (Ord. 76-2, passed 1-21-1976)

**§ 50.055 SPECIAL AGREEMENTS ALLOWED.**

No regulation contained in this chapter 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.

(1991 Code, § 50.50) (Ord. 76-6, passed 1-21-1976)

**§ 50.056 VIOLATIONS.**

(A) Any person found to be violating any provision of this subchapter shall be served by the Town Council 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. For the purposes of administering this section, the Superintendent, the Inspector, or the Town Marshal shall promptly submit to the Town Council a report of any person or activity which they believe to be in violation of this chapter, including a statement of the facts and circumstances necessary to substantiate the allegation. The notice of violation provided for in this section shall not be required to be issued by the Town Council when the violation is a violation of an order which has been previously issued by the Superintendent and has been otherwise served or promulgated pursuant to § 50.049 of this chapter. The Town Council shall direct the Superintendent, Inspector, or Town Marshal, within 48 hours following the expiration of the compliance period stated in the notice, to inspect or otherwise investigate the matter to determine that the violation has been corrected and has ceased.

(B) If the Town Council finds that any person has continued any violation beyond the time limit provided for in the notice, or has violated an order of the Superintendent previously served or promulgated pursuant to § 50.049 of this chapter, the Town Council shall issue, or cause to be issued and served upon the violator, a citation for violation of this chapter.

(C) Any violator on conviction thereof shall be fined in an amount as set forth in § 50.999 for each violation. Each day in which any violation continues shall be deemed a separate offense.

(1991 Code, § 50.51) (Ord. 76-2, passed 1-21-1976; Am. Ord. 83-7, passed 10-3-1983)

**RATES AND CHARGES**

**§ 50.070 ESTABLISHMENT OF RATES AND CHARGES.**

For the use of and the service rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building connected with and discharging sanitary sewage, commercial and industrial waste, water, or other liquids, either directly or indirectly, into the sanitary sewage system of the town, which rates and charges shall be payable as hereinafter provided.

(1991 Code, § 50.60) (Ord. 76-1, passed 1-21-1976)

**§ 50.071 SCHEDULE OF RATES AND CHARGES.**

For the use of and the service rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building as connected with the town sanitary sewage, commercial and industrial waste, water, or other liquids, either directly or indirectly, into the sanitary sewage system of the town, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows.

(A) *Schedule of monthly rates and charges.*

<i>User Charges</i>	<i>Treatment and Collection</i>	<i>Billings</i>	<i>Total</i>
<b>Residential</b>			
Each single family residence/unit	\$43.50	\$1.50	\$45.00
<b>Commercial</b>			
Retail Establishments:			
First three employees	\$43.50	\$1.50	\$45.00
Each additional employee	\$7.90	-	\$7.90
Professional Offices:			
First three employees	\$43.50	\$1.50	\$45.00
Each additional employee	\$7.90	-	\$7.90
Restaurants, Drive-ins, Bars, Taverns, and Organizations With Eating and/or Drinking Facilities:			



<i>User</i>	<i>Treatment and Collection</i>	<i>Billings</i>	<i>Total</i>
First two employees	\$43.50	\$1.50	\$45.00
Each additional employee	\$10.60	-	\$10.60
Beauty/Barber Shop:			
First employee	\$43.50	\$1.50	\$45.00
Each additional employee	\$15.85	-	\$15.85
Gasoline Service Station:			
Without car wash	\$67.65	\$1.50	\$69.15
With car wash- add per automatic wash bay	\$91.00	-	\$91.00
Car Wash: (Automatic)			
First car wash bay	\$91.00	\$1.50	\$92.50
Each additional car wash bay	\$91.00	-	\$91.00
Car Wash: (Manual)			
First car wash bay	\$43.50	\$1.50	\$45.00
Each additional car wash bay	\$43.50	-	\$43.50
Laundromats:			
First four washers	\$80.50	\$1.50	\$82.00
Each additional washer	\$17.15	-	\$17.15
Shop in Residence:	\$75.15	\$1.50	\$76.65
Event Center	\$191.40	\$1.50	\$192.90
<b>Institutional</b>			
Schools:			
First 25 students	\$43.50	\$1.50	\$45.00
Each additional student	\$1.26	-	\$1.26
Day Care:			
First five pupils enrolled	\$43.50	\$1.50	\$45.00
Each additional pupil enrolled	\$1.26	-	\$1.26

## Rome City - Public Works

<i>User</i>	<i>Treatment and Collection</i>	<i>Billings</i>	<i>Total</i>
<b>Institutional (Cont'd)</b>			
Churches, Lodges, and Veterans Organizations:			
Without eating or drinking facilities per each 200 members, or a fraction thereof	\$43.50	\$1.50	\$45.00
With eating or drinking facilities per each 200 members, or a fraction thereof	\$58.30	\$1.50	\$59.80
<b>Governmental</b>			
Governmental Offices and Facilities:			
First three employees	\$43.50	\$1.50	\$45.00
Each additional employee	\$7.90	-	\$7.90
<b>Industrial</b>			
Manufacturing: (Domestic use only)			
First three employees	\$43.50	\$1.50	\$45.00
Each additional employee	\$7.90	-	\$7.90
Process Flow:			
Must be on metered rate			
<b>Large Volume Metered Users</b>			
Treatment rate per 1,000 gallons of usage per month	\$3.10	-	\$3.10
<b>PLUS</b>			
Base rate per month:			
Up to 250,000 gallons of average flow per month for the previous calendar year	\$808.33	\$28.33	\$836.66
Each additional 5,000 gallons of average flow per month for the previous calendar year	\$15.49	-	\$15.49
Note: The title "employee" in the above schedule of rates and charges is intended to encompass both part-time and full-time employees.			

(B) *Tap connection fee.* Except as otherwise provided herein, a tap connection fee shall be collected from each customer prior to connecting to the sewer system to recover the physical costs of connecting the customer's service line to the system. The tap connection fee shall be in the amount of \$500.

(C) *System development charge.* Except as otherwise provided herein, a system development charge shall be collected from each customer prior to connecting to the sewer system as a contribution of capital toward existing plant facilities necessary to meet the service needs of new customers to which such fees apply. The Town Council now finds that such fee is a reasonable and equitable pro-rata cost for providing sewer availability to the property owners of the town. The system development charge shall be in the amount of \$345 per single family equivalent residence/unit.



(D) *Inspection/meter charge.* An inspection fee of \$100 shall be charged for the inspection of all connections to the municipal sewage works, including replacement of existing connections.

(E) *Delinquent payment charge.* As provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and penalty of 10% of the outstanding amount due and owing shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at the 25th day of each month.

(1991 Code, § 50.61) (Ord. 76-1, passed 1-21-1976; Am. Ord. 82-10, passed 12-9-1982; Am. Ord. 83-7, passed 10-3-1983; Am. Ord. 85-5, passed 2-3-1986; Am. Ord. 89-03, passed 6-5-1989; Am. Ord. 97-06, passed 7-14-1997; Am. Ord. 04-13, passed 10-11-2004; Am. Ord. 07-05, passed 5-14-2007; Am. Ord. 2010-11, passed 9-13-2010; Am. Ord. 2018-1, passed 8-13-2018; Am. Ord. 2019-03, passed 3-11-2019)

#### **§ 50.072 RATE ADJUSTMENT FOR INDUSTRIAL WASTE DISCHARGE.**

(A) This section applies only to sewer users discharging a process flow consisting of industrial wastes. In order that the rates and charges may be justly and equitably adjusted to the service rendered, the town shall base its charges not only on a flat rate system, but also on the strength and character of the sewage and wastes which it is required to treat and dispose of. The town shall require the owner or other user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the sanitary sewage system, in the manner and by the 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 owner or other user shall furnish a central sampling point available to the town at all times.

(B) Extra charges for treatment based on the strength of the sewage and liquid wastes shall be made on the following basis.

(1) *Rate surcharge based on suspended solids.* There shall be an additional charge of \$0.02 per pound of suspended solids in excess of 250 milligrams per liter of fluid.

(2) *Rate of surcharge based on B.O.D.* There shall be an additional charge of \$0.04 per pound of biochemical oxygen demand in excess of 200 milligrams per liter of fluid.

(3) *Rate surcharge based on phosphorus.* There shall be a charge of \$0.45 per pound of phosphorus in excess of 10 milligrams per liter of fluid.

(C) To determine the strength of the sewage and wastes, sampling and analysis shall be made from time to time whenever it is deemed desirable by the town. These analyses shall conform to 40 C.F.R. § 136, Guidelines Establishing Test Procedures for Analysis of Pollutants. After charges have been established based upon the strength of sewage and wastes, the owner may request reconsideration of these charges by the town by submitting analysis of composite samples of the sewage and wastes subject to the charges, certified by a registered engineer or a qualified graduate chemist. The town may then adjust the charges to the rates required by the analysis, or may recheck the findings by additional sampling and analysis. Requests for rate adjustments by the owner may be submitted no more often than once every 12 months. For the purposes of this section, the term owner shall be construed to mean the person responsible for paying the monthly sewer charges herein provided. The determination of suspended solids, five-day B.O.D., and phosphorus 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 Waterworks Association, and the Water Pollution Control Federation.

(1991 Code, § 50.62) (Ord. 76-1, passed 1-21-1976; Am. Ord. 83-7, passed 10-3-1983)

### § 50.073 INDUSTRIAL COST RECOVERY CHARGE.

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

**INDUSTRIAL USER.** Any nongovernmental user of the treatment works identified in the Standard Industrial Classification Manual, 1982, Office of Management and Budget, as amended and supplemented, under the following divisions: Division A: Agriculture, Forestry, and Fishing; Division B: Mining; Division D: Manufacturing; Division E: Transportation, Communications, Electric, Gas, and Sanitary Services; and Division I: Services. However, a user in any of the divisions listed is excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

(B) Any industrial user that converts to the wastewater collection and treatment system shall be responsible for paying the industrial cost recovery charges as defined in 40 C.F.R. pt. 35.905-6, and in accordance with the regulations set forth in 40 C.F.R. pt. 35.928-1 and 2, except that the period shall be 40 years. The industrial cost recovery charge owed by any industrial user shall be computed on the following basis: the total federal grant is \$2,272,350; the estimated useful life of the system is 30 years; therefore, the yearly federal payback is  $\$2,272,350/30 = \$75,745$  per year. Therefore, that proportion of treatment plant use attributable to the industrial user based on flow, i.e., the ratio of the industrial user's flow to the total flow processed by the plant, is then multiplied by \$75,745 to determine the yearly industrial cost recovery payment to the town by the industrial user. The town shall retain 50% of the industrial cost recovery payment per year, and the remainder shall be paid to the United States Treasury each year, based on the yearly calculations.

(1991 Code, § 50.63) (Ord. 76-1, passed 1-21-1976; Am. Ord. 83-7, passed 10-3-1983)

**§ 50.074 BILLING TENANT IN LIEU OF OWNER.**

(A) Except for billings to multiple users, including apartment houses, mobile home courts, and housekeeping rooms, rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owners, but the account shall stay in the owner=s name and shall in no way relieve the owner from liability in the event payment is not made as herein required.

(B) The owners of the properties served which are occupied by tenants shall have the right to examine the collection records of the town for the purpose of determining whether the rates and charges have been paid by tenants, provided that the examinations are made at the office at which the records are kept and during the hours that the office is open for business.

(1991 Code, § 50.64) (Ord. 76-1, passed 1-21-1976)

**§ 50.075 ANNUAL COST ANALYSIS AND RATE STUDY REQUIRED.**

(A) In order that the sewer service rates and charges for sewage service be 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 rate study to be made when deemed necessary.

(B) The study shall include, but not be limited to, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for operation and maintenance, replacements, debt service requirements or reduction and capital improvements to the waste treatment systems, and an analysis of the costs associated with the treatment of excessive strength of any influents from industrial users, volumes, and flow rates based on actual data from each user class.

(C) This study is to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage service on a continuing basis.

(D) The study shall be conducted by officers and/or employees of the town, or by a firm of certified public accountants and/or a firm of consulting engineers having experience in these studies.

(1991 Code, § 50.65) (Ord. 76-1, passed 1-21-1976)

**§ 50.076 REGULATION OF RATES AND CHARGES.**

The town shall make and enforce the bylaws and regulations as may be deemed necessary for the regulation, collection, rebating, and refunding of sewer rates and charges.

(1991 Code, § 50.66) (Ord. 76-1, passed 1-21-1976)

***PRIVATE SEWAGE DISPOSAL*****§ 50.090 UNLAWFUL DISCHARGE OF SEWAGE AND POLLUTED WATERS.**

It is unlawful to discharge upon the ground, or to any natural outlet within the town, or in any area under the jurisdiction of the town, any human or animal excrement, sewage, or other polluted wastes, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter or " 50.040 *et seq.*

(1991 Code, § 50.75) (Ord. 76-2, passed 1-21-1976) Penalty, see § 50.999

**§ 50.091 MANDATORY CONNECTION TO SEWER.**

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the town, is hereby required, at his or her expense, to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer, in accordance with the provisions of " 50.040 *et seq.*, within 90 days after date of official notice to do so, provided that the public sewer is within 300 feet of the property line. Where a public sanitary or combined sewer is not available as provided above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter.

(1991 Code, § 50.76) (Ord. 76-2, passed 1-21-1976) Penalty, see § 50.999

**§ 50.092 CONSTRUCTION PERMIT FOR PRIVATE SEWAGE SYSTEM.**

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Sewage Works Superintendent or authorized deputy. The application for the permit shall be made on a form furnished by the town Clerk-Treasurer, which the applicant shall supplement by any plans, specifications, and other information deemed necessary by the Superintendent. The signed application shall then be returned to the Clerk-Treasurer for filing. A permit fee shall be paid to the town at the time the application is filed. Following his or her inspection and approval of the final installation as provided in § 50.094 of this chapter, the Superintendent shall endorse his or her certificate of final inspection and approval upon the application on file in the office of the Clerk-Treasurer, and the same shall thereafter constitute a valid permit to maintain and operate the private sewage disposal system, subject to the provisions of this chapter.

(1991 Code, § 50.77) (Ord. 76-2, passed 1-21-1976; Am. Ord. 83-7, passed 10-3-1983) Penalty, see § 50.999

**§ 50.093 MINIMUM DESIGN REQUIREMENTS.**



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 5,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (1991 Code, § 50.78) (Ord. 76-2, passed 1-21-1976) Penalty, see § 50.999

#### **§ 50.094 INSPECTION AND APPROVAL OF SYSTEM.**

(A) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent.

(B) He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered.

(C) The inspection shall be made within 72 hours of the receipt of notice by the Superintendent. (1991 Code, § 50.79) (Ord. 76-2, passed 1-21-1976)

#### **§ 50.095 SANITARY OPERATION AND MAINTENANCE REQUIRED.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town. (1991 Code, § 50.80) (Ord. 76-2, passed 1-21-1976) Penalty, see § 50.999

#### **§ 50.096 WHEN ABANDONMENT OF SYSTEM REQUIRED.**

(A) Within 90 days of a public sewer becoming available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer, in compliance with “ 50.040 *et seq.*, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge, and filled with clean bank-run gravel or dirt.

(B) However, users having a grinder pump installation, or a grinder pump connection on their property, may continue septic tanks in service on an auxiliary back-up basis only. (1991 Code, § 50.81) (Ord. 76-2, passed 1-21-1976) Penalty, see § 50.999

#### **§ 50.097 UNLAWFUL CONSTRUCTION AND MAINTENANCE OF SEWAGE DISPOSAL FACILITY.**

Except as provided here in this subchapter, 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. (1991 Code, § 50.83) (Ord. 76-2, passed 1-21-1976) Penalty, see § 50.999

**§ 50.098 APPLICABILITY OF OTHER LAWS AND REGULATIONS.**

Nothing in this chapter shall be construed to replace, supersede, or interfere with the applicability of any other laws and regulations imposed on and governing private sewage disposal, including, but not limited to, those of the Indiana or Noble County Board of Health, the Indiana Stream Pollution Control Board, the U.S. Environmental Protection Agency, or the town Zoning and Subdivision Control Regulations Ordinances.

(1991 Code, § 50.84) (Ord. 76-2, passed 1-21-1976)

**§ 50.099 VIOLATIONS AND PENALTIES.**

(A) (1) Any person found to be violating any provision of this subchapter shall be served by the Town Council with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

(2) The offender shall, within the period of time stated in the notice, permanently cease all violations.

(3) For the purposes of administering this section, the Superintendent, the Inspector, or the Town Marshal shall promptly submit to the Town Council a report of any person or activity which they believe to be in violation of this subchapter, including a statement of the facts and circumstances necessary to substantiate the allegation.

(4) The Town Council shall direct the Superintendent, Inspector, or Town Marshal, within 48 hours following the expiration of the compliance period stated in the notice, to inspect or otherwise investigate the matter to determine that the violation has been corrected and has ceased.

(B) (1) If the Town Council finds that any person has continued any violation beyond the time limit provided for in the notice, they shall issue, or cause to be issued and served upon the violator, a citation for violation of this subchapter.

(2) Any violator on conviction thereof shall be fined as set forth in § 50.999 for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

(1991 Code, § 50.85) (Ord. 76-2, passed 1-21-1976; Am. Ord. 83-7, passed 10-3-1983)

**§ 50.999 PENALTY.**

In addition to the enforcement provisions set forth in §§ 50.056 and 50.099 of this chapter, any violator of this chapter, upon conviction thereof, shall be fined in an amount as set forth in § 10.99 of this code of ordinances for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

(1991 Code, § 50.99)

## CHAPTER 51: GARBAGE

### Section

- 51.01 Definitions
- 51.02 Unlawful disposition of waste
- 51.03 Permitted disposition of waste
- 51.04 Authorized refuse containers
- 51.05 Refuse contaminated by disease
- 51.06 Placement of trash and refuse containers

- 51.99 Penalty

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

*Automobile Graveyards and Junk Yards, see §§ 93.15 et seq.*

*Open burning on roadways prohibited, see § 96.01*

### **§ 51.01 DEFINITIONS.**

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

***CAR PARTS OR OTHER REFUSE.*** Matter that includes parts of motor vehicles, refrigerators, stoves, ovens, and other metal or steel fiberglass, or similarly constructed body container or other parts, used or to be used, as the part of transportation vehicles, home appliances, homes themselves, mobile homes, RV's, etc., whether waiting to be assembled or being utilized as parts for other similar items.

***GARBAGE.*** Waste, animal, fruit, and vegetable matter, used or intended for food, or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables, and all other putrescible wastes, except sewage and body wastes.

***RUBBISH.*** Matter that includes ashes, cans, metal waste, broken glass, crockery, dirt, sweepings, boxes, lumber, wood, leaves, grass, weeds, paper, or litter of any kind, except trees, large limbs, or debris from demolition or construction of buildings.

(1991 Code, § 51.01) (Ord. 67-4, passed 6-24-1967; Am. Ord. 2016-09, passed 10-10-2016)

### § 51.02 UNLAWFUL DISPOSITION OF WASTE.

It is a violation of this chapter for any person to commit or permit any of the following acts or conditions:

(A) Place or deposit in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage, car parts or other refuse, or other objectionable waste;

(B) Deposit or place any garbage in any alley, street, river, lake or other place within the town, or deposit or place any garbage upon private property, whether owned by the person or not, within the limits of the town, unless enclosed in a suitable container;

(C) For the owner, occupant, or lessee of any private premises to fail to have removed from the premises all garbage, rubbish, car parts, or other refuse, and to keep the premises at all times free and clear of any accumulation of garbage, rubbish, car parts, obnoxious weeds or growths, or other refuse;

(D) Fail to keep all containers in which any garbage has been deposited securely covered so that flies and insects cannot enter, and to keep the containers emptied frequently enough and otherwise in a sanitary condition so that danger from disease shall be kept at a minimum, and provided further that the sole responsibility for the sanitary condition of the receptacle rests with the owner or occupant of the premises where the receptacle is located;

(E) Place or deposit any explosive material such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gun powder, gasoline, or similar material in a container for collection or disposal;

(F) Maintain garbage, rubbish, car parts, or other refuse within the town, upon private property, whether owned by the person or not, unless stored in an enclosed suitable enclosure or structure; and/or

(G) It shall be unlawful to deposit yard waste such as branches, trees, concrete, and other inappropriate materials in the town's composting area.

(1991 Code, § 51.02) (Ord. 67-4, passed 6-24-1967; Am. Ord. 76-2, passed 1-21-1976; Am. Ord. 2016-09, passed 10-10-2016; Am. Ord. 2021-01, passed 1-11-2021) Penalty, see § 51.99

### § 51.03 PERMITTED DISPOSITION OF WASTE.

Subject to the provisions of §§ 51.04 and 51.05, the following methods of disposal of garbage and rubbish are permissible.

(A) Garbage or rubbish may be sorted in an appropriate container for removal by an authorized public or private hauler.

(B) The disposal of garbage through home garbage grinders into sewers or private sewage disposal systems shall be considered as satisfactory destruction of the garbage.

(1991 Code, § 51.03) (Ord. 67-4, passed 6-24-1967; Am. Ord. 2021-01, passed 1-11-2021)

**§ 51.04 AUTHORIZED REFUSE CONTAINERS.**

Garbage and/or rubbish containers used for disposal as provided by § 51.03(A) of this chapter shall be watertight, and made of galvanized metal, plastic, or other strong and impervious material with two handles and a close-fitting cover.

(1991 Code, § 51.04) (Ord. 67-4, passed 6-24-1967; Am. Ord. 2021-01, passed 1-11-2021)  
Penalty, see § 51.99

**§ 51.05 REFUSE CONTAMINATED BY DISEASE.**

The removal of wearing apparel, bedding, or other refuse from homes, or places where highly infectious or contagious diseases have prevailed, shall be performed under the supervision and direction of the County Health Officer. The refuse shall not be placed in containers for regular collection with the normal production.

(1991 Code, § 51.05) (Ord. 67-4, passed 6-24-1967) Penalty, see § 51.99

**§ 51.06 PLACEMENT OF TRASH AND REFUSE CONTAINERS.**

No resident of the town shall cause or permit their trash receptacle to remain curbside on any other day but for trash pick-up day, unless the trash company has failed to pick same up, and such receptacle is remaining there waiting for said pick-up, or in the alternative, weather or other emergent situation has caused said trash pick-up company to be delayed in the pick-up and emptying of said receptacle. It being the specific intent of this chapter to make it unlawful for trash receptacles to be stored curbside for any purpose other than to be picked up by the trash company and have the contents thereof removed.

(Ord. 2015-06, passed 6-8-2015)

**§ 51.99 PENALTY.**

Any person violating any of the provisions of this chapter, except § 51.02(F), shall, upon conviction, be fined in any sum not less than \$25 nor more than \$300; but any person convicted of violating § 51.02(F) shall be liable to a fine of \$1,000; and each day's continuance of any violation shall be deemed a separate and distinct offense if not otherwise a discrete act and violation.

(1991 Code, § 51.99) (Ord. 67-4, passed 6-24-1967; Am. Ord. 83-16, passed 11-7-1983)