

TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: GARBAGE

Section

General Provisions

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associations, corporations, companies or organizations of any kind in the town limits hereafter referred to as "citizens."

(Ord. 1988-19, passed 1-12-1989)

§ 50.02 DECLARATION OF PURPOSE.

Disposal

- 50.15 Uncovered garbage
- 50.16 Prevention of odors
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- 50.21 Receptacle specifications
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Upon examining the town's tourist attributes and the general welfare of the town's citizens, the Board of Trustees shall determine regulations governing garbage, refuse and rubbish within the town limits.

(Ord. 1988-19, passed 1-12-1989)

§ 50.03 DEFINITIONS.

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

Establishment of Landfill

- 50.30 Creation
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GARBAGE. Wastes resulting from the handling, preparation, cooking, storage and consumption of animals and vegetables.

- 50.99 Penalty

REFUSE. Combustible trash including, but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding; noncombustible trash including, but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock, and pieces of concrete, glass, crockery and other mineral waste; and street rubbish including, but not limited to street sweepings, dirt, leaves, catch-basin dirt and contents of litter receptacles. **REFUSE** shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial

GENERAL PROVISIONS

§ 50.01 APPLICATION.

Sections 50.01 through 50.05 and 50.15 through 50.22 shall apply to all persons, firms, partnerships,

processes and manufacturing operations such as food processing wastes, boiler-house cinders, lumber, scraps and shavings.

RUBBISH. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

(Ord. 1988-19, passed 1-12-1989)

§ 50.04 BURNING TRASH AND YARD WASTE.

(A) It shall be unlawful to burn garbage, refuse or rubbish anywhere in the corporate limits of the town.

(B) No person shall burn leaves, brush or weeds upon the public rights-of-way, streets, highways or alleys in the town.

(Ord. 1988-19, passed 1-12-1989) Penalty, see § 50.99

§ 50.05 ENFORCEMENT.

Enforcement of this chapter shall be the duty of the designees appointed by the Town Marshal.

(Ord. 1988-19, passed 1-12-1989)

DISPOSAL

§ 50.15 UNCOVERED GARBAGE.

It shall be unlawful to place or permit to remain anywhere in the town any garbage, or other material subject to decay other than leaves or grass, excepting in a tightly covered container.

(Ord. 1988-19, passed 1-12-1989) Penalty, see § 50.99

§ 50.16 PREVENTION OF ODORS.

All garbage, rubbish and refuse containers shall be kept tightly covered and shall be emptied frequently to prevent fermentation and bad odors from becoming noticeable to the community.

(Ord. 1988-19, passed 1-12-1989) Penalty, see § 50.99

§ 50.17 WINDBLOWN REFUSE.

It shall be unlawful to cause or permit to accumulate any dust, ashes, or trash of a material that can be blown away by the wind anywhere in the town, excepting in a covered container.

(Ord. 1988-19, passed 1-12-1989) Penalty, see § 50.99

§ 50.18 DEPOSITS ON STREETS.

It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or rubbish on any public street or alley in the town.

(Ord. 1988-19, passed 1-12-1989) Penalty, see § 50.99

§ 50.19 DISPOSAL.

It shall be unlawful to dispose of any garbage, refuse or rubbish anywhere in the city excepting in an incinerator, or disposal device, properly constructed and operated or in a lawfully established garbage, refuse or rubbish dump.

(Ord. 1988-19, passed 1-12-1989) Penalty, see § 50.99

§ 50.20 CONSENT OF OWNER.

It shall be unlawful to dump or place any garbage, refuse or rubbish on any premises in the town without the consent of the owner of the premises.

(Ord. 1988-19, passed 1-12-1989) Penalty, see § 50.99

§ 50.21 RECEPTACLE SPECIFICATIONS.

(A) Receptacles used for storage of garbage and refuse materials shall be watertight and meet the following specifications:

(1) Trash cans shall be of durable grade galvanized metal or other suitable material approved by the Board of Trustees.

(2) Refuse bags shall be made of heavy, multiple-ply paper or polyethylene or ethylene copolymer resin and designed for outdoor storage of refuse. Bags must be securely tied or sealed to prevent emission of odors, be of a material so liquids and greases will not be able to penetrate through the material, and be of sufficient thickness and strength to contain the garbage and refuse enclosed without tearing or ripping under normal hauling.

(B) Receptacles which have deteriorated or have been damaged to the extent that the covers will not fit securely may be declared a nuisance and shall be condemned by the Board of Trustees or the County Health Department or their authorized representatives. If the receptacles are not removed within 5 days after notice of the defective conditions to the owner or user, then the receptacles shall be confiscated to avoid a public nuisance.

(Ord. 1988-19, passed 1-12-1989) Penalty, see § 50.99

§ 50.22 REMOVAL OF CONTENTS.

It shall be the duty of every owner of a garbage, refuse or rubbish receptacle to remove or to have removed the contents of the same in accordance with this chapter at least once a week, excluding weeks that contain national public holidays.

(Ord. 1988-19, passed 1-12-1989) Penalty, see § 50.99

ESTABLISHMENT OF LANDFILL**§ 50.30 CREATION.**

The Town Board of Trustees shall be empowered to apply lands owned by the town at the time of enactment of this code or lands subsequently acquired, whether acquired for landfill uses or other uses, to the use of the people for disposal of trash, garbage and rubbish by the landfill method in conformity with the State Board of Health Rules and Regulations.

(Ord. 4-23-70, passed 4-15-1970)

§ 50.31 CONTRACT.

The Town Board of Trustees shall contract with an individual or other business entity on terms not in violation of this subchapter for the operation of the landfill for a stated period of time not to exceed 1 year. The operator shall be permitted to charge an entrance fee for use of the landfill area as his or her compensation for its operation and maintenance, the fee being according to a schedule approved by the Town Board of Trustees, and the operator shall uniformly collect the fee from every user of the landfill at least monthly.

(Ord. 4-23-70, passed 4-15-1970)

§ 50.32 INSPECTION.

The operator of the landfill area shall maintain the same in a safe and healthy condition and will hold it open to inspection by the Town Marshal and/or State Health Officers at all reasonable times.

(Ord. 4-23-70, passed 4-15-1970)

§ 50.33 ENFORCEMENT.

(A) It shall be unlawful for the landfill operator to violate the terms of his or her contract with the town or the provisions of this subchapter. Specific violations enumerated include failure to operate the landfill on a regular schedule; failure to daily cover

trash, rubbish and garbage that is deposited in the landfill area; and failure to maintain health standards; this enumeration is not exclusive.

(B) It shall be unlawful for users of the landfill area to fail and refuse to pay the fees scheduled in the operator's contract or to fail to comply with the operator's reasonable directions on where, when and how to dump trash, rubbish and garbage in the landfill area.

(Ord. 4-23-70, passed 4-15-1970) Penalty, see § 50.99

§ 50.99 PENALTY.

(A) Any citizen violating any provision of §§ 50.01 through 50.05 and 50.15 through 50.22 shall be fined no more than \$2,500 for each offense. A separate offense shall be deemed committed on each day during or on each day which a violation occurs or continues. Each day a violation occurs, a new citation may be issued for each violation.

(Ord. 1988-19, passed 1-12-1989)

(B) Any person violating any provision of §§ 50.30 through 50.33 shall, upon conviction, thereof be fined in any sum not exceeding \$100.

(Ord. 4-23-70, passed 4-23-1970)

CHAPTER 51: SEWERS

Section

General Provisions

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- 51.02 Proper discharge of sewage
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GENERAL PROVISIONS

§ 51.01 DEFINITIONS.

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

BOD* or *BIOCHEMICAL OXYGEN DEMAND.

The quantity of oxygen utilized in the biochemical oxidation of decomposable organic matter under standard laboratory procedure in 5 days at 20°C, expressed in parts per million by weight.

BUILDING DRAIN. 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 5 feet outside the inner face of the building wall.

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

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

COUNCIL. The Town Council or any duly authorized officials acting in its behalf.

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

EXCESSIVE STRENGTH SURCHARGE. An additional charge which is billed to users for treating sewage wastes with an average strength in excess of **NORMAL DOMESTIC SEWAGE**.

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

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

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

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

NORMAL DOMESTIC SEWAGE. Wastewater or sewage having an average daily concentration as follows: BOD not more than 250 mg/l; S.S. not more than 240 mg/l. As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.

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

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

pH. The logarithm of the reciprocal of the hydrogen-ion concentration of a solution.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been 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 ½ inch in any dimension.

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

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

SANITARY SEWER. A sewer which carries sewage and to which stormwater, surface water and groundwaters are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface and stormwaters as may be present.

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

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

SEWER. A pipe or conduit for carrying sewage.

SEWER USE ORDINANCE. The ordinance which regulates the connection to and use of public and private sewers.

STORM SEWER or STORM DRAIN. A sewer which carries stormwaters and surfacewaters and drainage, but excludes sewage and polluted industrial wastes.

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

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

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

USER CLASS. The division of wastewater treatment customers by source, function, waste characteristics and process or discharge similarities:

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

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

(3) **INDUSTRIAL USER.** Any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.

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

(5) **RESIDENTIAL USER.** A user of the treatment works whose premises or building is used primarily as a residence for 1 or more persons, including all dwelling units and the like.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 3-3-1961, passed 3-28-1961; Am. Ord. 1993-1, passed 5-20-1993)

§ 51.02 PROPER DISCHARGE OF SEWAGE.

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

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

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

(D) (1) The owner of any houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the town, and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the town, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect these facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 150 feet of the property line. Measurement of the 150 feet shall be from the property line of the tract of land under common ownership to the nearest public sewer line. If any portion of the tract is within 150 feet, then the sewer line must be extended to the development of the entire tract.

(2) Tracts under common ownership shall include previously subdivided tracts if the tracts are contiguous and under common ownership. The Board shall examine ownership of the subject lands for a period not to exceed 10 years and may, if there have been transfers made within the 10 years to avoid this

requirement, treat the entire tract as if it were currently under common ownership.

(Ord. 3-3-1961, passed 3-28-1961; Am. Ord. 1980-1, passed 1-7-1980) Penalty, see § 51.99

§ 51.03 PRIVATE SEWAGE DISPOSAL SYSTEM.

(A) Where a public sanitary or combined sewer is not available under the provisions of § 51.02(D), the building sewer shall be connected to a private sewage disposal system complying with all recommendations of the State Board of Health.

(B) At the time a public sewer becomes available to a property served by a private sewage disposal system as provided in § 51.02(D), a direct connection shall be made to the public sewer in compliance with this section, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned.

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

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

(Ord. 3-3-1961, passed 3-28-1961) Penalty, see § 51.99

§ 51.04 SEWER PERMITS; BUILDING SEWER SPECIFICATIONS.

(A) (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

(2) Improvement permits affecting properties within the town sewage service area must receive prior approval from the Sewer Department before the permit is issued.

(Res. 1997-4, passed 7-17-1997)

(B) There shall be 2 classes of building sewer permits:

(1) For residential and commercial service; and

(2) For service to establishments producing industrial waste.

(C) In either case, the owner or his or her agent shall make application on a special form furnished by the town. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Inspector. A permit and inspection fee of \$10 for a residential or commercial building sewer permit and \$25 for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

(D) All cost and expenses incident to the installation and connection, maintenance and repair of the building sewer and building drain shall be borne by the owner. The owner or the person installing the building sewer for the owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation, connection, maintenance and repair.

(E) The town shall bear the costs and expenses of installing, maintaining and repairing public sewers only.

(F) A separate and independent building sewer shall be provided for every building; except where 1 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 1 building sewer.

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

(H) The building sewer shall be cast iron soil pipe, ASA specification or equal; vitrified clay sewer pipe, ASTM specification or equal; or other suitable material approved by the Inspector. Joints shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipes with leaded joints may be required by the Inspector where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Inspector.

(I) The size and slope of the building sewers shall be subject to the approval of the Inspector, but in no event shall the diameter be less than 6 inches. The slope of the 6-inch pipe shall not be less than 1/8 inch per foot.

(J) Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within 3 feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipes and fittings.

(K) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drains shall be lifted by approved artificial means and discharged to the building sewer. No water-operated sewage ejector shall be used.

(L) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and

backfill shall be performed in accordance with latest ASTM specifications, except that no backfill shall be placed until the work has been inspected by the Inspector or his or her representative.

(M) All joints and connections shall be made gas-tight and watertight. Cast iron pipe joints shall be firmly packed with oakum and hemp and secured only with pure molten lead, not less than 1 inch deep. Lead shall be run in 1 pouring and calked tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

(1) All joints in vitrified clay pipe or between the pipe and metals shall be made with approved jointing material in accordance with the latest edition of Volume III, Plumbing Rules and Regulations of the Administrative Building Council of the State.

(2) Other jointing materials and methods may be used only by approval of the Inspector.

(N) The connection of the building sewer into the public sewer shall be made at the "Y" branch, if a branch is available at a suitable location. Where the public sewer has no properly located "Y" branch available, a host hole shall be cut in the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45 degrees. A standard flanged saddle shall be used to make the connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at a higher elevation than the invert of the public sewer. Mastic compound shall be used between the public sewer and flanged saddle and the connection made secure and watertight by encasement in concrete.

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

(P) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(Q) As a condition precedent to the use of sewer services by any customer and to the permission to tap any sewer or the connection of service pipes with any branch main, any person shall hold the municipal utility and the town harmless for any damages related to any interruption in sewer service, for any damages caused by accident to any part of the sewage works, or for repairs of machinery or for damages caused by defective piping and appliances on the customer's premises.

(R) The municipal utility reserves the right to restrict the use of sewer services for any and all purposes, except domestic household use, in the event of conflagration, flood or other emergencies.

(S) Each customer shall grant or convey, or shall cause to be granted or conveyed to the municipality a permanent easement and right-of-way across any property owned or controlled by the customer wherever the easement or right-of-way is necessary for the municipal sewage facilities and lines, so as to be able to furnish service to the customer. Should additional easements across any property other than customer's property be required to provide service to customer's property, customer shall be responsible to obtain said easement(s).

(Ord. 3-3-1961, passed 3-28-1961; Am. Ord. 1987-6, passed 10-15-1987; Am. Ord. 1998-6, passed 7-16-1998; Am. Ord. 2015-08, passed 8-20-2015) Penalty, see § 51.99

§ 51.05 ILLEGAL DISCHARGE.

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

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

(C) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

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

(2) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;

(3) Any water or waste which may contain more than 25 parts per million, by weight, of soluble oils;

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

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

(6) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;

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

(8) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process,

constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

(9) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle the materials at the sewage disposal plant; and/or

(10) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(D) (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 amount, or any flammable wastes, sand and other harmful ingredients; except that these interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

(2) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

(E) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(F) (1) The admission into the public sewers of any waters or wastes as follows shall be subject to the review and approval of the Superintendent:

(a) Having a 5-day biochemical oxygen demand greater than 250 parts per million by weight;

(b) Containing more than 250 parts per million by weight of suspended solids;

(c) Containing any quantity of substances having the characteristics described in division (C) of this section; or

(d) Having an average daily flow greater than 2% of the average daily sewage flow of the town.

(2) Where necessary in the opinion of the Superintendent, the owner shall provide at his or her expense such preliminary treatment as may be necessary to:

(a) Reduce the biochemical oxygen demand to 250 parts per million and the suspended solids to 250 parts per million by weight;

(b) Reduce objectionable characteristics or constituents to within the maximum limits provided for in division (C) above; or

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

(3) Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the State Board of Health, and no construction of these facilities shall be commenced until the approval is obtained in writing.

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

(H) When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

(I) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in divisions (C) and (F) of this section shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole provided for in division (H) above 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.

(J) No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the town and any industrial or commercial concern whereby an industrial waste of unusual strength, quantity or character may be accepted by the town for treatment, subject to payment therefor by the industrial or commercial concern. (Ord. 3-3-1961, passed 3-28-1961) Penalty, see § 51.99

§ 51.06 DAMAGING SEWAGE WORKS PROPERTY.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 3-3-1961, passed 3-28-1961) Penalty, see § 51.99

§ 51.07 INSPECTION.

The Superintendent, Inspector and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter. (Ord. 3-3-1961, passed 3-28-1961) Penalty, see § 51.99

§ 51.08 ABANDONED SEWAGE ACCOUNTS.

Any unpaid fee or penalty less than \$40 may be written off, after the unpaid fees or penalties have been due and unpaid for a period not less than 90 days and determined to be uncollectable by the Town Manager. (Res. 1999-8, passed 11-18-1999)

RATES AND CHARGES

§ 51.15 DEFINITIONS.

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

BOD (or ***BIOCHEMICAL OXYGEN DEMAND***). The same meaning as defined in the Use Ordinance.

COUNCIL. The Town Council of Nashville, Indiana, or any duly authorized officials acting in its behalf.

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

EXCESSIVE STRENGTH SURCHARGE. An additional charge which is billed to users for treating sewage wastes with an average strength in excess of ***NORMAL DOMESTIC SEWAGE***.

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

MAY. Permissive.

NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM) PERMIT. The same meaning as defined in the Sewer Use Ordinance.

NORMAL DOMESTIC SEWAGE. For the purpose of determining surcharges shall mean wastewater or sewage having an average daily concentration as follows:

- (1) BOD not more than 250mg/l.
- (2) SS not more than 240mg/l.

(3) As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.

OPERATION AND MAINTENANCE COSTS.

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

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

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

REPLACEMENT COSTS. The expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the sewage works which were designed and constructed.

SS (or SUSPENDED SOLIDS). The same meaning as provided in the Sewer Use Ordinance.

SEWAGE. The same meaning as defined in the Sewer Use Ordinance.

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

SHALL. Mandatory.

TOWN. The Town of Nashville, Indiana, acting by and through the Town Council.

USER CHARGE. A charge levied on users of the wastewater treatment works for the cost of

operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.

USERS CLASS. A charge levied on users of the wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e. residential, commercial, industrial, institutional, and governmental in the user charge system).

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

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

(3) **INDUSTRIAL USER.** Any manufacturing or processing facility that discharges industrial waste into a publicly owned treatment works.

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

(5) **RESIDENTIAL USER.** A user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, and the like. (Ord. 2002-04, passed 4-18-2002; Am. Ord. 2004-4, passed 10-7-2004; Am. Ord. 2006-13, passed 12-21-2006; Am. Ord. 2009-14, passed 12-22-2009)

§ 51.16 USER CLASS.

Every person whose premises are served by said sewage works shall be charged for the services

provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class. The various classes of users of the treatment works for the purposes of this subchapter shall be as follows:

<i>Class I - Inside Town</i>	<i>Class II - Outside Town</i>
Residential	Residential
Commercial	Commercial
Governmental	Governmental
Institutional	Institutional
Industrial	Industrial

(Ord. 2002-04, passed 4-18-2002; Am. Ord. 2004-4, passed 10-7-2004; Am. Ord. 2006-13, passed 12-21-2006; Am. Ord. 2009-14, passed 12-22-2009)

§ 51.17 RATES AND CHARGES.

(A) For the use of and the services rendered by sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with the town sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the town.

(B) Such rates and charges include user charges, debt service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(1) The sewage rates and charges shall be based on the quantity of water used on or in the

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

(a) *All users; treatment rate.*

Treatment rate for usage per month shall be:

<i>Consumption per month</i>		
<i>Rate per 1,000 gallons</i>	<i>Class I</i>	<i>Class II</i>
0 to 2,000 gallons	\$8.17	\$11.03
2,001 to 6,000 gallons	\$8.47	\$11.43
6,001 to 15,000 gallons	\$8.87	\$11.97
15,001 to 30,000 gallons	\$9.37	\$12.65
30,001 gallons and up	\$9.97	\$13.46

(b) *All users; base rate.* Base rate for all users shall be as follows:

<i>Meter Size</i>	<i>Monthly Base Rate</i>
5/8"-3/4" water meter	\$26.70
1" water meter	\$64.30
1 1/4" water meter	Discontinued
1 1/2" water meter	\$132.09
2" water meter	\$222.86
3" water meter	\$450.68
4" water meter	\$793.57
6" water meter	\$1,610.59

(c) *Pump Station Fee.* All users with simplex pump stations maintained by the town and serviced by a 5/8" water meter service shall have a monthly fee of \$8.44 added to the monthly base rate.

(2) For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined by equivalent single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined as follows:

<i>Residential</i>	<i>Monthly Rate in Town</i>	<i>Monthly Rate Outside Town</i>
Single-Family Residence/unit	\$73.32	\$102.65 (inside town plus 40%)

(3) Connection fees.

(a) *Gravity Connection.* Connection fees based upon a gravity sewer connection within 20 feet of an existing gravity sewer:

1. Four inch sewer tap, primarily single-family residences and small businesses serviced by a 5/8 inch water meter \$2,000.

2. Gravity sewer connections requiring work and/or materials beyond that described above shall be charged for any additional costs of labor, material, power, machinery, transportation, and overhead for installing the connection. However, such connection shall not be less than the charge of a 5/8 inch water meter.

(b) *Pressure connection.*

1. Connection fees based upon a pressure sewer connection within 20 feet of an existing sewer main.

2. Simplex pumping station, single-family residences and small businesses serviced by a 5/8" water meter \$6,200.

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

(5) In order to recover the cost of monitoring industrial wastes the town shall charge the user the actual costs of monitoring. This charge will be reviewed on the same basis as all other rates and charges on this subchapter.

(6) Whenever an extension of a sewer service main requires work over and above that of a four inch sewer tap, an additional review fee of \$190 shall be charged and is to be paid prior to beginning review. Whenever the review of sewer requires work and/or materials in excess of six hours and/or \$190, then the review fee shall be based on time and materials used in performing the review. (Ord. 2002-04, passed 4-18-2002; Am. Ord. 2004-4, passed 10-7-2004; Am. Ord. 2006-13, passed 12-21-2006; Am. Ord. 2009-14, passed 12-22-2009; Am. Ord. 2010-6, passed 9-2-2010; Am. Ord. 2012-07, passed 6-21-2012)

§ 51.18 DETERMINATION OF CHARGES.

(A) The quantity of water discharged into the sanitary sewer system and obtained from sources other than the utility that services the town shall be determined by the town in such a manner that the town shall reasonably elect and the sewage services shall be billed at the above allowances in determining the sewage consumed, but which are also shown to the satisfaction of the town that such quantities do not enter the sewage system.

(B) In the event of a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the town's sewer system, either directly or indirectly, is not a user of water supplied by the Nashville Water Utility, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the town, then the amount of water used shall be otherwise measured or determined by the town. In order to ascertain the rate or charge provided

in this subchapter, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the town for the determination of sewage discharge.

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

(D) In the event a lot, parcel or real estate, or building discharges sanitary sewage, industrial waste, water or other liquids into the town sewer system, either directly or indirectly, and uses water in excess of 39,000 gallons per month and it can be shown to the satisfaction of the town that a portion of the water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the town for determination of sewage discharge.

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

(Ord. 2002-04, passed 4-18-2002; Am. Ord. 2004-4, passed 10-7-2004; Am. Ord. 2006-13, passed 12-21-2006; Am. Ord. 2009-14, passed 12-22-2009)

§ 51.19 RATE SURCHARGE.

(A) In order that the rates and charges may be justly and equitable adjusted to the services rendered to the users, the town shall base its charges not only on the volume, but also the strength and character of the stronger-than-normal domestic sewage and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewer system, in such a manner and by such method as the town may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge.

(B) The user shall furnish a central sampling point available to the town at all times.

(1) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 250 milligrams per liter of fluid or suspended solids in excess of 240 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be based on the following:

(a) *Rate surcharges based on suspended solids.* There shall be an additional charge of 20 cents per pound of suspended solids for suspended solids received in excess of 240 milligrams per liter of fluid.

(b) *Rate surcharge based upon BOD.* There shall be an additional charge of 20 cents per pound of biochemical oxygen demand for BOD received in excess of 250 milligrams per liter of fluid.

(2) The determination of suspended solids and 5-day biochemical oxygen demand contained in the waste shall be in accordance with the latest copy of Standard Methods for the Examination of Water, Sewer, and Industrial Health Association, the American Water Works Association, and the Water Pollution Control Federation, and in conformance with Guidelines Establishing Test Procedures for

Analysis of Pollutants, Regulations CFR Part 136, published in the Federal Register on October 16, 1973.

(3) In the event that septage is discharged into the wastewater facility, a charge of \$51.77 per 1,000 gallons shall be in force. A minimum charge of 1,000 gallons shall be charged for each visit. (Ord. 2002-04, passed 4-18-2002; Am. Ord. 2004-4, passed 10-7-2004; Am. Ord. 2006-13, passed 12-21-2006; Am. Ord. 2009-14, passed 12-22-2009)

§ 51.20 BILLING POLICY.

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

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

(B) The rates and charges may be billed to the tenant or tenants occupying the properties served, if requested by the owner in writing, but such billing shall in no way relieve the owner from liability in the event that payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that the office is open for business.

(C) All rates and charges not paid when due are hereby declared to be delinquent and a penalty of 10% of the amount of rates or charges shall thereupon be added thereto per month. The time at which such rates

or charges shall be paid is now fixed at 17 days after the date of mailing of the bill.

(Ord. 2002-04, passed 4-18-2002; Am. Ord. 2004-4, passed 10-7-2004; Am. Ord. 2008-03, passed 4-17-2008; Am. Ord. 2009-14, passed 12-22-2009)

Statutory reference:

Penalty authorized by state law, see I.C. 8-1-2-121(c)

§ 51.21 ENFORCEMENT.

(A) The town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical, and efficient management of the town's sewage system, pumping stations and for the regulation, collection, rebating, and refunding of such rates and charges. No free service shall be provided to any user of the wastewater treatment facility.

(B) The town is hereby authorized to prohibit dumping; of wastes into the town's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the Town, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewer works.

(Ord. 2002-04, passed 4-18-2002; Am. Ord. 2004-4, passed 10-7-2004; Am. Ord. 2006-13, passed 12-21-2006; Am. Ord. 2009-14, passed 12-22-2009) Penalty, see § 51.99

§ 51.22 SPECIAL RATE CONTRACTS.

The Council is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable costs to the sewage works can be determined, as such special rates shall be based on such costs.

(Ord. 2002-04, passed 4-18-2002; Am. Ord. 2004-4, passed 10-7-2004; Am. Ord. 2006-13, passed 12-21-2006; Am. Ord. 2009-14, passed 12-22-2009)

§ 51.23 APPEALS.

The rules and regulations promulgated by the town, after approval by the Town Council, shall among other things provide for an appeals procedure whereby the user shall have the right to appeal a decision of the administrator of the user charge to the Town Council and that any decision concerning user charges of the Town Council may be appealed to the Circuit Court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

(Ord. 2002-04, passed 4-18-2002; Am. Ord. 2004-4, passed 10-7-2004; Am. Ord. 2006-13, passed 12-21-2006; Am. Ord. 2009-14, passed 12-22-2009)

§ 51.24 EFFECTIVE DATE.

The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this subchapter.

(Ord. 2002-04, passed 4-18-2002; Am. Ord. 2004-4, passed 10-7-2004; Am. Ord. 2006-13, passed 12-21-2006; Am. Ord. 2009-14, passed 12-22-2009)

***INDEPENDENCE FROM STATE
REGULATIONS***

§ 51.40 APPLICATION.

This subchapter shall apply to the municipal water and sewer utilities.

(Ord. 1989-3, passed 3-16-1989)

§ 51.41 DECLARATION OF AUTHORITY.

I.C. 8-1.5-3-9.1 grants certain municipalities and towns the power to remove themselves from the jurisdiction of the Commission for approval of rates, charges, and evidences of indebtedness by the adoption of the Board of Trustees by ordinance.

(Ord. 1989-3, passed 3-16-1989)

§ 51.42 NOTICE BEFORE ADOPTION.

Written notice shall be mailed by the Town Board to all rate payers of the utilities at least 30 days prior to final passage of this section by the Board of Trustees.

(Ord. 1989-3, passed 3-16-1989)

§ 51.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Any person found to be violating any provision of §§ 51.02 through 51.05 and 51.07 shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(C) Any person who shall continue any violation beyond the time limit provided for above shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$10 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(D) Any person violating any of the provisions of §§ 51.02 through 51.05 and 51.07 shall become liable to the town for any expense, loss or damage occasioned the town by reason of the violation.

(Ord. 3-3-1961, passed 3-28-1961)

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CHAPTER 52: WATERWORKS

Section

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GENERAL PROVISIONS

§ 52.001 MAINTENANCE AND SERVICE.

(A) All taps and connections to the mains of the municipality shall be made by and/or under the direction and supervision of the waterworks personnel.

(B) The municipality shall install and maintain at its expense that portion of the service from the main to the lot or easement line, including the necessary tap, fittings and shut-off valve; and the customer shall install and maintain at his or her expense that portion of the service from the lot or easement line to his or her premises, including a stop and waste cock at the end of the house side of his or her service. The minimum earth cover of the customer's service shall be 5 feet. The company shall determine the size and kind of service to be installed.

(C) Piping on the premises of a customer must be so installed that connections are conveniently located with respect to the municipal lines and mains. The customer shall provide a place of metering which is unobstructed and accessible at all times. The customer shall furnish and maintain a cut-off valve on his or her side of the meter and the municipality will provide a like valve on its side of the meter.

(D) The customer's service line shall be installed and maintained by the customer at his or her own expense in a safe and efficient manner and in accordance with the municipal rules and regulations and with the regulations of the State Board of Health.

(E) As a condition precedent to the use of water by any customer and to the permission to tap any water main, sewer, or the connection of service pipes with any branch main, any person shall hold the municipal utility and the town harmless for any damages related to any interruption of the supply of water service, for any damages caused by accident to any part of the water works, or for repairs to machinery, fire hydrants or main, or for damages caused by defecting piping and appliances on the customer's premises.

(F) The municipal utility reserves the right to restrict the use of water for any and all purposes, except domestic household use and fire purposes, in the event of conflagration, flood or other emergencies. (Ord. 1979-3, passed 10-1-1979; Am. Ord. 1998-7, passed 7-16-1998) Penalty, see § 52.999

§ 52.002 DISCONTINUANCE OF SERVICE.

Any customer desiring to discontinue the water service to his or her premises for any reason must give notice of discontinuance in writing at the business office of the waterworks system; otherwise, the customer shall remain liable for all water used and service rendered by the municipality until the notice is received by the municipality. (Ord. 1979-3, passed 10-1-1979)

§ 52.003 WATER FOR BUILDING OR CONSTRUCTION PURPOSES.

(A) Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being \$100; and the amount to be determined by the municipality, depending upon the size of the construction work contemplated; and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter.

(B) Water so supplied shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench; and all use of water by other than applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice. (Ord. 1979-3, passed 10-1-1979) Penalty, see § 52.999

§ 52.004 DOMESTIC CONSUMPTION REQUIRED.

Water furnished by the municipality may be used for domestic consumption by the customer, members of his or her household, and employees only. The customer shall not sell or give the water to any other person.

(Ord. 1979-3, passed 10-1-1979) Penalty, see § 52.999

§ 52.005 EASEMENT AND RIGHT-OF-WAY.

Each customer shall grant or convey, or shall cause to be granted or conveyed to the municipality a permanent easement and right-of-way across any property owned or controlled by the customer wherever the easement or right-of-way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer. Should additional easements across any property other than customer's property be required to provide service to customer's property, customer shall be responsible to obtain said easement(s).

(Ord. 1979-3, passed 10-1-1979; Am. Ord. 2015-08, passed 8-20-2015) Penalty, see § 52.999

§ 52.006 INTERRUPTIONS OF SERVICE.

The municipality shall make all reasonable efforts to eliminate interruption of service, and when interruptions occur will endeavor to reestablish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the distribution system or the station equipment, all consumers affected by the interruption will be notified in advance whenever it is possible to do so.

(Ord. 1979-3, passed 10-1-1979)

§ 52.007 LIABILITIES.

(A) The municipality shall in no event be held responsible for claims made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruption of the supply of water caused

by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption of service which in the opinion of the municipality may be deemed necessary.

(B) If any loss or damage to the property of the municipality or any accident or injury to persons or property is caused by or results from the negligent or wrongful act of the customer, member of his or her household, his or her agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the municipality and any liability otherwise resulting shall be that of the customer.

(Ord. 1979-3, passed 10-1-1979)

§ 52.008 BOILERS AND PRESSURE VESSELS.

Customers having boilers and/or pressure vessels receiving a supply of water from the municipality must have a check valve on the water supply line and a vacuum valve on the steamline to prevent collapse in case the water supply from the municipality is discontinued or interrupted for any reason, with or without notice.

(Ord. 1979-3, passed 10-1-1979) Penalty, see § 52.999

§ 52.009 INSPECTIONS.

The premises receiving a supply of water and all service lines, meter and fixtures, including any and all fixtures within the premises, shall at all reasonable hours be subject to inspection by duly authorized employees of the municipality.

(Ord. 1979-3, passed 10-1-1979)

§ 52.010 SPECIAL TERMS FOR PUBLIC USE.

Special terms and conditions may be made where water is used by the municipality or community for public purposes such as fire extinguishment, public parks and the like.

(Ord. 1979-3, passed 10-1-1979)

§ 52.011 LINE EXTENSIONS.

(A) The municipality will construct extensions to its water lines to points within its service area but the municipality shall not be required to make the installations unless the customer pays to the municipality the entire cost of the installation.

(B) (1) All line extensions shall be evidenced by a contract signed by the municipality and the person advancing funds for the extension.

(2) However, the contracts shall be null and void unless approved by the Farmers Home Administration and other governing bodies.

(C) If refund of the advance is to be made, the following method shall apply: 20% of the total gross revenue of water sales per year for each service connected to the new extension described in the agreement, for a period not to exceed 5 years, provided that the aggregate payments do not exceed the total amount deposited.

(D) No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract.

(E) All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the municipality. The extension shall be the property of the municipality and no other person shall have any right, title or interest therein.

(Ord. 1979-3, passed 10-1-1979)

§ 52.012 AMENDMENTS.

These rules may be changed or amended, but so long as the municipality is indebted to the Farmers Home Administration, only with the prior approval of the administration.

(Ord. 1979-3, passed 10-1-1979)

§ 52.013 COMPLAINTS.

Complaints may be made to the operator of the system and may be appealed to the Board of Trustees within 10 days.

(Ord. 1979-3, passed 10-1-1979)

§ 52.014 NEW WATER COMMITMENTS LIMITED.

(A) The town shall honor any previously documented service commitment which is within its ability to provide service.

(B) The town shall limit new water commitments to 3% (9,600 gpd) of its current yearly average usage of 320,000 gpd.

(1) A **RESIDENT EQUIVALENT** shall be defined as 250 gallons per day.

(2) Nine thousand, six hundred gpd represents 38 residential equivalents per year.

(3) The quarterly commitment rate shall not exceed 10 residential equivalents.

(C) (1) Any group request shall require a public hearing to determine the potential effect and impact upon current water users.

(2) A **GROUP REQUEST** shall be defined as any request for water service exceeding 1 residential equivalent.

(D) Service requests must be made by the owner of the property on which water service is to be provided.

(E) The Town Council reserves the right to waive these administrative rules after a public hearing has been held to determine the effects and impact, if any, of such a waiver.

(Res. 1993-2, passed 5-20-1993)

§ 52.015 EMERGENCY LIMITATIONS.

(A) In case of emergency caused by excessive dry weather or drought over a period of time sufficient to cause the supply of water in the waterworks system to be reduced to such an extent as to be dangerous to the public health and general welfare of the citizens of the town, and after notice of the condition shall have been given by the town, and after notice of the condition shall have been given by the Town Board by publication 1 time in a newspaper printed and published in the town, it shall be unlawful for any person to use water from the waterworks system for washing automobiles, filling swimming pools or sprinkling streets, alleys, sidewalks, yards, gardens or other uses through hose or sprinklers, except in cases of fire.

(B) The emergency shall be determined by the Town Board and notice thereof given the public by publication as provided in this section. (Ord. 9-6-66, passed 9-6-1966) Penalty, see § 52.999

§ 52.016 WATER SERVICE AREA.

(A) While the town currently serves customers more than 4 miles beyond its municipal boundaries, the **WATER SERVICE AREA** for purposes of this section is defined and established as those areas within the corporate boundaries of the town, as well as certain areas within 4 miles outside the town's boundaries as shown on the map marked as Exhibit A, attached to Ordinance 2017-04 and incorporated by reference as if fully set forth herein.

(B) Upon adoption of this section and its approval by the Indiana Utility Regulatory Commission (IURC) the town shall hold an exclusive license to furnish potable water service within the water service area, and the town water utility shall be the exclusive provider of potable water to the public within the water service area.

(C) Upon adoption of this section and its approval by the IURC, no other utilities are permitted

to provide potable water service within the town, or within the water service area. This section does not mandate the town to extend service to areas where technically or financially not feasible. Rather, this section expressly prohibits other utilities from furnishing water service to customers within the town's municipal limits or within the water service area.

(D) No end service user shall permit a connection to potable water service within the water service area by any other water service provider.

(E) Any person, firm, or corporation that violates this section shall be subject to a civil penalty of \$2,000 per violation, and each day of violation shall be deemed a separate violation.

(F) The town's existing rules and regulations for water service as amended from time to time shall apply to and within the water service area.

(G) If any one or more of the terms, provisions, or sentences of this section, or portions of the water service area, shall be deemed by a court or a tribunal of competent jurisdiction to be contrary to law, then such term or provision shall be deemed severable from the remaining terms and shall in no way affect the validity of the other provisions of this section.

(H) The Town hereby authorizes its Town Manager and/or Council President to pursue any and all necessary approvals for implementation, effectiveness, and enforcement of this section, including, but not limited to, seeking approval of this section by the IURC.

(I) This section is not in any way intended to:

(1) Curtail the service of other utilities that have pipes in the ground with sufficient capacity to serve those properties; or

(2) Include any areas within the water service area that are already served by other water utilities. Accordingly, the boundaries for the water

service area have been drawn to exclude areas in which other utilities have water pipes in the ground that are being used to serve customers in that area.

(Ord. 2017-04, passed 5-15-2017; Am. Ord. 2017-06, passed 6-15-2017; Am. Ord. 2017-07, passed 6-27-2017)

APPLICATION

§ 52.025 APPLICATION.

The property owner or his or her agent, hereinafter called customer, must make written application for water service at the office of the municipality, and the application including service received thereunder is unassignable by the customer. (Ord. 1979-3, passed 10-1-1979)

§ 52.026 CONDITIONS OF SERVICE.

Application may be cancelled and/or water service discontinued by the municipality for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

(A) Misrepresentation in the application as to the property or fixtures to be supplied or use to be made of water;

(B) Failure to report to the municipality addition to the property or fixtures to the supplies or additional use to be made of water;

(C) Resale or giving away of water;

(D) Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same in suitable state of repair;

(E) Tampering with meter, meter seal, service or valves, or permitting such tampering by others;

(F) Connection, cross-connection or permitting same, of any separate water supply to premises which receive water from the municipality; or

(G) Nonpayment of bills. (Ord. 1979-3, passed 10-1-1979)

§ 52.027 REFUSAL OF SERVICE.

The municipality may refuse service to a person, not presently a customer, when in the opinion of the municipality the capacity of the facilities will not permit such service.

(Ord. 1979-3, passed 10-1-1979)

§ 52.028 DEPOSIT.

(A) Each user shall pay an account deposit of \$75.00 prior to providing service.

(B) Whenever service is disconnected for nonpayment, each user shall be required to provide a deposit equal to the highest monthly service charge or \$75.00, whichever is greater, prior to reinstating service.

(Ord. 1995-10, passed 11-9-1995; Am. Ord. 2000-7, passed 12-7-2000; Am. Ord. 2002-03, passed 4-18-2002; Am. Ord. 2006-12, passed 12-21-2006; Am. Ord. 2008-1, passed 2-7-2008; Am. Ord. 2009-13, passed 12-22-2009)

RATES AND CHARGES

§ 52.040 METERED RATES.

There shall be are hereby established for use of water supplied by the waterworks system of the town, the following rates and charges:

<i>INSIDE TOWN</i>	
<i>Monthly Water Usage</i>	<i>Rate per 1,000 gallons</i>
First 10,000 gallons	\$11.74
Over 10,000 gallons	\$10.17

<i>OUTSIDE TOWN</i>	
<i>Monthly Water Usage</i>	<i>Rate per 1,000 gallons</i>
First 10,000 gallons	\$15.13
Over 10,000 gallons	\$11.83

(A) Inside versus outside of town rate differential is 28.88% per 1,000 for the first 10,000 gallons.

(B) Inside versus outside of town rate differential is 16.32% per 1,000 for any usage over 10,000 gallons.

(Ord. 1990-2, passed 6-28-1990; Am. Ord. 2000-7, passed 12-7-2000; Am. Ord. 2002-03, passed 4-18-2002; Am. Ord. 2006-12, passed 12-21-2006; Am. Ord. 2008-1, passed 2-7-2008; Am. Ord. 2009-13, passed 12-22-2009; Am. Ord. 2012-02, passed 5-17-2012; Am. Ord. 2014-01, passed 3-20-2014)

Cross-reference:

Minimum monthly charge, see § 52.049

§ 52.041 SERVICE CHARGES.

(A) Each user shall pay a service charge in accordance with the following applicable size of meter installed.

(B) The service charge shall be in addition to the above metered rates.

<i>Meter Size</i>	<i>Inside and Outside Town Monthly Charge</i>
5/8-inch meter	\$7.45
3/4-inch meter	\$8.13
1-inch meter	\$11.31
1-1/2-inch meter	\$14.39
2-inch meter	\$39.56
3-inch meter	\$51.77
4-inch meter	\$148.47
6-inch meter	\$200.63
8-inch meter	\$262.43

(Ord. 1990-2, passed 6-28-1990; Am. Ord. 2000-7, passed 12-7-2000; Am. Ord. 2002-03, passed 4-18-2002; Am. Ord. 2006-12, passed 12-21-2006; Am. Ord. 2008-1, passed 2-7-2008; Am. Ord. 2009-13, passed 12-22-2009; Am. Ord. 2014-01, passed 3-20-2014)

§ 52.042 FIRE SERVICE CHARGE.

<i>Hydrant Type</i>	<i>Annual Charge</i>
Private hydrants, per hydrant	\$698.41

(Ord. 1990-2, passed 6-28-1990; Am. Ord. 2000-7, passed 12-7-2000; Am. Ord. 2002-03, passed 4-18-2002; Am. Ord. 2006-12, passed 12-21-2006; Am. Ord. 2008-1, passed 2-7-2008; Am. Ord. 2009-13, passed 12-22-2009; Am. Ord. 2014-01, passed 3-20-2014)

§ 52.043 ACCOUNT DEPOSITS.

(A) Each user shall pay an account deposit of \$75 prior to providing service.

(B) Whenever service is disconnected for non-payment, each user shall be required to provide a deposit equal to the highest monthly service charge or \$75, whichever is greater, prior to reinstating service. (Ord. 2014-01, passed 3-20-2014)

§ 52.044 TAP CHARGE.

(A) At the time of connection with the waterworks system each user shall pay a charge to cover the basic costs of excavating and tapping the main, furnishing and installing 20 feet of service pipe from the main to the water meter; furnishing and installing corporation and stop valves; and furnishing and installing meter crock (if outside), yoke, and meter.

(1) The basic charge for a 5/8-inch meter tap shall be \$1,200.

(2) Any 5/8-inch meter tap requiring work or materials beyond that described above shall be charged for any additional cost of labor, material, power, machinery, transportation and overhead incurred for installing the tap, but shall not be less than the basic charge for a 5/8-inch meter tap. The charge for a tap larger than the 5/8-inch meter tap shall be the cost of labor, materials, power, machinery, transportation, and overhead incurred for installing the tap, but shall not be less than the basic charge for a 5/8-inch meter tap.

(B) Whenever the extension of water service requires work over and above that of a 5/8-inch water meter tap, an additional review fee of \$175 shall be charged and is to be paid prior to beginning the review. Whenever this review requires work and or materials in excess of six hours and/or \$175, then the review fee shall be based on time and materials used in performing the review.

(Ord. 1990-2, passed 6-28-1990; Am. Ord. 1995-10, passed 11-9-1995; Am. Ord. 2000-7, passed 12-7-2000; Am. Ord. 2002-03, passed 4-18-2002; Am. Ord. 2006-12, passed 12-21-2006; Am. Ord. 2008-1, passed 2-7-2008; Am. Ord. 2009-13, passed 12-22-2009; Am. Ord. 2014-01, passed 3-20-2014)

§ 52.045 TEMPORARY USERS.

Water furnished to temporary users such as contractors and the like shall be charged on the basis of the metered rates hereinbefore set forth as estimated and established by the Town Administration.

(Ord. 1990-2, passed 6-28-1990; Am. Ord. 2002-03, passed 4-18-2002; Am. Ord. 2006-12, passed 12-21-2006; Am. Ord. 2008-1, passed 2-7-2008; Am. Ord. 2009-13, passed 12-22-2009; Am. Ord. 2014-01, passed 3-20-2014)

§ 52.046 RECONNECTION CHARGE.

When the service is turned off for nonpayment of bill, or whenever for any reason beyond the control of the waterworks a reestablishment of service is required by any 1 customer, a charge of \$40 during business hours and \$60 after business hours will be made by the waterworks to cover the cost of discontinuance and reestablishment of service. The reconnection charge, together with all other outstanding rates and charges due the waterworks, shall be paid by the customer before service will be reestablished. Should any service account remain inactive for a period of 3 months or longer, the charge shall increase to \$95 for reactivation of the account. Any service connection inactive for a period of 18 months shall be subject to the same administrative rules as new service connections.

(Ord. 1979-3, passed 10-1-1979; Am. Ord. 1990-2, passed 6-28-1990; Am. Ord. 1991-7, passed 10-17-1991; Am. Ord. 1995-10, passed 11-9-1995; Am. Ord. 2000-7, passed 12-7-2000; Am. Ord. 2002-03, passed 4-18-2002; Am. Ord. 2006-12, passed 12-21-2006; Am. Ord. 2008-1, passed 2-7-2008; Am. Ord. 2009-13, passed 12-22-2009; Am. Ord. 2014-01, passed 3-20-2014)

§ 52.047 DISHONORED CHECK CHARGE.

In the event a check, draft, or other instrument tendered to the utility for water service is dishonored by the bank or other institution upon which it is drawn, for any reason, the customer shall be charged \$30 per such dishonored check, and this charge will appear on the billing statement and will be due upon receipt.

(Ord. 1980-5, passed 1-4-1980; Am. Ord. 1990-2, passed 6-28-1990; Am. Ord. 1995-10, passed 11-9-1995; Am. Ord. 2000-7, passed 12-7-2000; Am. Ord. 2002-03, passed 4-18-2002; Am. Ord. 2006-12, passed 12-21-2006; Am. Ord. 2008-1, passed 2-7-2008; Am. Ord. 2009-13, passed 12-22-2009; Am. Ord. 2014-01, passed 3-20-2014)

§ 52.048 WHOLESALE WATER COST TRACKING.

(A) The wholesale water cost tracking factor solely due to changes in the cost of purchased water, and based upon the quantity of water consumed each month, shall be \$1.70 per 1,000 gallons.

(B) This is in addition to the above rates and charges.

(Ord. 1990-2, passed 6-28-1990; Am. Ord. 1994-2, passed 5-19-1994; Am. Ord. 1994-12, passed 12-28-1994; Am. Ord. 1995-10, passed 11-9-1995; Am. Ord. 2000-7, passed 12-7-2000)

§ 52.049 MINIMUM MONTHLY CHARGE.

Each user shall pay a minimum monthly charge equal to 2,000 gallons of water usage each month applied to the appropriate metered rate, plus any additional charges dictated by this chapter.

(Ord. 1991-2, passed - -1991; Am. Ord. 1995-10, passed 11-9-1995; Am. Ord. 2000-7, passed 12-7-2000; Am. Ord. 2002-03, passed 4-18-2002; Am. Ord. 2006-12, passed 12-21-2006; Am. Ord. 2008-1, passed 2-7-2008; Am. Ord. 2009-13, passed 12-22-2009; Am. Ord. 2014-01, passed 3-20-2014)

§ 52.050 SPECIAL RATE CONTRACTS.

The Council is hereby further authorized to enter into special rate contracts with customers of the waterworks where clearly definable cost to the waterworks can be determined. Special rates shall be based upon those costs.

(Ord. 2002-03, passed 4-18-2002; Am. Ord. 2006-12, passed 12-21-2006; Am. Ord. 2008-1, passed 2-7-2008; Am. Ord. 2009-13, passed 12-22-2009; Am. Ord. 2014-01, passed 3-20-2014)

§ 52.051 EFFECTIVE DATE.

The rates and charges for this subchapter shall become effective on the February 1, 2010 billing period.

(Ord. 2002-03, passed 4-18-2002; Am. Ord. 2009-13, passed 12-22-2009)

BILLING PROCEDURES**§ 52.060 BILLS AND NOTICES.**

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

(A) The rates and charges for all users shall be prepared and billed monthly. Bills will be dated and mailed on the third day of each month. Bills for water service are due and payable at the business office of the municipality or to any designated agent on their date of issue. The past due date shall be the seventeenth day after the date of issue.

(B) The rates and charges may be billed to the tenant or tenants occupying the properties served, if requested by the owner in writing, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a

tenant or tenants, shall have the right to examine the collection records for the town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

(C) All rates and charges not paid when due are hereby declared to be delinquent and a penalty of 10% of the amount of the rates and/or charges shall thereupon be added thereto per month. The time at which such rates and/or charges shall be paid is now fixed at 17 days after the date of mailing of the bill.

(D) If any bill has a delinquent amount due, as of the date of issue, the delinquent amount must be paid within 10 days of the date of issue of that bill. If the delinquent amount is not paid within this 10 day period, the water supply to the customer may be discontinued without further notice.

(E) (1) Any person who is delinquent on their combined water/sewer bill and is subject to disconnection for nonpayment thereof must be notified of their right to a hearing before the Nashville Municipal Utilities Management Committee consisting of a representative from Town Administration, Office of the Clerk-Treasurer and the Utility Billing Department to determine the appropriateness of the disconnection.

(2) If a Nashville Municipal Utilities customer desires to request a hearing contesting the fairness of disconnection for nonpayment of their combined water/sewer bill, the customer must request such hearing in writing to the Nashville Municipal

Utilities, PO Box 446, Nashville, IN 47448, within 7 business days after the date of the mailing of the disconnection notice.

(Ord. 1979-3, passed 10-1-1979; Am. Ord. 1980-5, passed 1-4-1980; Am. Ord. 2002-03, passed 4-18-2002; Am. Ord. 2006-12, passed 12-21-2006; Am. Ord. 2008-1, passed 2-7-2008; Am. Ord. 2009-13, passed 12-22-2009; Am. Res. 2013-09, passed 12-19-2013; Am. Ord. 2014-01, passed 3-20-2014)

Cross-reference:

Reconnection charge when water discontinued for nonpayment, see § 52.046

§ 52.061 DUTY OF CLERK-TREASURER.

(A) It is the duty of the Clerk-Treasurer or any other person designated for the purpose to render bills for water service and all other charges in connection therewith and to collect all monies due therefrom.

(B) The Clerk-Treasurer shall establish a proper system of accounts and shall keep proper records, books and accounts, in which complete and correct entries shall be made of all transactions relative to the water system and at regular annual intervals, the Town Board of Trustees shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system.

(Ord. 6-3-68, passed 6-3-1968)

§ 52.062 REVENUES AND MONIES.

All revenues and monies derived from the operation of the water system shall be paid to and held by the Clerk-Treasurer separate and apart from all other funds of the town and all of the sums and all other funds and monies incident to the operation of the system, as may be delivered to the Clerk-Treasurer,

shall be deposited in a separate fund designated as the "Waterworks Fund Account." The Clerk-Treasurer shall administer the fund in every respect in a manner provided by state law and all other pertinent laws. (Ord. 6-3-68, passed 6-3-1968)

water consumed for billing purpose will be based upon an average of the prior 6 months' consumption, and the conditions of water service prevailing during the period in which the meter failed to register. (Ord. 1979-3, passed 10-1-1979)

METERS

§ 52.075 INSTALLATION AND MAINTENANCE.

All meters shall be installed, maintained and renewed by and at the expense of the municipality, and the municipality reserves the right to determine the size and type of meter used. (Ord. 1979-3, passed 10-1-1979)

§ 52.076 TEST OF METER.

Upon the written request of any customer, the meter serving the customer shall be tested by the municipality. The test will be made without charge to the customer if the meter has not been tested within 12 months preceding the requested test. A second test of the customer's meter may be requested after 12 months. The customer may be required to bear the full cost of any subsequent test of his or her meter if requested at less than 36 months after the preceding test. A written report giving the results of the tests shall be made to the customer within 10 days after the test is complete, and a complete record of the same shall be kept on file in the office of the municipality. The test will be made without charge to the customer if the meter has not been tested within 12 months preceding the requested test; otherwise a charge of \$5 will be made and then only if the test indicates meter accuracy within the limits of 2%. (Ord. 1979-3, passed 10-1-1979)

§ 52.077 METER FAILURE.

Where a meter has ceased to register, or meter reading could not be obtained, the quantity of

CROSS-CONNECTIONS

§ 52.090 DEFINITION.

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

CROSS-CONNECTION. Any physical connection or arrangement between 2 otherwise separate systems, 1 of which contains potable water from the town water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from 1 system to the other, the direction of the flow depending on the pressure differential between the 2 systems. (Ord. 1990-1, passed 3-15-1990)

§ 52.091 CROSS-CONNECTIONS PROHIBITED.

No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the town may enter the supply or distribution system of the municipality, unless the private, auxiliary or emergency water supply and the method of connection and use of that supply shall have been approved by the town water utility and by the State Department of Environmental Management in accordance with 327 I.A.C. 8-10.

(Ord. 1990-1, passed 3-15-1990) Penalty, see § 52.999

§ 52.092 INSPECTIONS; RIGHT OF ENTRY.

(A) It shall be the duty of the Town Superintendent to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Town Superintendent.

(B) That upon presentation of credentials, the representative of the Town Superintendent shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the town for cross-connections. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on the property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross-connections.

(Ord. 1990-1, passed 3-15-1990)

§ 52.093 DISCONTINUANCE OF SERVICE; EMERGENCY DISCONTINUANCE.

(A) The Town Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this subchapter exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee or occupants of the property or premises where a violation is found or suspected to exist. Water service to that property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this subchapter.

(B) If it is deemed by the Town Water Utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to the effect is filed with the Town Clerk and delivered to the

consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within 10 days of an emergency discontinuance.

(Ord. 1990-1, passed 3-15-1990)

§ 52.094 BACKFLOW PREVENTER REQUIRED.

All consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced-pressure-principle backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.

(Ord. 1990-1, passed 3-15-1990) Penalty, see § 52.999

§ 52.095 COMPLIANCE WITH STATE PLUMBING CODE.

This subchapter does not supersede the State Uniform Plumbing Code, but is supplementary to it. (Ord. 1990-1, passed 3-15-1990)

INDEPENDENCE FROM STATE REGULATIONS**§ 52.110 APPLICATION.**

This subchapter shall apply to the municipal water and sewer utilities.

(Ord. 1989-3, passed 3-16-1989)

§ 52.111 DECLARATION OF AUTHORITY.

I.C. 8-1.5-3-9.1 grants the state certain municipalities and towns the power to remove themselves from the jurisdiction of the Commission

for approval of rates, charges and evidences of indebtedness by the adoption of the Board of Trustees by ordinance.

(Ord. 1989-3, passed 3-16-1989)

§ 52.112 NOTICE BEFORE ADOPTION.

Written notice shall be mailed by the Town Board to all rate payers of the utilities at least 30 days prior to final passage of this section by the Board of Trustees.

(Ord. 1989-3, passed 3-16-1989)

§ 52.999 PENALTY.

(A) Any person, firm, or corporation who violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$2,500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(B) Any person violating the provisions of § 52.015 shall have the water privileges cancelled and the water turned off at his or her premises, until the Town Board shall decide to again turn the water on.

(Ord. 9-6-66, passed 9-6-1966)

CHAPTER 53: PUBLIC WORKS CONSTRUCTION STANDARDS

Section

- 53.001 Findings
- 53.002 Adoption
- 53.003 Definitions
- 53.004 Minor revisions and administrative approval
- 53.005 Copies on file
- 53.006 Application and intent
- 53.007 Registration and administration fees
- 53.008 Right of entry and inspection
- 53.009 Responsibility for violations
- 53.010 Sidewalk standards
- 53.011 Location of applicable standards

- 53.999 Penalty

§ 53.001 FINDINGS.

The Town Council has determined that the town lacks adopted standards to design capital improvement projects and to review development projects. It is beneficial to the town to adopt construction standards. The need for construction standards to mitigate confusion and minimize the impact of poor construction techniques of public health and safety, and that understands that construction standards enhance the development process.
(Ord. 2014-10, passed 12-18-2014)

§ 53.002 ADOPTION.

The town adopts the "Standard Plans for Public Works Construction," 2009 edition and newer revisions as they are made available, the latest version of INDOT's Standards and Specifications, and the existing engineering designs for public works completed to date.
(Ord. 2014-10, passed 12-18-2014)

§ 53.003 DEFINITIONS.

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

SIDEWALK. The part of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
(Ord. 2014-10, passed 12-18-2014)

§ 53.004 MINOR REVISIONS AND ADMINISTRATIVE APPROVAL.

The Town Superintendent is authorized to adopt, administratively, minor revisions to the public works standards to better implement the standards or allow for changes in design and construction technology and methods occurring after the effective date of this ordinance codified in this chapter.
(Ord. 2014-10, passed 12-18-2014)

§ 53.005 COPIES ON FILE.

One copy of the town's Public Works Standards shall be available in the office of the Clerk Treasurer for review and copying by members of the public. Additionally, any minor administrative revisions made by the Town Superintendent subsequent to the effective date of the ordinance codified in this chapter shall be dated by the Town Superintendent, and a copy of the Public Works Standards revisions shall be made available in the office of the Clerk Treasurer for review and copying by members of the public.
(Ord. 2014-10, passed 12-18-2014)

§ 53.006 APPLICATION AND INTENT.

All projects that are in or within 10 feet of the road right-of-way that are comprised of any element or design found in this chapter shall meet the minimum requirements as listed in this chapter. If the work being performed is limited to the elements or designs found in this chapter, the Town Superintendent may approve the work (without any additional approvals) at his discretion.

(Ord. 2014-10, passed 12-18-2014)

§ 53.007 REGISTRATION AND ADMINISTRATION FEES.

If the applicable project is required to pay a fee for a certificate of appropriateness or a road right-of-way permit, then no additional fee required. Otherwise, a Public Works project application must be completed, a review fee of \$35 paid to the town, and the application approved by the Town Superintendent.

(Ord. 2014-10, passed 12-18-2014)

§ 53.008 RIGHT OF ENTRY AND INSPECTION.

Right of entry or reentry is limited to the project area for inspections. If an owner fails to comply with the permitting process or if there is a complaint, the inspection shall be performed from within the road right-of-way.

(Ord. 2014-10, passed 12-18-2014)

§ 53.009 RESPONSIBILITY FOR VIOLATIONS.

All violations will be cited and noticed to the owner of record and shall become the owner's responsibility. The owner of any property containing an applicable element or design of this chapter shall be obligated to provide written notice to any prospective purchaser of a property containing any violations, fees, or obligations imposed by the town regarding that property with project violations. Failure of the owner to comply with this section shall constitute a

violation of this chapter. If the owner sells or otherwise disposes of the property to another party, the new owner shall not be entitled to any extension of time to correct or address such violations as existed at the time of sale, transfer or conveyance of the property.

(Ord. 2014-10, passed 12-18-2014)

§ 53.010 SIDEWALK STANDARDS.

(A) *Exhibit A.* "Standard Plans for Public Works Construction", 2009 edition, pages 100-1 (sheet 1 and 2), 101-2 (sheets 1 and 2), 111-4 (sheets 1 through 10), 112-2, and 113-2 (sheets 1 and 2).

(B) *Exhibit B.* Indiana Department of Transportation Standard Drawing No. E 604-SWCR-01 through E 604-SWCR-13.

(C) *Exhibit C.* Nashville Standard Plans for Public Works Construction, Main Street Sidewalk Standards (Sheets 1 through 6).

(Ord. 2014-10, passed 12-18-2014)

§ 53.011 LOCATION OF APPLICABLE STANDARDS.

(A) The standards set forth in § 53.010(A) shall be used in all areas of town except those areas specified in § 53.010(B) and (C).

(B) The standards set forth in § 53.010(B) shall be used in all areas of the town that abuts or is within a state road right-of-way.

(C) The standards set forth in § 53.010(C) shall be used in the Salt Creek Plaza area, the Village District, and areas as designated by the Town Superintendent between the Village District and other public facilities outside the Village District.

(Ord. 2014-10, passed 12-18-2014)

§ 53.999 PENALTY.

(A) A person who violates or fails to comply with the requirements of this chapter is guilty of a misdemeanor and shall be fined \$100 for the first offense; for the second and subsequent offense(s) shall be fined \$500.

(B) Each day that an owner of a property with a noncompliance fails to comply with the requirements of this chapter shall constitute a separate offense.

(C) In addition to any other penalty for this section, this chapter may be enforced by suit for injunction, action for damages, or any equitable relief appropriate to the enforcement of this chapter.

(Ord. 2014-10, passed 12-18-2014)

