

**Town of North Manchester**

103 East Main Street  
North Manchester, Indiana 46962  
Phone: 260-982-9800 Fax: 260-982-7428

**Clerk-Treasurer**

Carrie Mugford, IAMC  
nmclerk@cinergymetro.net

**North Manchester Town Council**

Christopher Garber, Laura Rager,  
Diane Hauptert, Jim Smith, Tom Dale

Received  
August 29, 2012  
INDIANA UTILITY  
REGULATORY COMMISSION

Mr. E. Curtis Gassert  
Director Water/Wastewater Division  
Indiana Utility Regulatory Commission  
101 West Washington Street, Suite 1500 East  
Indianapolis, Indiana 46204-3419

RE: North Manchester, Indiana, Municipal Utilities – Outside User Rate Petition

Dear Mr. Gassert:

Please find the Petition for Approval of Rate Differential Between Property Within and Property Outside the Corporate Boundaries of the City. If you have any questions or need additional information please don't hesitate to contact me or Mr. Matthew J. Mize, City Attorney.

Sincerely,

Carrie Mugford  
Clerk-Treasurer  
North Manchester

Enclosure: Petition

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

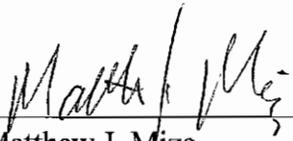
PETITION FOR APPROVAL OF RATE AND CHARGE DIFFERENCE BETWEEN  
PROPERTY WITHIN AND PROPERTY OUTSIDE THE CORPORATE BOUNDARIES OF  
THE TOWN OF NORTH MANCHESTER

Pursuant to Indiana Code 8-1.5-3-8.3 (c), North Manchester, by counsel, requests the Director of the Water and Wastewater Division of the Indiana Utility Regulatory Commission (“Commission”) to approve the rate and charge difference between property within and property outside the corporate boundaries of North Manchester (“Municipality”). In support of its request North Manchester states:

1. The ordinance setting rates and charges for property within and property outside the municipality’s corporate boundaries took effect on April 12, 2006, for the municipal wastewater utility and February 16, 2009 for the municipal water utility.
2. Attached as “Exhibit A” is a copy of the Ordinance.
3. The works that is the subject of the Ordinance is:
  - a. water utility works \_\_\_\_\_
  - b. wastewater utility works \_\_\_\_\_
  - c. both water and wastewater utility works   X
4. The percentage difference between the rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and to property located within the corporate boundaries is 50%
5. If the percentage difference in #4 above varies based upon the amount of consumption, please provide a chart illustrating the various consumption levels in 1000 gallon increments with the corresponding percent surcharge and attach to this Petition.
6. Matthew J. Mize is counsel of record for Petitioners in this matter and is duly authorized to accept service of papers in this cause on behalf of Petitioners.

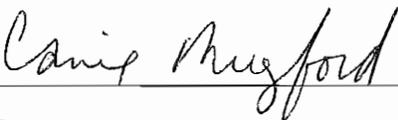
WHEREFORE the Town of North Manchester, Indiana, requests that the Commission issue an Order approving the percentage rate and charge difference between property within and property outside the corporate boundaries of North Manchester, Indiana, and for other just and reasonable relief.

Respectfully Submitted,

  
Matthew J. Mize

Verification

I, Carrie Mugford, affirm under penalties of perjury that the foregoing representations are true to the best of my knowledge, information, and belief.

Signed 

Date 8-27-12

Law Offices of Matthew J. Mize  
PO Box 42  
North Manchester, IN 46962  
(260) 982-4234

GENERAL ORDINANCE No. 12, 2008

AN ORDINANCE ESTABLISHING A NEW SCHEDULE OF  
RATES AND CHARGES FOR THE USE AND SERVICES  
RENDERED BY THE WATERWORKS SYSTEM OF THE  
TOWN OF NORTH MANCHESTER

WHEREAS, the Town of North Manchester is the owner of and operates a waterworks system furnishing water to said Town, its inhabitants, and users in the Town's environs; and

WHEREAS, the Town Council now finds that the existing rates and charges for the use of and service rendered by the waterworks of said Town are insufficient to produce sufficient revenue to pay all of the necessary expenses incident to the operation of the utility, including maintenance costs, operation charges, upkeep, repairs, depreciation, legal expenses, interest charges on bonds, and other obligations; to provide a sinking fund for the liquidation of bonds and other obligations; to provide a debt service reserve for bonds and other obligations; to provide adequate funds for working capital; to provide funds for making extensions and replacements; and that the existing rates and charges should be increased; now, therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTH MANCHESTER, INDIANA:

Section 1. That there shall be and there is hereby established for the use of and the service rendered by the waterworks system of the Town of North Manchester, the schedule of rates and charges, based on the use of water supplied by said waterworks system as set forth on Exhibit A attached hereto and incorporated herein by reference.

Section 2. Rates and charges to users whose meter installation is outside the corporate limits of the Town of North Manchester shall be one hundred fifty percent (150%) of the rates and charges fixed on Exhibit A.

Section 3. That the rates herein approved shall provide for a reasonable return on the water utility plant of the Town and such other legal and necessary expenses as provided in IC 8-1.5-3-8.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Town Council of the Town of North Manchester, Indiana, on the  
16 day of February, 2009

TOWN OF NORTH MANCHESTER  
TOWN COUNCIL

Christopher Garber  
Christopher Garber, President

\_\_\_\_\_  
Laura Rager, Vice President

Diane Hauptert  
Diane Hauptert

James Smith  
James Smith

Thomas Dale  
Thomas Dale

ATTEST:

Carrie Mugford  
Carrie Mugford, Clerk-Treasurer

**NORTH MANCHESTER (INDIANA) MUNICIPAL WATER UTILITY**

**EXHIBIT A**

Metered Rates Per Month

Per 1,000 Gallons

(a) Usage Per Month

First	3,000 gallons	\$ 4.58
Next	6,000 gallons	4.13
Next	12,000 gallons	3.60
Next	29,000 gallons	3.08
Next	150,000 gallons	2.62
	All over 200,000 gallons	2.28

(b) Minimum Charge

Each user shall pay a minimum charge in accordance with the following applicable size of meter installed, for which the user will be entitled to the quantity of water as determined in the above schedule of rates.

Size of Meter

Minimum Monthly Rate

5/8" - 3/4"	\$ 13.74
1"	29.70
1 1/2"	45.65
2"	68.50
3"	113.95
4"	205.30
6"	342.20

(c) Fire Protection Service

Municipal hydrants - per hydrant - per annum	\$576.45
Private hydrants - per hydrant - per annum	576.45

Private Sprinklers

Per Year

4 inch line	\$574.35
6 inch line	862.60
8 inch line	1,152.85
10 inch line	1,441.05

Service Outside Corporate Limits

Rates and charges to users whose meter installation is outside the corporate limits of the Town of North Manchester shall be one hundred fifty percent (150%) of the rates and charges above.

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GENERAL ORDINANCE NO. 3, 2006

**AN ORDINANCE FIXING RATES AND CHARGES FOR THE MUNICIPAL SEWAGE WORKS, AMENDING TITLE V, PUBLIC WORKS, FACILITIES AND SERVICES, CHAPTER II, SEWERS, SECTION 30, SEWAGE RATES AND CHARGES, OF THE MUNICIPAL CODE OF THE TOWN OF NORTH MANCHESTER**

WHEREAS, in consultation with and pursuant to a study and report made to it by UMBAUGH, the Town Council has determined that: (a) retained funds need to be increased to cover a higher level of maintenance and operations; (b) additional funds are required to provide improvements and replacement of structures; (c) reserves for payment of debt need to be increased to assure availability of funds against a pattern of declining reserve accumulations; all of which necessitates that rates and charges for services provided be increased; and

WHEREAS, the Town Council has determined that the following range of adjusted charges are just and equitable under all of the circumstances;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of North Manchester, Indiana, that Sections 1.1 and 1.2 of Section 1 of Article III of Chapter II of Title V of the North Manchester Municipal Code are now amended as follows:

- 1.1 The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such use, except as otherwise provided in this ordinance. Sewage service rates, based upon the amount of water used, shall be as follows:

**METERED RATES**

First	3,000 gallons	\$4.30
Next	6,000 gallons	\$3.87
Next	12,000 gallons	\$3.44
Next	29,000 gallons	\$3.01
Next	150,000 gallons	\$2.37
Over	200,000 gallons	\$1.51

The minimum charge for sewage service, where the user is a metered water consumer, shall be based upon the meter size as follows:

METER SIZE

5/8-3/4 inch meter	\$ 12.90
1 inch meter	38.90
1 1/4 inch meter	51.90
1 1/2 inch meter	73.50
2 inch meter	138.35
3 inch meter	216.15
4 inch meter	345.85
6 inch meter	646.45

1.2 There shall be a flat rate charge for residential sewage service where the user is not a metered water consumer of \$17.20 per month.

1.3 This ordinance shall be effective for users on the first day of the billing cycle for each user subsequent to the date of the enactment of this ordinance.

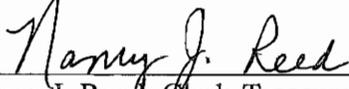
ADOPTED on third reading by the Town Council and approved by its presiding officer on this 12th day of April, 2006.

TOWN OF NORTH MANCHESTER, INDIANA  
TOWN COUNCIL



DONALD W. RINEARSON, President

ATTEST:



Nancy J. Reed, Clerk-Treasurer

## Lynn, Dana

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**From:** Carrie Mugford [nmclerk@cinergymetro.net]  
**Sent:** Friday, September 07, 2012 12:52 PM  
**To:** Lynn, Dana  
**Subject:** RE: Town of North Manchester  
**Attachments:** Letterhead - Town of N. Manchester.doc

Ms. Lynn attached you will find a letter from me regarding the town's code. If you need more information please do not hesitate to contact me.

Sincerely,

*Carrie Mugford, IAMC*

Clerk-Treasurer  
North Manchester  
260-982-9800

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**From:** Lynn, Dana [mailto:DLynn@urc.IN.gov]  
**Sent:** Wednesday, September 05, 2012 9:30 AM  
**To:** Carrie Mugford  
**Cc:** Gassert, Curt  
**Subject:** RE: Town of North Manchester

Ms. Mugford – I spoke to our General Counsel regarding this issue. If you can provide me the Town's code regarding the rate differential between inside and outside corporate limit wastewater customers, we might be able to go ahead and approve the utility's request. Thanks

*Dana M. Lynn  
Senior Utility Analyst  
Indiana Utility Regulatory Commission  
(317) 232-2750*

 please consider the environment before printing this e-mail

*Confidentiality Notice: This e-mail transmission may contain deliberative, confidential or other legally privileged information that is not subject to public disclosure under Ind. Code § 5-14-3-4(b), and is intended only for the individual or entity named in the e-mail address. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or reliance upon the contents of this e-mail is strictly prohibited. If you have received this e-mail transmission in error, please reply to the sender, so that the Indiana Utility Regulatory Commission's Office of General Counsel can arrange for proper delivery, and then please delete the message from your inbox. Thank you.*

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**From:** Carrie Mugford [mailto:nmclerk@cinergymetro.net]  
**Sent:** Tuesday, September 04, 2012 4:09 PM  
**To:** Lynn, Dana  
**Subject:** Town of North Manchester

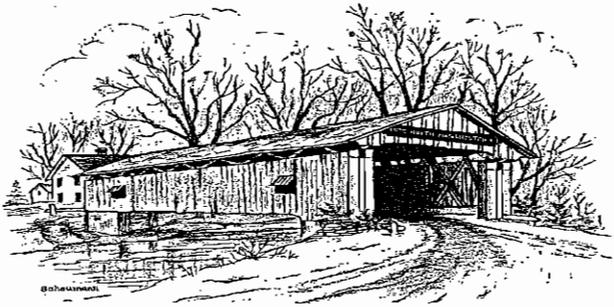
Good afternoon,

I spoke to you this past Thursday concerning the wastewater rate for out of town customers hooked to the municipal sewage system. Our codification was, at one time, amended to reflect a 150% rate differential between inside and outside sewage customers. However, after much searching I cannot locate the ordinance in-house to substantiate this change. The rate ordinance for water is very clear on this matter, but the rate ordinance for wastewater is not. I cannot

at this time provide you with an ordinance which clearly states the rate differential between inside and outside corporate limit wastewater customers.

*Carrie Magford, IAMC*

Clerk-Treasurer  
North Manchester  
260-982-9800



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Diane Hauptert, Jim Smith, Tom Dale

Dana M. Lynn  
Senior Utility Analyst  
Indiana Utility Regulatory Commission  
101 West Washington Street, Suite 1500 East  
Indianapolis, Indiana 46204-3419

RE: North Manchester, Indiana, Municipal Utilities – Outside User Rate

Dear Ms. Lynn:

Thank you for taking the time to review the rate petition for the Town of North Manchester. As I stated in a previous correspondence, I cannot locate the ordinance that was used to change the codification to reflect the policy of charging outside wastewater customers' one-and-a-half times the rate of inside customers. However, Title V, Chapter II, Article I, Section 31.1 has stated that there shall be a rate charge of \$12.00 for customers in town and \$18.00 outside of town. In addition, Title V, Chapter II, Article I, Section 39 intends for the sewage use fees to be billed in the same manner as the water use fees. These two pieces were used to create the policy for billing sewage customers outside the corporate limits. Again, thank you for your attention to this situation.

Sincerely,  
Carrie Mugford  
Clerk-Treasurer  
North Manchester

# TITLE V: PUBLIC WORKS, FACILITIES, AND SERVICES

## CHAPTER I: WATER

### ARTICLE I: WATERWORKS REVENUE BONDS

Ordinance Number 5, approved April 1, 1992, "An ordinance of the Town of North Manchester authorizing the issuance of waterworks revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal waterworks of said Town, providing for the safeguarding of the interests of the owners of said bonds, other matters connected therewith, and repealing ordinances inconsistent herewith," are incorporated herein as fully as if set forth verbatim as a part of this code. Two copies of this ordinance are on file in the office of the Clerk-Treasurer and available for public inspection.

### ARTICLE II: WATER RATES AND CHARGES

SECTION 1. That there shall be and there is hereby established for the use and the service rendered by the Waterworks system of the Town of North Manchester, Indiana, the schedule of rates and charges, based on the use of water supplied by said waterworks system:

#### 1.1 METERED RATES PER MONTH PER 1,000 GALLONS

<u>Usage Per Month</u>			
First	3,000 gallons	\$	2.00
Next	6,000 gallons		1.80
Next	12,000 gallons		1.57
Next	29,000 gallons		1.34
Next	150,000 gallons		1.14
All over	200,000 gallons		.99

1.2 MINIMUM CHARGES. Each user shall pay a minimum charge in accordance with the following applicable size of meter installed, for which the user will be entitled to quantity of water as determined in the above schedule of rates.

SIZE OF METER		MINIMUM MONTHLY RATE	
5/8"-3/4"	meter	\$	6.00
1"	meter		12.95
1 1/2"	meter		19.90
2"	meter		29.85
3"	meter		49.65
4"	meter		89.45
6"	meter		149.10

#### 1.3 FIRE PROTECTION SERVICE

Municipal hydrants	- per hydrant	- per annum	\$ 251.15
Private hydrants	- per hydrant	- per annum	\$ 251.15

PRIVATE SPRINKLERS:	PER YEAR
4 inch line	\$ 250.25
6 inch line	\$ 375.85

8 inch line	\$	502.30
10 inch line	\$	627.90

**SERVICE OUTSIDE CORPORATE LIMITS** Rates and charges to users whose meter installation is outside the corporate limits of the Town of North Manchester shall be one hundred fifty percent (150%) of the rates and charges above.

The rates herein approved shall provide for a reasonable return on the water utility plant of the Town and such other legal and necessary expenses as provided in IC 8-1.5-3-8.

The Town Council hereby elects to pay the Town from water rates and charges payment in lieu of property taxes as provided in IC 8-1.5-3-8. {Revised 4/10/96}

**1.4 RECONNECTION CHARGE**

Per occurrence - \$20.00

**1.5 SERVICE INSTALLATION AND TAP CHARGE.** Service shall be run from the distribution system to a point just inside the property line or fence line. The Utility will install a curb stop, meter setting, and meter in the service line outside the property line. The charge for a 5/8-inch meter tap shall be \$690.00. The charge for a tap larger than the 5/8 inch meter shall be the cost of labor, materials, power machinery, transportation, and overhead incurred for installing the tap, but shall not be less than the charge for a 5/8 inch meter tap.

**1.6 DEFINITIONS:**

1.6.1. "Municipal hydrants" means and includes all fire protection hydrants, wherever located, not herein defined as private hydrants.

1.6.2. "Private hydrants" means and includes all fire protection hydrants, wherever located, which are placed exclusively for service to nonresidential property or to property exempt from property taxation under P.L. 47, Indiana. Acts of 1975 (I.C. 6-1.1-10-1 et seq.) as now or hereafter amended, and including, but not limited to, the exemption provisions in other laws to which reference is made therein.

**SECTION 2.** Rates and charges to users whose meter installation is outside the corporate limits of the Town of North Manchester shall be one hundred fifty percent (150%) of the rates and charges fixed in Section 1.

**SECTION 3.** That the rates herein approved shall provide for a reasonable return on the water utility plant of the Town and such other legal and necessary expenses as provided in IC 8-1.5-3-8.

**SECTION 4.** The Town Council hereby elects to pay the Town from water rates and charges payment in lieu of property taxes as provided in IC 8-1.5-3-8.

**SECTION 5.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**ARTICLE III: WATER LINE EXTENSIONS**

SECTION 1. The Water Works Department of the Town of North Manchester may, upon written request by a prospective customer or a group of prospective customers located in the same neighborhood, make free of charge an extension necessary to give service when the estimated total revenue, for a period of three (3) years, from the prospective customer or customers is approximately equal to the cost of the extension; provided, that the prospects agree that the patronage or demand will be of such permanence as to warrant the capital expenditure involved.

SECTION 2. If the extension required in order to furnish service at any point within the corporate limits, or any adjacent territory, is greater than the free extension specified herein, such an extension shall be made under the following conditions: The Town shall require a deposit of the cost of the extension above the free limit and shall in such case, for each additional customer connected to the said extension within a period of eight (8) years from the making of such extension, refund an amount of which six (6) times the estimated annual revenue of the new customer exceeds the cost of connecting such new customer, but at no time shall the aggregate amount of refund made to any customer exceed the original deposit of such customer. If the extension is of such length, and the prospective business which may be developed by it is so meager as to make it doubtful whether the business from the extension would ever pay a fair return on the investment involved in such extension, or in the case of real estate development enterprise with slight or no immediate demand for service, or in the case of industrial installation requiring extensive equipment with slight or irregular service, the facts shall be reported to the Town Council of such Town for investigation and determination of the reasonableness of such extension or installation and the conditions under which it shall be made.

SECTION 3. In estimating the cost of an extension, the estimate shall be based on the diameter of the pipe to be used, provided, however, the estimated cost to the customer or customers shall not be based on a pipe diameter in excess of four (4) inches, unless actual consumption estimated for the proposed customer or customers shall require a larger pipe.

SECTION 4. Water main and line extensions located, or to be located in streets or alleys, or to be maintained by the Town of North Manchester, shall be of cast or ductile iron pipe equal to or better than class 50 of a size determined by the Superintendent of Public Works to be adequate to serve the planned expansion.

#### **ARTICLE IV: WATER UTILITY**

SECTION 1. The North Manchester Water Utility is removed from the jurisdiction of the Indiana Utility Regulatory Commission for approval of rates, charges and evidences of indebtedness. This ordinance shall take effect as provided by Indiana Code 8-1.5-3-9.1. {Effective June 5, 1989}

SECTION 2. Control of the North Manchester Water Utility for all purposes, including approval of rates, charges, and evidences of indebtedness, is vested in the Town Council of the Town of North Manchester, Indiana, on the effective date of this ordinance. With respect to the North Manchester Water Utility, the Town Council shall have all of the powers and duties set forth in IC 8-1.5-3-4, as now or hereafter amended.

SECTION 3. In the rates and charges made by the North Manchester Water Utility for a service rendered or to be rendered, either directly or indirectly in connection therewith, shall be non-discriminatory, reasonable, and just. The Town Council shall fix reasonable and just rates and charges for services of the North Manchester Water Utility in accordance with the provisions of Indiana Code 8-1.5-3-8, as now or hereafter amended, from time to time as may be necessary to fix and maintain reasonable and just rates and charges for services.

SECTION 4. The office of Superintendent of the North Manchester Water Utility is hereby created. The Superintendent shall bear responsibility for the detailed supervision of the North Manchester Water Utility and shall be responsible to the Town Council for the business and technical operation of the utility. Under the supervisory powers and authority of the Town Council, the Superintendent shall exercise the powers and perform the duties reasonably required to enable the Town of North Manchester Water Utility to furnish reasonably adequate services and facilities, which powers and duties shall include those prescribed by Indiana Code 8-1.5-3-5.

SECTION 5. The notices required to be given under Indiana Code 8-1.5-3-9.1 shall be given by the Clerk of the North Manchester Water Utility under the supervision of the Clerk-Treasurer.

**ARTICLE V: WATER TAP CHARGES**

SECTION 1. Applicants for connection or reconnection to the waterworks system operated and maintained by the Town of North Manchester shall complete an application on forms provided by the Water Utility at its office and shall, at the time of application, pay a reasonable fee for such connection or reconnection, equal in amount to the direct and indirect labor and material costs incurred by the Water Utility in completing the connection or reconnection.

SECTION 2. The minimum charge for connection of a 3/4" or smaller meter service to the waterworks system shall be the average cost as computed by the Department of Public Works under the following formula:

**SCHEDULE OF TAP CHARGES**

<u>Direct Materials</u>		<u>Short</u>	<u>Long</u>
Copper @	1.28/ft.		
Short -	10 ft.	12.80	
Long -	90 ft.		115.20
Meter	110.00		
Meter setting	37.20		
Corp. stop	14.00		
Meter tile	53.00		
Meter cover	85.00	<u>299.20</u>	<u>299.20</u>
<b>TOTAL MATERIAL COST</b>	<b>299.20</b>		
 <u>Direct Labor</u>			
Labor @ (pay rate)	11.4800		
PERF @ (% rate)	.5453		
FICA @ (% rate)	.8610		
Group insurance	1.3500		
Worker's comp	<u>.2400</u>		
<b>TOTAL</b>	<b>14.4800</b>		
Short @ 16 hrs	=	231.68	
Long @ 32hrs	=		463.36

<u>Direct Equipment</u>		<u>Short</u>	<u>Long</u>
Backhoe @	\$60.00 per hr		
Short @ 1 hr.	=	60.00	
Long @ 2 hrs	=		120.00
Air Compressor	\$40.00 per hr		
Short @ 1 hour		40.00	
Long @ 2 hours		_____	<u>80.00</u>
<b>TOTAL</b>		<b>643.68</b>	<b>1,077.76</b>
Total Short and long tap combined:		\$ 1,721.44	
		_____	<u>12</u>
<b>Average cost per 3/4" tap</b>		<b>\$ 860.00</b>	

SECTION 3. The Superintendent of Public Works shall compute the average cost in accordance with the formula prescribed under Section 2 on a semi-annual basis, or more frequently if in his judgment the costs have changed significantly enough to cause the minimum charge to fluctuate from the last determined average by plus or minus five percent, and the average so determined shall be the minimum charge for connection of a 3/4" or smaller meter service to the waterworks system.

SECTION 4. Applicants for connection to the waterworks system for meters exceeding 3/4" shall, at the time of application, pay the minimum fee for connection; provided, the actual fee shall be the greater of the minimum fee or actual cost computed using the formula prescribed under Section 2 without averaging. In the event the actual cost exceeds the minimum connection charge, the excess cost shall be due and payable not later than the due date of the first billing of water services for water provided through the meter.

SECTION 5. Reconnection charges to the waterworks system shall be determined in amount by the same formula and computations as provided above for connection charges, and until such average cost is determined, a reasonable reconnection charge is determined to be \$20.00.

ADOPTED April 12, 2000.

## TITLE V: PUBLIC WORKS, FACILITIES AND SERVICES

### CHAPTER I: WATER

#### ARTICLE VI: GENERAL REQUIREMENTS FOR WATER SERVICE AND SAFETY

SECTION 1. No person shall open, enter or otherwise access a curb stop, meter setting or meter or manhole unless authorized by the Superintendent. Violation of this access restriction is constituted a civil violation, and for the first offense conviction shall be subject to a minimum penalty of \$50.00. Conviction of a second or subsequent violation shall be subject to a penalty not in excess of the maximum amount authorized by this Code.

SECTION 2. No new water service shall be connected to the distribution system unless the applicant shall have installed on the property or within the improvements thereon an operable

main line shut off valve which completely interrupts the water supply to the property. Subject to allowance of a reasonable time for existing users of the system to complete installation of an operable main line shut off valve or to repair an existing inoperable shut off valve the Superintendent, for good cause, after notice to the user, is authorized to discontinue water service to the property.

SECTION 3. The Superintendent is authorized and directed to minimize the risk of the flow of contaminants into the North Manchester public water supply from any user thereof by prohibiting a user from installing or using a cross connection or booster pump connection and by creating standards for acceptable cross connection control, reduced pressure principle back flow preventer and pressure type vacuum breaker devices and, as a condition to receiving continued service by the water utility, to require any user to install any such device or devices of discontinue any practice which, in the judgment of the Superintendent, increases the risk of contaminating the North Manchester public water supply.

SECTION 4. Actions taken or ordered by the Superintendent under this Article shall be subject to review by the Town Council upon written request of the effected customer or user, filed with the Clerk-Treasurer not later than thirty (30) days after the date of the Superintendent's final action or order and shall be heard following reasonable notice to the complainant.

SECTION 5. No water connection shall be permitted nor completed until the owner of the property connected pays the connection charge and, if located outside the corporate limits of the Town, executes a written waiver of objection to any pending or future proceeding which could result in annexation of the property to the Town.

Adopted April 1, 1998

## **TITLE V: PUBLIC WORKS, FACILITIES AND SERVICES**

### **CHAPTER II: SEWERS**

#### **ARTICLE I: SEWAGE WORKS REVENUE BONDS**

Ordinance No. 7, 1992, "An ordinance of the Town of North Manchester authorizing the issuance of sewage works revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal sewage works of said Town, providing for the safeguarding of the interests of the owners of said bonds, other matters connected therewith, and repealing ordinances inconsistent herewith," approved June 3, 1992, is incorporated herein as fully as if set forth verbatim as a part of this code. Two copies of this ordinance are on file in the office of the Clerk-Treasurer and are available for public inspection.

#### **ARTICLE II: REGULATING THE CONNECTION TO AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM. (General Ordinance #14, 1992)**

SECTION 1. Unless the context specifically indicates otherwise, the meanings of the following terms as used in this Chapter and as used in the rules and regulations adopted implementing the provisions of this Chapter are as set out below respectively:

- 1.1 "Outlet" – any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake, or other body of surface groundwater.
- 1.2 "Applicable Pretreatment Standards" – Any pretreatment limit or prohibitive standard (Federal, State, and/or Local) contained in the ordinance and considered to be the more restrictive with which non-domestic users shall be required to comply.
- 1.3 "Available" – shall mean abutting the property, crossing the property, within any easement or public right-of-way abutting the property or within 300 feet of the property.
- 1.4 "Biochemical Oxygen Demand (BOD)" – the quantity of dissolved oxygen, in milligrams per liter, required during the stabilization of the decomposable organic matter by aerobic biochemical action of sewage, sewage effluent, polluted waters, or industrial wastes under standard laboratory procedures for five (5) days at 20 degrees centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".
- 1.5 "Building (or house) Drain" – that part of the lowest horizontal piping of a building drainage system that receives the discharge from soil, waste, or other drainage pipes inside the walls of the building and conveys it to a point outside the foundation wall of the building.
- 1.6 "Building (or house) Drain Connection" – the point where the building (or house) sewer is connected to the building drain at a location approximately three (3) feet outside the foundation wall of the building.
- 1.7 "Building (or house) Sewer" – the pipe which is connected to the building (or house) drain at a point three (3) feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer or other place of disposal.
- 1.8 "Building (or house) Sewer Connection" – the point where the building sewer is connected to the public sewer. This connection to the public sewer may be accomplished as follows:
  - 1.8.1 Where a tap-in connection is employed, the point of connection shall be where the end of the building sewer meets the inside face of the sewage system and the tapping "saddle and/or joint" shall be considered part of the building sewer.
  - 1.8.2 Where fittings (T's or Y's) are employed the connection shall be where the end of the first pipe meets the end of the fitting and the said T or Y fitting shall be considered a part of the building sewer.
- 1.9 "Bulk Waste" – any containerized solid, liquid, or gaseous substance discarded or to be discarded as worthless, defective, or of no use to the person discarding said substance.
- 1.10 "Chemical Oxygen Demand (COD)" – a measure of the oxygen equivalent to that portion of the organic matter in a sample of sewage, sewage effluent, polluted waters, or industrial wastes that is susceptible to oxidation by a strong chemical

oxidant. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".

#### 1.11 "Classification of Users"

1.11.1 "Domestic Class User" – a user discharging only normal domestic sewage, as herein defined, into the system.

1.11.2 "Commercial Class User: - a user falling within Division G of the "Standard Industrial Classification Manual", 1972, United States Office of Management and Budget as currently amended and supplemented.

1.11.3 "Industrial Class User" – a user falling within Division A, B, D, E, or I of the Standard Industrial Classification Manual", 1972, United States Office of Management and Budget, as currently amended and supplemented. A user described in the divisions listed herein may be excluded if it is determined by the Town, that such user will introduce primarily segregated domestic waste or waste from sanitary conveniences. Users not listed therein may be included in this class of customers because of the production of excess strength of waste or toxics in excess of limits described hereinafter.

1.12 "Dwelling" – a building, or portion thereof, under one roof used primarily as the abode of one or more persons, but not including hotels, motels, lodging or boarding houses or tourist homes.

1.13 "Effluent" – the water, together with any wastes that may be present, flowing out of a drain, sewer receptacle or outlet.

1.14 "Emergency" – an unforeseen circumstance or combination of circumstances that may cause an eminent endangerment to the health and/or welfare of persons, the environment, or which may interfere with the operation of the sewer collection system or the Water Pollution Control Plant.

1.15 "Garbage" – any solid wastes from the preparation, cooking, or dispensing of food or from the handling, storage, or sale of produce.

1.16 "Ground Garbage" – garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half (1/2) inch in any dimension.

1.17 "Industrial Wastes: - any solid, liquid, gaseous substance, or form of energy discharged, permitted to flow or escape from an industrial, manufacturing, commercial or business operation or process from the development, recovery or processing of any natural resource carried on by any person.

1.18 "Influent" – the water together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.

1.19 "Major Industrial User" – a user of the Town-owned treatment works that (1) has a flow of 50,000 gallons of water or more per average work day; (2) has a flow of waste greater than 5% of the flow carried by any part of the Town system receiving the waste; (3) has in its waste, a toxic pollutant in amounts as defined in standards issued under Section 507 (a) of the Federal act; or (4) is found by the Indiana Department of Environmental Management, in connection with the issuance of the NPDES Permit to

the Town-owned treatment works receiving the waste, to have significant impact whether singularly or in combinations with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

1.20 "Normal Domestic Sewage" – sewage having any average daily suspended solids concentration of not more than 250 milligrams per liter, an average daily BOD concentration of not more than 250 milligrams per liter, and an average daily phosphorus concentration of not more than 10 milligrams per liter and an average daily ammonia concentration of not more than 10 milligrams.

1.21 "NPDES Permit" – the National Pollutant Discharge Elimination System Permit issued by the Indiana Department of Environmental Management for discharges of waste waters to navigable waters of the United States pursuant to Section 402 or 33 U.S.C. 466.

1.22 "Operation and Maintenance Costs" – all costs direct and indirect, other than debt services including replacement costs as defined in paragraph 1.28, necessary to insure adequate wastewater treatment on a continuing basis conforming with Federal, State, and/or Local requirements, and to insure long-term facilities management.

1.23 "Outlet" – any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake, or other body of surface groundwater.

1.24 "Person" – any individual, firm, partnership, company, municipal or private corporation, commercial establishment, association, society, institution, enterprise, governmental agency or other legal unit or entity.

1.25 (pH+ - the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.

1.26 Pollutants"

1.26.1 "Compatible Pollutants" – waste containing biochemical oxygen demand, chemical oxygen demand, suspended solids, phosphorus, pH, and (fecal coliform) bacteria and ammonia NH<sub>3</sub>.

1.26.2 "Incompatible Pollutants" – wastes containing pollutant that is not a compatible pollutant such as "slug load" that would cause damage to the sewage system and/or treatment plant.

1.27 "Receiving Stream" – the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.

1.28 "Replacement Cost" – that cost, stated in current monetary values, as an operating cost which represents and measures the day-to-day consumption and attrition of physical assets in rendering service to users.

1.29 "Sanitary Sewage" – sewage discharged from the sanitary conveniences of dwellings, apartment houses, condominiums, motels, hotels, lodging or boarding houses, office building, factories or institutions and free from storm waters, surface waters and industrial wastes.

- 1.30 "Service Charge" – the basic assessment levied on all users of the public sewerage system for wastes, which do not exceed in strength the concentration values above which a strength-of-waste surcharge will be made.
- 1.31 "Sewage" – the water carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface, and storm waters as may be present.
- 1.32 "Sewage Treatment Plant", "Wastewater Treatment Plant" or) Water Pollution Control Plant") – the arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.
- 1.33 "Sewage Utility", "Wastewater Treatment Plant" or ("Water Pollution Control Works") – all facilities and systems for collecting, transporting, pumping, treating, disposing of sewage and sludge, including the sewerage collection system and the sewage treatment plant, whether or not in active use.
- 1.34 "Sewer" – a pipe or conduit for carrying sewage and other waste liquids as differentiated below:
- 1.34.1 "Combined or Combination Sewer" -- a sewer which carries storm, surface, and groundwater runoff as well as sewage.
  - 1.34.2 "Public Sewer: - a sewer to the use of which all owners of abutting property have equal rights and is controlled and maintained by the Town or other public authority.
  - 1.34.3 "Sanitary Sewer" – a sewer which carries sanitary sewage and to which storm, surface, groundwater and unpolluted industrial wastewaters are not intentionally admitted.
  - 1.34.4 "Storm Sewer" – a sewer which carries storm, surface and groundwater drainage but excludes sanitary sewage.
- 1.35 "Sewer Engineer" – the Superintendent of the Sewage Treatment Plant of the Town or his duly authorized representative; the term is synonymous with the term "Water Pollution Control Engineer: and "Wastewater Superintendent."
- 1.36 "Sewerage System: - the network of sewers and appurtenances used for collecting, transporting and pumping sewage to the Sewage Treatment Plant.
- 1.37 "Shall means mandatory; "may" means permissible.
- 1.38 "Standard Methods: - the examination and analytical procedures set forth in the most recent edition of "Standard Methods" – the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater", published jointly by the American Water Works Association and the Water Pollution Control Federation, a copy of which is on file in the Office of the Superintendent of the Water Pollution Control Plant.
- 1.39 "Strength-of-Waste Surcharge" - the additional charges for sewage service collected from users discharging sewage into the system having a strength measurement in excess of the limits imposed by the provisions of this Ordinance.

- 1.40 "Utility Supervisor: - the Utility Supervisor of the Sewage Treatment Plant," "Water Pollution Control Plant" and "Wastewater Treatment Plant" of the Town, or his duly authorized representative.
- 1.41 "Suspended Solids: - solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration is expressed in milligrams per liter. Quantitative determinations are made in accordance with procedures set forth in "Standard Methods".
- 1.42 "Utility" – unless the context requires another meaning "utility" means the Town of North Manchester.
- 1.43 "Waste Surveillance Charge" – a monthly charge collected from users, qualifying as Industrial or Commercial class users, to defray the cost of evaluating the user's waste by metering, sampling, laboratory analysis, and/or other methods deemed necessary. Said charges are set forth in Article VII and are subject to review annually as provided in Section 39.
- 1.44 "Watercourse" – a channel in which a flow of water occurs either continuously or intermittently.

## GENERAL PROVISIONS

### SECTION 2. UNSANITARY DISPOSAL OF WASTE.

- 2.1 Every property in the Town of North Manchester shall be required to connect to the municipal sewage system whenever a sanitary sewer is available for use. The connection to the municipal sewage system shall be made within 90 days after such sanitary sewer is available. The construction of new combined sewers is prohibited. (See Section 1.34.1 for the definition of a combined sewer.) All new construction that is tributary to a combined sewer shall be designed to minimize or delay inflow contribution to the existing combined sewer. The method used to delay the inflow contribution to the existing combined sewer must first be approved by the Superintendent of the Town of North Manchester.
- 2.2 Those properties not abutting a Town sewer, but within 300' of a sewer, shall make arrangements through the Superintendent's office to determine if sewer can be extended to their property. Connection to the new sewer may not be made until the main is accepted by the Town.
- 2.3 Notwithstanding the foregoing, the Superintendent may, on application and proof of economic hardship, extend the time within which such property shall be connected to the municipal sewage system.
- 2.4 No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- 2.5 All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town for any loss or damage directly or indirectly occasioned by the installation of the building sewer, including backwater damages from the public sewer system.

- 2.6 A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and where no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- 2.7 A building sewer shall not cross the property of another private owner unless such private owner has granted an easement for such building sewer, which is duly recorded in the office of the Wabash County Recorder.
- 2.8 Existing building sewers may be used in connection with new buildings only when they are found, upon examination and test, to meet the current code requirements for building sewers.
- 2.9 The installation of a building or house sewer shall comply with the GENERAL SPECIFICATIONS AND CONDITIONS, DETAIL SPECIFICATIONS, and CONSTRUCTION STANDARDS FOR THE INSTALLATION OF STORM AND SANITARY SEWERS, approved by and on file with the Superintendent.
- 2.10 The Town shall have no responsibility for the installation, maintenance and repair of building sewers, including joints and fittings.
- 2.11 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow into the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- 2.12 No person shall connect any roof downspout, exterior foundation drain, or other source of surface runoff or groundwater to a building sewer or building drain, which is connected either directly or indirectly to a sanitary sewer of the Town.
- 2.13 The connection of the building sewer into the public sewer shall conform to the applicable rules and regulations of the Town. All such connections shall be made gastight and watertight. Any deviation of the prescribed procedure or material must be approved by the Superintendent before installation.
- 2.14 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.
- 2.15 Sewer tap permits shall be obtained from the Utility Office and shall be issued only to qualified sewer tap contractors, who shall pay to the Sewage Utility a fee for each sewer tap permit. Not later than 48 hours after making each sewer tap and building of the sewer installation, the tap contractor or property owner shall notify the Utility office of such connection so that an inspection may be made by the Utility prior to backfilling the said sewer installation.
- 2.16 In cases of requests for connections to newly constructed mains, prior to acceptance by the Town Council, a Prime Contractor's release must be executed and granted through the Superintendent's office. Upon satisfaction of all other requirements, a permit for connection may be issued.

- 2.17 No person shall make use of a sewer tap or backfill or otherwise conceal a sewer installation unless and until the same has been inspected and approved by the Utility. In addition to all other remedies, the Utility may cause the said installation of sewer tap to be excavated and exposed, may terminate the connection, and may require the owner or occupant to pay or reimburse the Utility for its costs and expenses in such excavation, exposure, termination, reconnection and restoration. Such costs and expenses shall be considered as charges for sewerage treatment services and may be collected in accordance with the provisions of Indiana Code 36-9-23-31 through 36-9-23-34.

### SECTION 3. REQUIREMENTS FOR CONNECTION TO PUBLIC SEWERS.

- 3.1 No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained from the Town and until owner has satisfied the obligation to pay all assessments, reimbursements and pro rata shares of sewer extension costs laid against that property for public sewers which serve it. A sewer tap permit given in error shall not operate to nullify any such obligation that has been duly recorded or stop the Town from charging and collecting such costs at any subsequent time.
- 3.2 Notwithstanding the foregoing, the Utility may, in accordance with policies and procedures adopted by the Town Council from time to time, permit an owner or occupant to tap or drain into a public sewer and to defer in whole or in part payment of the obligation, mortgage, lien document or other evidence of obligation acceptable to the Utility.
- 3.3 All such deferred obligations shall be considered for the purposes of Indiana Code Section 36-9-23-31 through 36-9-23-34 to be fees assessed against real property.
- 3.4 Installments of deferred obligations, including any finance charges or interest chargeable thereon, shall be deemed to be charges for sewerage service for the purposes of Articles VIII and IX of this Ordinance.
- 3.5 Sewer tap permits shall be obtained from the (Town's Utility Office) and shall be issued only to licensed sewer tap contractors, who shall pay to the Sewage Utility a fee of Three Hundred Dollars (\$300.00) for each sewer tap permit and a Five Dollar (\$5.00) tap inspection fee. Not later than 48 hours after making each sewer tap and building of the sewer installation, the tap contractor or property owner shall notify the Sewer Engineer's Office of such connections so that an inspection may be made by the Utility prior to backfilling the said sewer installation.
- 3.6 No person shall connect any roof downspout, exterior foundation drain, or other source of surface runoff or groundwater to a building sewer or building drain, which is connected either directly or indirectly to a sanitary sewer of the Town.
- 3.7 The Town Council shall have the authority to require an owner of real property to disconnect any downspouts, yard drains, or other drains, which carry the runoff of natural precipitation from a building sewer, which drains into a sanitary sewer. Property owners shall have thirty (30) days after notice thereof to comply with any such requirement.
- 3.8 A new connection may be made to a Town sewer or sewers connected to the Town system only after there has been adequate assurance by the Town that the

downstream facilities of the sewage works have adequate capacity to transmit and treat the new waste loadings.

SECTION 4. EXTENSIONS OF SEWERS OUTSIDE CORPORATE LIMITS. The installation, construction, or extension of sanitary sewers by private developers or by the Town outside the corporate limits of the Town and the connection of said sanitary sewers into the Town's sewage system from, by, to, or for properties located outside such limits is prohibited, except with the approval of the Town Council by duly enacted resolution, provided that a resolution ratifying an agreement and/or contract for such construction and connection, shall be deemed to constitute such approval.

SECTION 5. CONNECTIONS TO SEWERAGE SYSTEM BY CERTAIN OUT-OF-TOWN PROPERTIES. Notwithstanding the provisions of Section 4., the Town Council shall have the authority to permit a property located outside the corporate limits of the Town to connect to an existing sanitary sewer which is part of the Town's sewerage system, when the property abuts, adjoins, or is immediately contiguous to the street, alley, or easement in which such sewer is located and provided the property owner or occupant has complied with the requirements prescribed by Section 2 of this Ordinance.

SECTION 6. ENFORCEMENT. The provisions of this Ordinance shall be enforced by the Superintendent and such deputies as he, with approval of the Town Council, may appoint for such purposes. Whenever said Superintendent or any such deputy shall deem it appropriate to charge a landowner with a violation(s) of this Ordinance, he shall issue to such landowner, a Notice of Violation, and/or Summons, which shall be processed according to the provisions of Indiana Code 34-4-32-1.

SECTION 7. PENALTY FOR VIOLATIONS. Any landowner, firm, or corporation who violates or fails to comply with any provision of this Ordinance or of the Rules and Regulation of the Town Council pertaining thereto, shall be deemed to have committed a Class B infraction and upon conviction thereof be subject to a fine of up to 41,000.00 per infraction as provided by Indiana Code 34-4-32-4. Each day that such violation(s) or non-compliance continues shall constitute a separate offense.

SECTION 8. DAMAGE TO TOWN PROPERTY PROHIBITED. It shall be unlawful for any unauthorized person, firm, or corporation to maliciously, willfully, or negligently break, damage, destroy, remove, deface, or tamper with any structure, appurtenance, or equipment which is part of the Town sewage system or belongs to the Water Pollution Control Plant of the Town.

SECTION 9. DILUTION. It shall be unlawful for any person, firm, or corporation to increase the use of potable water or process water in any way, or mix separate wastestreams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with applicable standards.

#### SECTION 10. ACCIDENTAL DISCHARGES.

- 10.1 Each discharger must provide protection from accidental discharge of prohibited or regulated materials or substances to sewers of the Town of North Manchester. Where necessary procedures and facilities to prevent the accidental discharge of prohibited materials must be provided and maintained at the discharger's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review, and be approved by the Town before construction of the facility. Review and approval of plans and

operating procedures by the Town shall not relieve the discharger from responsibility to modify its facility as necessary to meet applicable Federal, State, and Local requirements.

- 10.2 Discharger shall notify the Superintendent or his representative, immediately when a "slug load" or accidental discharge occurs. A written report shall be submitted within five (5) days of incident. The notification must include the location of the discharge, date, time of occurrence, type of waste, concentration, volume, and corrective actions taken. Any industrial user who discharges a "slug load" of prohibited materials will be liable for any expense, including loss or damage to the Water Pollution Control Utility sewerage system in addition to the amount of any fines imposed upon the Town under state or federal law.
- 10.3 Signs must be permanently posted in conspicuous places on the discharger's premises, advising employees whom to call in the event of an accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge as to the emergency notification procedures.

#### PERMITTED COMMERCIAL AND INDUSTRIAL WASTES.

SECTION 11. PRIOR APPROVAL FOR CERTAIN WASTES. Review and acceptance by the Superintendent shall be obtained prior to the discharge into the public sewers by any commercial or industrial class customers of sewage whose wastes have:

- 11.1 Either a BOD content greater than 250 milligrams per liter or a COD greater than 500 milligrams per liter.
- 11.2 A suspended solids content greater than 250 milligrams per liter.
- 11.3 Phosphorus content greater than 10 milligrams per liter.
- 11.4 Ammonia content greater than 15 milligrams per liter.
- 11.5 Fats, oil, grease, (F/O/G/) greater than 100 milligrams per liter.
- 11.6 Other contaminants which from either nature or quantity will: (a) interfere with the operation of any portion of the Sewage Utility; (b) pass through the treatment works or otherwise be incompatible with such works; (c) prevent the reclamation and/or recycling of municipal wastewaters and sludge.

SECTION 12. PRETREATMENT FACILITIES – GENERAL. When after making such a review, the Superintendent concludes that before the owner discharges waste into the public sewers the owner must modify or eliminate those constituents which would be harmful to the structures, processes, or operations of any portion of the Sewage Utility or injurious to health, then that owner shall either modify the wastes at the point of origin or shall provide and operate, at owner's expense such preliminary treatment and processing facilities as may be deemed necessary to render owner's waste acceptable for admission into the public sewers.

SECTION 13. PRETREATMENT FACILITIES – PRIOR APPROVAL. Plan, specifications, and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the Town for examination and approval. No construction of such facilities shall begin until the Superintendent has given written approval.

Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results of acceptable waste concentrations desired. The approval of proposed facilities and/or equipment by the Town does not in any way guarantee that these facilities and/or equipment will function in the manner described by their constructor or manufacturer, nor shall it relieve an owner, firm, or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

SECTION 14. PRETREATMENT FACILITIES OPERATION. Where such preliminary treatment facilities are provided, they shall be maintained, continuously in satisfactory and effective operating condition by the person at his own expense and shall be subject to periodic inspection by the Town. The person shall maintain suitable operating records, which shall be open to inspection by the Town, and shall submit to the Superintendent, such monthly summary reports of the character of the influent and effluent as the Superintendent may require. All records and reports shall be retained for a minimum of three (3) years. All industry whether Categorical or Non-Categorical industry shall comply with all requirements of 40 CFR 403.12.

SECTION 15. CATEGORICAL PRETREATMENT STANDARDS. As part of this Ordinance the Town shall enforce all Federal Categorical Pretreatment Standards upon the Categorical Industries within its service area or the service area of any contract customer.

#### PROHIBITED INDUSTRIAL AND COMMERCIAL DISCHARGES

SECTION 16. PROHIBITIONS AND LIMITATIONS. Except as hereinafter provided, no owner shall discharge or cause or permit to be discharged into the public sewer any of the following described substances, wastes, or waters:

- 16.1 Any liquid or vapor having a temperature greater than 140 degrees Fahrenheit or causing the temperature at the influent to POTW to exceed 104 degrees Fahrenheit.
- 16.2 Any waters or wastes containing more than 100 milligrams per liter of grease, oils, fats, or waxes.
- 16.3 Any gasoline, benzene, naphtha, fuel oil, mineral oil, or any other flammable or explosive solid, liquid or gas.
- 16.4 Any noxious or malodorous gas or substance which either alone or by interactions with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into the sewers for their maintenance or repair.
- 16.5 Any garbage that has not been properly pretreated and reduced per Section 1.16.
- 16.6 Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers offal, or any other solid, or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or the Sewage Treatment Plant.
- 16.7 Any waters or wastes having a pH less than 6.0 or greater than 9.0 pH, or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment, or personnel of the Sewage Utility.
- 16.8 Any waters or wastes containing toxic substances, as defined under Section 307 (b) and (c) of the Clean Water Act, in sufficient quantity to interfere with the

biological process of the Sewage Treatment Plant or that will pass through the Plant into the receiving stream in amounts exceeding the standards set by federal, interstate, state, or other competent authority having jurisdiction, or will prevent the disposal of the sludges by the utility in accordance with Section 405 of said Act.

- 16.9 Any toxic radioactive isotopes, without a special permit. The radioactive isotopes of I 131 and P32 used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewerage system, as further defined in Article X.
- 16.10 Any waters or wastes that for a duration of 15 minutes or more have a concentration more than 5 times the average concentration of BOD or suspended solids of the user's sewage discharged during a 24 hour period of normal operation.
- 16.11 Any waters or wastes containing suspended solids or such character and quantity that unusual provisions, attention and expense would be required to handle such materials at the Sewage Treatment Plant, its pumping stations, or other facilities.
- 16.12 Any waters or wastes containing incompatible pollutants as herein described.
- 16.13 Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the Sewage Treatment Plant, that will pass through the plant into the receiving waters, or accumulate in the sludges in an amount exceeding the limitations, set forth by any federal, state, interstate, or local authority which ever is more stringent. Specifically excluded are any substances in concentrations, or amounts exceeding the limitations, set forth by the Town Council and published in Article X.
- 16.14 Any bulk waste, either industrial or domestic, without prior written approval of the Superintendent.
- 16.15 Any substances with objectionable color not removed by the treatment process, such as, but not limited to dye waste and vegetable tanning solutions.
- 16.16 The Town reserves the right to refuse, deny, or revoke the connections of any user in the event the sewage service requirements of the users, in the judgment of the Superintendent could or would impose an excessive burden on the Utility or in the event the user is or has been in repeated violation of this Ordinance. The Town further reserves the right in the event of any emergency to restrict the allowable discharge received from any or all large users of the Sewage System during the time of such emergency.

**SECTION 17. RESPONSIBILITY FOR OBSTRUCTING OR DAMAGING SEWERS.** If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharges, shall reimburse the Town for the expenses incurred by the Town for cleaning out, repairing, rebuilding the sewer or for any litigations or damaged claims resulting therefrom, including legal fees and court costs.

#### CONTROL OF ADMISSIBLE INDUSTRIAL AND COMMERCIAL WASTES

#### SECTION 18. - SUBMISSION OF DATA ON INDUSTRIAL WASTE.

- 18.1 Any owner who discharges Industrial waste into the Town's Sewerage System either directly or indirectly, shall forthwith fill out and file with the Superintendent

an Industrial Waste Questionnaire (the form for which will be furnished by the Town) in which he shall set out the quantity and characteristics of the wastes discharged into the Town's Sewerage System. Any owner desiring to establish a new connection to the public sewer or to establish a new account with Utility for the purpose of discharging Industrial or Commercial Wastes, shall first fill out and file with the Superintendent such a questionnaire which shall set out the actual or predicted data relating to the quantity and characteristics of the wastes to be discharged.

- 18.2 Any Industry who changes or proposes to change manufacturing or pretreatment processes shall first notify the Superintendent, in writing, and submit a new or revised Industrial Waste Questionnaire for review by the Superintendent.
- 18.3 Any person who knowingly makes any false statement representation, or certification in any application, report, or other document required by the municipal ordinance, or other applicable regulations, shall upon conviction be punished by the imposition of a civil penalty as required by Local and/or State statutes.
- 18.4 When special circumstances render it an unreasonable burden to comply with the time schedule determined by the Utility for the correction of any Industrial waste discharge problem an extension of time, not to exceed 90 days, may be granted by the Superintendent upon presentation in writing of an application for such relief.

**SECTION 19. CONFIDENTIAL INFORMATION.** Information and data furnished to the Town by a discharger, shall be made available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate as per 40 CFR 2.203 and 327 IAC 5-11-4 that the release of such information would divulge information, methods of production entitled to protection as trade secrets, or proprietary information of the discharger. However, under no circumstances, may the volume or the components of the discharge be considered confidential. All requests, by the discharger, for confidentiality of information shall be made in accordance to and governed by the provisions of 327 IAC 12 and 40 CFR 2.

**SECTION 20. CONTROL MANHOLES.** Any owner who discharges or may discharge industrial wastes into a public sewer via any means such as floor drains, sinks, catch basins, etc., shall be required by the Superintendent to construct and maintain, at his own expense, one or more control manholes at a specified location or locations to facilitate the observation, measurement, and sampling of owner's waste. Such manholes shall be constructed in accordance with the standards and specifications of the Town. The Superintendent may also require the person to install and maintain in any such manhole, at said person's expense, an approved volume-measuring device. Plans and/or shop drawings for the installation of control manholes and related equipment shall be approved by the Superintendent before any construction is begun.

**SECTION 21. GREASE AND SAND TRAPS.** Whenever the Superintendent determines that interceptors or traps are needed to protect the Sewerage Collection System or the Sewage Treatment Plant from grease, oil, sand, or similar substances occurring in the user's sewage and so notifies the user, then such traps shall be promptly installed by the user, on owner's lines, at owner's expense and shall be so maintained by owner that none of such substances can be carried over into the public sewers. All traps or interceptors shall meet the Town's standards as to construction, location, and installation.

## SECTION 22. WASTE SAMPLING.

- 22.1 Any industrial user shall be subject to periodic inspections by the Town for the purpose of determining compliance with compliance limits, solvent management plans or spill prevention plans, identifying dilution streams, or to categorize regulated processes. These inspections may consist of monitoring waste streams, inspection of the premises, inspection and/or copying of production records, pretreatment operating records, and other records or data deemed necessary by the Inspector for the purposes stated above.
- 22.2 The installation, operation, and maintenance of the sampling facilities shall be the responsibility of the owner discharging the wastes and shall be subject to the approval of the Superintendent. Access to the sampling facilities shall be granted, at all times, to the Superintendent.
- 22.3 Where an owner's operations have security measures in force which require proper identification and clearance before entry onto said owner's property is granted, such owner or owners shall make the necessary arrangements with their security personnel that upon showing of proper identification personnel from the Town shall be permitted to enter without delay for the purpose of observing or monitoring of wastes being discharged at a given point or points or that owner or owners shall install suitable control manholes outside of the security area or areas, which at all times will be immediately available to Town personnel.

SECTION 23. WASTE ANALYSIS PROCEDURES AND CHARGES. Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods" or "Guidelines Establishing Test Procedures for Analysis of Pollutants", as set forth in the Code of Federal Regulations 40 CFR 136.

- 23.1 Charges to Users. Alternate methods for certain analysis of industrial wastes may be used subject to mutual agreement between the Superintendent and the user. In the event of a dispute between the Superintendent and the user as to the characteristics, strength, toxic nature, or other particulars of the sample taken and analyzed by the Town, either party may request that the sample in dispute be analyzed by a mutually acceptable referee whose charges shall be paid by the party requesting the analysis. Costs of analysis made by the Town at the request of the user shall be charged to the user according to the Utility's standard work order billing procedures. All such analysis shall be binding in determining strength-of-character and concentration of wastes.
- 23.2 Charges to Governmental Agencies. Analysis run by the Water Pollution Control Plant Laboratory for any governmental agency, or political sub-division of a Town, County, or State shall be billed to such agency or sub-division for direct labor and expenses according to the Utility's standard work order billing procedure. Analyses run for other agencies shall not have priority unless the judgment of the Superintendent and the urgency of the analysis should have such priority.
- 23.3 Charges Collected. All waste analysis charges collected under Section 6.1 and 6.2 above shall be recorded as credits to the operating costs of the Water Pollution Control Plant and a quarterly accounting thereof shall be forwarded to the Superintendent. All such charges are to be used to defray the operations and maintenance expenses incurred by the Water Pollution Control Plant in performing said analysis.

SECTION 24. USE OF REPRESENTATIVE ANALYSIS. Until an adequate analysis of a representative sample of user's wastes has been obtained, the Town may for the purpose of this ordinance make a determination of the character and concentration of the wastes by using data based on analysis of similar processes or data for the same type of business that are available from the United States Environmental Protection Agency or from Industry recognized authoritative sources. This method, if selected by the Town, shall continue at the Town's pleasure or until an adequate analysis has been made.

SERVICE CHARGES BASED ON WATER USAGE.

SECTION 25. WATER OBTAINED FROM THE TOWN'S WATER UTILITY. The charges made for sewerage service rendered to each lot, parcel of real estate, or building having any connection with Town's sewerage system, or otherwise discharging sewage into the system, either directly or indirectly, shall be based upon the quantity of water presumed to enter the public sewers after being used in or on the property, as the quantity is measured by the water meter or meters in use by the Town's Water Utility, except as herein otherwise provided.

SECTION 26. WATER OBTAINED FROM OTHER SOURCES. Where the property obtains any part or all of the water used from sources other than the Town's Water Utility, the owner or the tenant may be required by the Town to install and maintain at his own expense a meter or meters acceptable to the Town for the quantity of water obtained from these other sources, or the Town may determine the quantity of such water by whatever means and methods it may find relevant and practicable.

SECTION 27. EXEMPT WATER – GENERAL. Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, the person having charge of the property may request permission from the Town to install at his own expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage-measuring device or devices to determine the volume of sewage that actually enters the sewerage system. The Town reserves the right to determine by whatever other means and methods it may find practicable the percentage of the property's metered water that enters the sewerage system. In any case the service charge shall be based on the quantity of water that can or actually does enter the public sewers but in no case shall it be less than the minimum charge for the class of user served.

SECTION 28. METERING OF SEWAGE. The Town may require a person to install and maintain at his own expense an approved device to measure directly the volumes of wastes discharged to the sewerage system, if these volumes cannot otherwise be determined from the metered-water consumption records. The Town shall inspect and approve such installation and no such service, once installed, shall be removed without the Town's approval.

SECTION 29. RESERVED.

SECTION 30. SEWAGE RATES AND CHARGES. The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such use, except as otherwise provided in this ordinance. Sewage service rates, based upon the amount of water used, shall be as follows:

Per Month	Quantity of Water Used	Rate Per 1,000 Gallons
First	3,000 gallons	\$ 3.00
Next	6,000 gallons	2.70
Next	12,000 gallons	2.40

Next	29,000 gallons	2.10
Next	150,000 gallons	1.65
Over	200,000 gallons	1.05

SECTION 31. MINIMUM CHARGE. The minimum charge for sewage service, where the user is a metered water consumer, shall be based upon the meter size as follows:

METER SIZE	PER MONTH
5/8-3/4 inch meter	\$ 9.00
1 inch meter	27.00
1-1/4 inch meter	36.00
1-1/2 inch meter	51.00
2 inch meter	96.00
3 inch meter	150.00
4 inch meter	240.00
6 inch meter	450.00

31.1 There shall be a flat rate charge for residential sewage service, where the user is not a metered water consumer, of \$12.00 per month, IN TOWN, AND \$18.00 PER MONTH, OUTSIDE TOWN. Monthly flat charges for multi-family dwellings shall be based on the number of family units accommodated by the system multiplied by the single family dwelling monthly charges. Monthly flat charges for Commercial and Industrial establishments may be based either on number of employees; the manufacturing processes used; other pertinent sewer use indicators; or outfall measurements where such data is available.

31.2 The Utility shall retain documentation supporting its estimates and the billings based thereon. Such determination of billings may be reviewed and adjusted by the Utility at any time. However, no adjustment, additional charge, or refund may be made more than six (6) years after the due date of the billing sought to be adjusted.

SECTION 32. CONTRACT CUSTOMERS – UNIT AND OTHER CHARGES. In the event the Town consummates a contract to serve a regional treatment plant or any other municipality or private sewage utility, either contiguous to the Town or in its environs, said contract shall provide for the following unit charges:

32.1 Volume Charge (cents per 100 cu. Ft.

Treatment	\$20.00
Capital Charge	<u>\$13.00</u>
	\$33.00

32.2 Variable Charge 9cents per 100 cu. ft.). A variable charge for conveyance and collection costs attributable to the portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the Town and added to the volume charge.

32.3 Flat Charge. In addition to the foregoing charges based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of \$0.60 and a monthly surveillance charge of ninety-dollars (\$90.00).

32.4 Excess Strength-of-Wastes Surcharge. In the event a contract customer contributes waste having a strength in excess of domestic waste characteristics, as herein before defined, a surcharge based on the following unit process charge will be in effect for all waste found to be in excess of limitations:

	<u>Cents Per Pound</u>
Suspended Solids – (SS)	\$ .05
Biochemical Oxygen Demand – (BOD)	\$ .10
Phosphorus – (P)	\$ .42
Ammonia – (NH3)	\$ .12
Chemical Oxygen Demand	\$ .10

32.5 Capital Surcharge. In the event contract customer delivers sewage for treatment to Town for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

32.6 Other Provisions. In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by this ordinance, the Town shall have the right to impose all charges, limitations and penalties applicable to any non-contract user by the Town. Each contract entered into by the Town pursuant to the foregoing rate shall agree to enact and maintain a Sewer Use Ordinance and User Charge System acceptable to the Town and in conformance with the Town's obligations under Section 204 (b) (1) of Public Law 95-217, as amended and supplemented, and guidelines and regulations promulgated thereunder by the U. S. Environmental Protection Agency and 40 CFR 35-905-8, 35-928-1, 35-928-2, and 35-935-13.

**SECTION 33. BULK WASTE CHARGES.**

33.1 **INDUSTRIAL.** For all industrial waste suitable for disposal through the plant digesters which has been delivered by the customer to Town's plant - \$178.50 per load. For purposes of computing charges hereunder, a load is defined as 5,000 gallons of tank capacity or fraction thereof.

33.2 **DOMESTIC.** For all domestic waste delivered to plant by customer's truck or tank - \$30.00 per load. For purposed of computing charges hereunder, a load is defined as 1,000 gallons of tank capacity or fraction thereof.

**SECTION 34. ANNUAL REVIEW OF SERVICE CHARGES.** Prior to May 1<sup>st</sup> of each alternate year, beginning in 1994 the Town Manager and an independent certified public accountant employed for that purpose shall submit to the Town Council a comparison of the calculated unit cost for flow, removal of BOD, suspended solids, phosphorus, and ammonia per year with unit charges currently in effect from which the Town Council shall determine whether the current service charges and surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

34.1 A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC Utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume, and delivery flow characteristics shall be considered and

included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.

- 34.2 Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior operating period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the Utility, including cost of management, system repair, and replacement, debt retirement and other costs incidental to the Utility operation attributable to such class.

#### STRENGTH-OF-WASTES SURCHARGES

SECTION 35. LIABILITY FOR SURCHARGE. Each user discharging wastes into the sewerage, in addition to other sewage service charges imposed by this ordinance, based on the following minimum strength characteristics to the extent that such wastes are in concentrations greater than:

35.1 Biochemical Oxygen Demand of 250 milligrams per liter.

35.2 Chemical Oxygen Demand of 500 milligrams per liter.

35.3 Suspended solids content of 250 milligrams per liter.

35.4 Phosphorus content of 10 milligrams per liter.

35.5 Ammonia content of 10 milligrams per liter.

SECTION 36. COMPUTATION OF SURCHARGE. The surcharge shall be determined as follows: The excess pounds of BOD or COD phosphorus, and ammonia will each be computed by first multiplying the user's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between (a) the concentrations measured in milligrams per liter of the BOD or COD, suspended solids, phosphorus, and ammonia respectively in the user's sewage and (b) the allowed concentrations set out in Section 1. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in Section 9.4. In the event COD measurement is used, as herein before provided, fifty percent (50%) of the excess pounds measured will be used to compute the equivalent BOD charge.

SECTION 37. WASTE EVALUATION CHARGES. All users discharging wastes into the system requiring continuing surveillance sampling and waste evaluation shall be subject to a monthly fixed charge to cover the costs of such services in the amount of ninety-dollars (\$90.00) per discharge point.

SECTION 38. REVISION OF RATES OF SURCHARGE. Prior to May 1<sup>st</sup>, of each alternate year, commencing in 1994, the Town Manager and an independent Certified Public Accountant employed for that purpose shall submit to the Town Council a comparison of the calculated unit costs for removing BOD, suspended solids, phosphorus, and ammonia from the Sewage Treatment Plant influent during the previous calendar year with the unit charges currently in effect in order that the Town Council may determine whether the current rates of surcharge are adequate or should be changed and request legislative enactment of said changes by the Town Council.

## BILLING OF SERVICE CHARGES

SECTION 39. BILLING PERIOD. Charges for sewerage service shall be computed and billed by the Office of the Town Utilities. Bills shall be rendered approximately monthly, unless additional billing is required to reflect customer changes, meter changes, service termination, initial billings, or is otherwise required to adjust billing cycle.

39.1 Billings for sewerage service shall be rendered with and shall be due and payable on the same due date as billings for water service to the same premises, if any, and if none, then within such billing cycle as the Utility may determine.

SECTION 40. LIABILITY FOR PAYMENT. Charges for sewerage service shall be billed to the person being billed for water service, if any, unless by contract with the Utility, another person assumes responsibility for payment. Notwithstanding billing to, and assumption of responsibility by any person, charges for sewerage service shall remain the responsibility of the owner of the real estate, who shall hold the Utility harmless from any loss occasioned by the delinquency of the person billed, including all penalties, recording fees, attorney's fees, interest and curt costs, if any.

40.1 The owner of the real estate shall have the right to examine the Utility's records of billing and collection to ascertain whether such charges have been paid and the amount thereof.

40.2 Nothing herein contained shall permit the owner, or any person other than the person being billed, to inspect, examine or otherwise obtain confidential information including the income, employment, finances, or social security number of the person being billed.

SECTION 41. FIRST BILLINGS. The rates, charges, and surcharges fixed in this chapter shall extend to and cover any additional premises hereafter served, without hearing or notice. If the first billing to a new user covers a period other than a full billing month, then the charges for sewerage service for such billing shall be made in accordance with standard practice employed by the Town's Water Utility.

SECTION 42. TOWN SUBJECT TO CHARGES. For sewerage service rendered to the Town, or any department, structure or property, thereof, the Town shall be subject to the same rates and charges herein established for other persons, or to rates and charges established in harmony herewith.

SECTION 43. CONSOLIDATION OF ACCOUNTS. Where an Industrial, Commercial, or other non-residential enterprise is operating in a unified manufacturing or service area composed of two or more contiguous parcels of real estate and is supplied with water through two or more meters, upon application by the owner or his authorized agent, a consolidation of the water meter readings may be made for the purpose of calculating the sewerage service charge.

SECTION 44. RESERVED.

SECTION 45. HOW DELINQUENCIES ARISE. Charges for sewerage service levied pursuant to this Chapter shall be due and payable on or before the due date stated on the bill. Any charges for sewerage service not paid by the due date shall be delinquent, and may be collected, with any applied penalty, recording fees, service charges, attorney's fees, interest, and court costs, if any, in accordance with this Chapter and with Indiana Code Sections 36-9-23-31 through 36-9-23-34. A penalty of ten percent (10%) of the amount of the charges for sewerage service shall be added to the delinquent charges.

SECTION 46. COLLECTION THROUGH SHUTTING OFF WATER SERVICE. Where the property having a delinquent account for charges for sewerage service is served by the Town's Water Utility, the Utility may, after reasonable notice to the person being billed, as provided by the rules and regulations of the Utility adopted by the Town Council, shut off water service to the property. Water service shall not be restored until the delinquent account, together with the costs of turning off and turning on the water, shall have been paid.

SECTION 47. COLLECTION THROUGH TERMINATING SEWER SERVICE. In addition to all other remedies provided, the Utility may, after reasonable notice to the person being billed, as provided after reasonable notice to the person being billed, as provided by the rules and regulations of the Utility adopted by the Town Council, terminate sewerage service to the property. Sewerage service shall not be restored until the delinquent account together with costs of terminating and reconnecting the sewer service, shall have been paid.

SECTION 48. LIST OF DELINQUENT FEES AND PENALTIES – TAX DUPLICATES COLLECTION. Delinquent charges for sewerage services, and applied penalties, recording fees, and service charges may be made a lien upon the property and may be collected in accordance with the provisions of Indiana Code 36-9-23-32 and 36-9-23-33.

SECTION 49. COLLECTION THROUGH COURT ACTIONS. In addition to the foregoing remedies, the Utility may recover the amount of the charges for sewerage services, penalty and a reasonable attorney's fee in a civil action and may foreclose a lien established by this Chapter in accordance with Indiana Code 36-9-23-34.

SECTION 50. RESERVED.

SECTION 51. ACCOUNTING FOR SEWERAGE SERVICE CHARGES. The Clerk-Treasurer shall establish and maintain for as long as user charges and surcharges are collected under the rate schedule instituted herein, accounts for the Sewage Works Improvement Fund as required by prior ordinances relating to the issuance of sewage works revenue bonds now outstanding and further in accordance with the laws of the State of Indiana relative to the deposit and disbursement of public funds.

#### GENERAL RULES AND REGULATIONS

SECTION 52. In accordance with the statutes of the State of Indiana the Town Council has established the following General Rules and Regulations for the safe, economical and efficient management and operation of the Town's Sewage Utility, for the construction and use of sewers, building sewers, appurtenances, and connections to the sewerage system; for the regulation, collection, and refunding of the rates and charges for sewerage service; and refunding of the rates and charges for sewerage service; and for the implementation of the provisions of Article II Chapter II, of Title V of the North Manchester Municipal Code.

SECTION 53. RESERVED.

SECTION 54. RESERVED.

SECTION 55. RESERVED.

SECTION 56. EXTENSION OF TOWNS SEWERS.

- 56.1 If adequate public sewers do not exist, the developer shall extend or cause to be extended adequate public sewers. Plans for any public sewer extension must be approved by the Superintendent. All extensions must be designed in accordance with the current sewer design criteria, Town and County, and must be constructed in accordance with the Town's Standards and Specifications in compliance with "Ten State Standards."
- 56.2 Review of the plans and inspection prior to and during construction by the Superintendent shall be at the expense of the developer. The charge to the developer for review and approval of the sewer plans and inspection during installation of the sewers shall be based on the actual hours expended on such review and inspection, multiplied by the prevailing hourly rates for such work.
- 56.3 No person shall make use of a sewer extension or backfill or otherwise conceal a sewer installation unless and until the same has been inspected and approved by the Utility. In addition to all other remedies, the Utility may cause the said installation to be excavated and exposed, may terminate the connection, and may require the developer or contractor to pay or reimburse the Utility for its costs and expenses in such excavation, exposure, termination reconnection, and restoration.

SECTION 57. LIMITATION OF CONCENTRATIONS PERMITTED IN INDUSTRIAL WASTES.

- 57.1 In accordance with the provisions of this ordinance, in order to protect the operation of the Water Pollution Control Plant, the disposal of its sludges, and its discharge to the receiving stream, the Town hereby limits the discharger of toxic ions, compounds, and substances entering the Town's sewage system not to exceed the concentrations listed below:

<u>Constituent</u>	<u>Concentration (mg/l)</u>
Arsenic	0.10
Barium	2.00
Cadmium	0.70
Chlorine	10.00
Chromium (Hexavalent)	0.50
Chromium (Total)	4.00
Copper	2.00
Cyanide	1.20
Fluoride	0.50
Lead	0.60
Manganese	1.00
Mercury	0.01
Nickel	2.00
Phenol	1.00
Selenium	0.02
Silver	0.30
Sulfide	10.00
Tin	2.00
Zinc	5.00

SECTION 58. SEPTIC TANK CLEANINGS AND INDUSTRIAL WASTES ACCEPTED AT THE TREATMENT PLANT.

58.1 WASTES THAT CAN BE TREATED IN DIGESTERS: Septic tank cleanings, milk whey and other wastes acceptable to the Superintendent of the Water Pollution Control Plant for treatment in the plant digesters from waste hauler trucks will be handled by the Treatment Plant for charges fixed by the Superintendent.

58.2 WASTES THAT CANNOT BE TREATED IN DIGESTERS: Commercial or industrial wastes acceptable to the Superintendent of the Water Pollution Control Plant, but which are not acceptable for treatment in the plant digesters (i.e. which must go to lagoon or other disposal), and which are received from waste hauler tank trucks, will be handled by the Treatment Plant on an individual contract basis as approved by the Superintendent at a charge adequate to reimburse the Utility for materials, labor, and overhead costs estimated to dispose of such wastes.

#### SECTION 59. MAJOR INDUSTRIAL USER.

59.1 When an industry has been determined by the Superintendent to be a "Major Industrial User," the Superintendent shall notify such industry and require the installation, within 120 days, of flow metering equipment for the purpose of determining the sewage flow or flows to the municipal sewer.

59.2 The specifications for any flow metering device and plans for installation shall be submitted and approved by the Superintendent prior to its installation.

59.3 The cost of, and responsibility for, installation and maintenance of such equipment shall be determined by the Town Council.

59.4 The Town Council may, upon application and proof of economic hardship or other reason, extend the time within which such equipment must be installed.

#### SECTION 60. CONTROL MANHOLES.

60.1 Any owner who discharges or may discharge industrial wastes into a public sewer via any means such as floor drains, sinks, catch basins, etc., shall be required by the Superintendent to construct and maintain, at his own expense, one or more control manholes, at a specified location or locations, to facilitate the observation, measurement, and sampling of owner's waste. Such manholes shall be constructed in accordance with the standards and specifications of the Town. The Superintendent may also require the person to install and maintain in any such manhole, at said person's expense, an approved volume-measuring device. Plans and/or shop drawings for the installation of control manholes and related equipment shall be approved by the Superintendent before any construction is begun.

60.2 Any building sewer which will have or has the potential of discharging prohibited wastes and/or wastes in excess of normal domestic sewage shall have a control manhole installed in accordance with either the "Specifications and Standard Drawings," of the Superintendent or an approved equal.

60.3 The Utility has deemed it necessary to require the installation of a control manhole in all building sewer lines where the Superintendent has determined that any of the following conditions exist:

60.3.1 Abnormal maintenance of the sewer has been required to prevent and/or correct the occurrence of blockages, back-ups, etc., which have resulted

in property damage; and evidence indicates that the abnormal maintenance is the result of the discharge of wastes in excess of limitations set forth in the Town of North Manchester Municipal Code.

- 60.3.2 There exists a concentration of persons discharging wastes into a public sewer through a building sewer or sewers not having control manholes.
- 60.3.3 The results of laboratory analysis have demonstrated that the strength of wastes being discharged into the public sewer are in excess of limitations set forth in the Town or North Manchester Municipal Code.
- 60.3.4 The Superintendent shall notify, in writing, any person who has been identified to be in violation of any of the above mentioned conditions and shall require such person or persons to install one or more control manholes.
- 60.3.5 Following notification, a control manhole shall be installed within 120 days.
- 60.3.6 Control manholes shall be located upon private property, shall receive all wastes from the property and shall be readily accessible to representatives of the Utility in order to facilitate observations, measurement, and sampling of the waste being discharged.
- 60.3.7 The cost of and responsibility for installation and maintenance of control manholes and flow-metering equipment shall be determined by the Superintendent.
- 60.3.8 The Town Council may, upon application and proof of economic hardship or other reason, extend the time within which such equipment must be installed.

#### SECTION 61. GREASE AND SAND TRAPS.

- 61.1 Whenever the Superintendent determines that interceptors or traps are needed to protect the sewerage collection system or the Sewage Treatment Plant from grease, oil, sand, or similar substances occurring in the user's sewage and so notifies the user, then such traps shall be promptly installed by the user, on owner's lines, at owner's expense and shall be so maintained by owner that none of such substances can be carried over into the public sewers. All traps or interceptors shall meet the Town's standards as to construction, location, and installation.
- 61.2 Any building sewer which will have or has the potential of discharging waste containing grease, oil, sand or similar substances, having quantity and characteristics above that of a normal single family residence waste, shall have a grease and/or sand trap installed in a manner to provide, at all times, the effective removal of grease, oil, sand or similar substances before discharge to the public sewer.
- 61.3 The Utility has deemed it necessary to require the installation of a grease and/or sand trap in either the building sewer or within the building's plumbing system in accordance with the "Uniform Plumbing Code," Latest Edition, Chapter 7,

minimum requirements where the Superintendent has determined that any one of the following conditions exist:

- 61.3.1 The Superintendent shall notify, in writing, any person who has been identified to be in violation of any of the above mentioned conditions and shall require such person or persons to install grease and/or sand trap.
- 61.3.2 Following notification, the grease and/or sand trap shall be installed within 120 days.
- 61.3.3 The cost of, and responsibility for, installation and maintenance of grease and sand traps shall be determined by the Town Council.
- 61.3.4 The Superintendent may, upon application and proof of economic hardship or other reason, extend the time within which such equipment must be installed.

SECTION 62. ENFORCEMENT. The power to enforce the provisions of this ordinance shall be vested in the Superintendent who may:

- 62.1 Issue Notices of Violation.
- 62.2 Call administrative hearings for the purpose of establishing compliance schedules.
- 62.3 Cause court summons to be issued.
- 62.4 Forward complaints of non-compliance to the Town Attorney.

SECTION 63. ENFORCEMENT PROCEDURE. Contractually specified enforcement procedures which conflict with any portion of this Section shall take precedence over the conflicting portion of this Section.

- 63.1 Notice of Violation: All persons found to be in violation of any portion of this ordinance, shall be served with a written "Notice of Violation" by the Superintendent, stating the nature of the violation or violations and providing a reasonable period of time within which corrective action shall be taken, except where continuation of the violation or violations may endanger operating or maintenance of the Sewers and Sewerage System or may become a public nuisance.
- 63.2 Administrative Hearing: Violators failing to response to the "Notice of Violation" shall be called before an Administrative Board of Hearing. Any attempt will be made to resolve the matter in an equitable fashion and an Administrative Order will be drawn up specifying a schedule of compliance and/or a compliance date. The Administrative Board shall consist of the Town Manager, Superintendent and Utility Clerk.
- 63.3 Court Action: Violations of Administrative Orders shall be referred immediately to the Town Attorney, for enforcement in a court of jurisdiction. The referral shall include a request for the pursuit of the maximum penalty applicable under the North Manchester Municipal Code.

SECTION 64. RIGHT OF APPEAL. Any party aggrieved by an order or determination under this Article, may, within 15 days after receipt of a notice informing such party of the decision or order, appeal such decision or order to the Town Council of the Town of North Manchester by filing a petition seeking such appeal, with the Clerk-Treasurer, stating the basis of such appeal, including the alleged error in the decision or order. After receipt of such petition the Town Council, after due and proper notice to all parties, shall hold a hearing on said petition, and at the conclusion thereof, or within 30 days thereafter, enter a decision either affirming, denying, revising, amending, altering, or modifying such decision or order as the Town Council, by majority vote, shall so rule. A party or person aggrieved by the Town Council shall have the right to judicial review of such determination in accord with and pursuant to the same provision of the Indiana Administrative Adjudication Act (4-22-1-14 et seq.) as are applicable to appeals and review of decisions of agencies of the State of Indiana.

SECTION 65. PUBLIC NOTIFICATION. Under the provisions of 40 CFR 403.8 (f) (2) (viii), the Town shall annually publish in the local newspaper, a list of industrial and/or commercial users who have significantly violated this ordinance or any State or Federal Pretreatment Standard. A significant violation shall mean a violation which:

65.1 Remains uncorrected 45 days after notification of non-compliance;

65.2 which is part of a pattern of non-compliance over a 12 month period;

65.3 which involves a failure to accurately report non-compliance or;

65.4 which resulted in the Water Pollution Control Plant exercising its emergency authority under 40 CFR 403.8 (f) (1) (iv) (B).

SECTION 66. SUBMISSION OF DATA ON INDUSTRIAL WASTE. In accordance with this ordinance, all industries effected by Federal categorical standards shall file with the Superintendent a priority pollutant scan for Total Toxic Organics (TTO's) at least bi-annually or whenever a process change occurs, whichever occurs first.

SECTION 67. PRESENT RULES SUPERCEDE PRIOR RULES. All rules and regulations heretofore promulgated by the Utility governing the service supplied by the Utility are superceded and replaced by the foregoing Rules and Regulations and/or other specifications.

SECTION 68. REMEDIES NOT EXCLUSIVE. The remedies provided to the Utility by these Rules and Regulations shall not be exclusive and shall be in addition to all other remedies which the Utility has in law or equity.

SECTION 69. REPEAL. On the date this ordinance is effective the existing provision of Article II, Chapter II, Title V of the North Manchester Municipal Code are repealed. This ordinance is codified as Article II, Chapter II, Title V of said code.

SECTION 70. SEVERABILITY.

70.1 The invalidity of any section, sentence, clause, paragraph, part or provision of this ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this ordinance which can be given meaning without such invalid part or parts.

70.2 All ordinances or parts of ordinances and sections of the Municipal Code of the town of North Manchester in conflict herewith are hereby repealed.

70.3 That this ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the presiding officer and due legal publication thereof.

## **TITLE V: PUBLIC WORKS, FACILITIES, AND SERVICES**

### **CHAPTER III: TREES**

#### **ARTICLE I**

SECTION 1. The Town of North Manchester, Indiana does hereby accept the funds from time to time to be made available by North Manchester Community Foundation, Inc., for the planting of trees within the corporate limits of the Town of North Manchester.

SECTION 2. The Town Council shall from time to time, by resolution, adopt criteria for the selection of plantings and for the location thereof, to be administered by the Town Manager.

SECTION 3. The tree-planting program shall hereafter be known and designated as the Dr. Worth M. Walrod Memorial Tree Program.

## **TITLE V: PUBLIC WORKS, FACILITIES, AND SERVICES**

### **CHAPTER IV: GARBAGE AND RUBBISH DISPOSAL**

#### **ARTICLE I: STORAGE, COLLECTION AND DISPOSAL**

SECTION 1. The Town Council of the Town of North Manchester, Indiana, shall provide for the storage, collection and disposal of garbage and rubbish in said Town, either by employees of said Town, or by contract with individuals, firms or corporations for such services.

SECTION 2. As used in this code the interpretation of the term's "garbage" and "rubbish" shall be as follows:

2.1 The word "garbage" as used herein shall mean and comprehend all and every refuse accumulation of animal, fish, fowl, fruit or vegetable matter that results from the preparation, use, cooking, retail or wholesale dealing in, or storing of meat, fish, fowl, fruit or vegetable and shall include garbage wrapped in paper or its equivalent. It shall further mean and include tin cans, glass, bottles and broken crockery which have been used as food or beverage holders, also old bottles, glass, china and crockery.

2.2 The work "rubbish" as used herein shall mean and comprehend material other than garbage, resulting from ordinary household operations, including such items as tin cans, glass, bottles, ashes, papers, magazines and news print's, boxes, rags, old shoes, small cartons and lawn cuttings, etc., in covered containers or plastic bags. Burning barrels will not be emptied. Empty burning barrels will be taken if desired. Shrubbery and tree trimmings (no trees) are included provided said trimmings are tied in bundles, which lengths do not exceed three (3) feet long, and two (2) feet in depth nor less than one (1) cubic foot. Excluded are such items as furniture, large boxes, articles or cans too large for a packer type truck; and all types of debris resulting from repairing or remodeling any building such as dirt, wood, plaster, roofing, etc.

SECTION 3. In the event said Town Council shall determine to contract for the collection and disposal of garbage and rubbish, then said Council before advertising for bids, shall file with the Clerk of said Town terms and conditions on which such bids shall be made, and such notice and bids shall be in form as prescribed by law, and in accordance with rules and regulations of the local and state Health Boards.

SECTION 4. The provisions of this ordinance shall not apply to collection and disposal of industrial waste, but the successful bidder shall be permitted to make private contracts with industries for such services.

SECTION 5. In the event said Town Council shall enter into a contract for the collection and disposal of garbage and rubbish in said Town, then no other private individual, firm or corporation shall be permitted to furnish such services in said Town during the term of such contract.

SECTION 6. All business and residential garbage to be collected shall be placed for collection by the owners or producers thereof in watertight covered receptacles not exceeding twenty (20) gallon capacity and not to exceed sixty (60) pounds in weight, the said receptacles to be placed conveniently for the collection at ground level, within five (5) feet adjoining an improved and passable alley, where there is an alley, or if there is no alley, at an easily accessible spot within five (5) feet of the front curb.

SECTION 7. All business and residential rubbish to be collected shall be placed by owners or producers thereof in secure, covered containers not to exceed sixty (60) pounds in weight for each container; containers to be placed by building occupants for collection as specified above on collection days to be established by Town and Contractor. In event of any refusal on part of Contractor's employees to make a specific collection, a written report, including reason for rejection, affixed to the refuse with a copy delivered to Town Clerk and decision as to handling this or similar future circumstances shall be subject to Town Council judgment. The Contractor shall be liable for special disposal of the offering, if it is so ordered by Council under the terms of this contract.

SECTION 8. Collection of all garbage and rubbish material provided for herein shall be made by Contractor in steel, watertight, non-leakable tanks, such as Garb Wood or Leach packer bodies or equivalent, and said trucks shall be kept at all times in sanitary condition and well painted.

SECTION 9. All garbage and rubbish collected by the Contractor shall be disposed of by the sanitary landfill method. The Contractor shall furnish suitable site for sanitary fill, which site shall have the prior and continued approval of the Indiana and Wabash County Boards of Health. If any emergency arises in connection with disposal operations, the Contractor may, upon authorization by the Town Council and health authorities, dispose of collected garbage and refuse in a manner agreed upon between the Contractor and the Council.

SECTION 10. The Contractor shall make a collection of garbage and rubbish regularly once each week. In the event Contractor wholly fails to collect and remove or properly dispose of garbage or other materials herein provided for, in accordance with the terms of this contract, for a period of five (5) days (strikes, act of God, or other causes beyond the Contractor's control excepted), the Town may at its option, after thirty days written notice to Contractor of specific complaint, terminate this Contract.

SECTION 11. It shall be a condition of each garbage and rubbish contract that the Town may at any time after the execution of such Contract, and during the term of said Contract, at its option, terminate the same upon a thirty (30) day written notice to the Contractor.

SECTION 12. The Contractor shall furnish to the Town a good and sufficient bond with surety or sureties thereon to be approved by the Town in a sum equal to Ten Percent (10%) of the annual amount, conditioned that the Contractor shall well and truly perform the Agreements and terms of this Contract in accordance with these specifications.

**SECTION 13. INSURANCE.**

13.1 COMPENSATION. The Contractor shall take out and maintain during the life of this Contract, Workmen's Compensation Insurance for all employees engaged in carrying out any work related to this Contract. This insurance shall conform to the requirements set forth in the Indiana Workmen's Compensation Act, approved March 14, 1929, and any amendments thereto.

13.2 PUBLIC LIABILITY AND PROPERTY DAMAGE. The Contractor shall effect and maintain in force during the term of this Contract bodily injury and property damage insurance in amounts not less than \$100,000 per person and \$300,000 per occurrence, bodily injury, and \$50,000 property damage.

13.3 CERTIFICATE OF INSURANCE COMPLIANCE. The Contractor shall furnish to Town a certificate of compliance with the foregoing insurance requirements. Failure to do so is cause for cancellation of the contract by the Town.

SECTION 14. In all work performed, Contractor expressly agrees to comply strictly with all Town Ordinances now in force or that may hereafter be adopted, applicable to Contractor's operation, to comply with and be subject to the order and regulations of the Board of Health and all other Departments and Agencies of Town, and in all things to conform to and abide by the laws of the State of Indiana.

SECTION 15. It is further agreed and understood that the consideration herein is based upon the removal of garbage and rubbish from approximately 1,900 residences, including mobile homes and multi-family, business, churches, and schools, excluding industry, and should any territory be annexed to the Town of North Manchester, a figure equal to the actual number of dwelling units therein on the basis of a physical count thereof, jointly made or caused to be made by the Contractor and Town, shall be added to the above figure upon the date that said annexation is complete and final, and compensation for the additional work shall be forthwith increased accordingly.

**TITLE V: PUBLIC WORKS, FACILITIES, AND SERVICES**

**CHAPTER IV: GARBAGE AND RUBBISH DISPOSAL**

**ARTICLE II: USER FEES FOR GARBAGE AND RUBBISH PICK-UP SERVICES AND COLLECTION**

SECTION 1. DEFINITIONS. As used in this Ordinance, the following words and phrases shall have and be accorded meanings as indicated:

1.1 "DWELLING UNIT" means a room or other space in which cooking facilities are located.

1.2 "OTHER UNITS" means and includes all business and special exception uses, other than residential and industrial, and home occupations, as defined by the Master Plan and Zoning Ordinance of the Town.; provided, however, a home occupation which does not utilize a sign identifying or advertising the "home occupation" shall not be deemed to be "another unit" for user charges. {Adopted October 2, 1996.}

1.3 "OWNER" means a person, partnership, corporation, association, estate, trust or other organization which holds title to real estate in the Town.

1.4 "SERVICE" means garbage and rubbish pickup within the Town and its sanitary disposal in a sanitary landfill site licensed by the Indiana State Board of Health, under any contract to which the Town of North Manchester, Indiana, is a part.

1.5 "SCHOOL" means each separate place which is the subject of a commission issued by the Department of Public Instruction of the State of Indiana.

1.6 "TOWN" means all territory within the corporate limits of the municipal corporation known as North Manchester, Indiana, as well as the municipal corporation by the name, as the context requires.

1.7 "USER" means and includes the owner and occupant of each dwelling unit and other unit within the Town, and each such use by an owner or occupant shall be deemed a separate user.

1.8 "PICK-UP LOCATION" means each improved lot and improved parcel of real estate within the Town to which service is available under this Ordinance except improved lots and parcels served by a three (3) inch or larger Town water meter, and further excepting contiguous improved lots or parcels, owned by a common owner, containing more than twelve (12) dwelling units, more than four of which dwelling units are under a common roof.

1.9 "VACANT PICK-UP LOCATION" means a dwelling unit which was unoccupied as a habitation and was for sale, rent or lease during a complete billing cycle.

1.10 Use of the singular includes the plural and vice versa.

SECTION 2. MINIMUM MONTHLY CHARGE. Effective with all billings issued on or after October 1, 2001, a user of service at each pick-up location shall pay to the Town a minimum monthly charge of Twelve Dollars (\$12.00); provided, however, a vacant pick-up location shall not be subject to a minimum monthly charge while vacant, as defined by Section 1.9. Amended September 5, 2001.

SECTION 3. COMPUTATION OF USER CHARGES. Charges for service stated in Section 2 shall be minimum monthly charges per each user at each pickup location. In the event the following provisions of this Ordinance apply, the minimum monthly charge to a user for service shall be computed as follows:

3.1 For service rendered to the Town, Town shall be subject to a minimum monthly charge for each pick-up location.

3.2 In the event a pick-up location provides service to more than one dwelling unit or to a combination of dwelling units and other units, then in such case, billing shall be for a single user in the manner set out in Section 2 except that such minimum monthly charge

shall not be less than the multiple of the dwelling units and other units times the minimum monthly charge of Twelve Dollars (\$12.00) for each dwelling unit and other units served by the pick-up location. Amended September 5, 2001.

SECTION 4. BILLING OF CHARGES. User charges shall be billed by the Water Department of the Town monthly, to users as their names and addresses appear on the metered consumer record of the Town or, in the case of users who are not metered water consumers of the Town, to the user by name, if known, but if unknown, to the "owner and occupant" addressed to the pick-up location. Charges for service shall be due and payable concurrently with water and sewage charges.

SECTION 5. RULES AND REGULATIONS. The Water Department of the Town, under the supervision of the Clerk-Treasurer and Town Manager, shall make and enforce such by-laws and regulations as may be deemed necessary for the economical and efficient billing for service and for the regulation, collecting, rebating and refunding of rate charges all of which said user fees shall be paid into the Sanitation Revenue Fund of the Town, not less frequently than monthly, for sanitation services within the Town.

SECTION 6. LIEN FOR UNPAID CHARGES. Unpaid charges for service shall be a lien upon the real estate and improvements at the pick-up location where service is available in the same manner and to the same extent that unpaid and delinquent sewer use charges may become a lien upon real estate, as and when certified by the Clerk-Treasurer of the Town, under the procedure applicable for certifying delinquent sewer use charges. Where service charges are billed to a user who is not the owner of the real estate at the pick-up location, upon application by the owner, charges for services shall be billed to such owner.

SECTION 7. EXCLUSIONS FROM SERVICE AND EXEMPTION FROM CHARGES. The owner and occupant of a pick-up location which did not at any time receive service in the period from September 1, 1979 through February 29, 1980 and who provides evidence to the Water Department of the existence of a private agreement for the services as herein defined, which agreement has existed continuously from September 1, 1979 through February 29, 1980, and is ongoing for such service, shall not be deemed to have service available under this Ordinance and such owner and occupant shall not be subject to charges for service under this Ordinance.

## **TITLE V: PUBLIC WORKS, FACILITIES, AND SERVICES**

### **CHAPTER V: UTILITY RATES AND CHARGES AND USER FEES**

#### **ARTICLE I: BILLING AND COLLECTION PRACTICES**

Section 1. Enabling ordinances contained in Title V, Chapters I through IV, inclusive, fixing water and sewage rates and charges, and sanitation user fees, and the resolutions of the Storm Water Management Board fixing storm water user fees have precedence and, in case of conflict, control the provisions of this ordinance which shall be identified as Article I, billing and collection practices, Chapter V, utility rates and charges and user fees of Title V, public works, facilities, and services, of the North Manchester Municipal Code.

Section 2. Water and sewage billings are computed or estimated on the basis of water meter readings or estimates of water consumption where charges are made but a meter is not in place, to conform to the date of the reading or estimate. These charges are billed for each period the meter is in operation or in which water is consumed at the premises.

Section 3. Sanitation and storm water billings are issued for the calendar month preceding the month in which the billing is mailed ~~and are not prorated~~. *Sanitation charges shall be prorated to exclude scheduled "pick-up" days falling within the month on which the billed user did not occupy the pick-up location, as evidenced by water utility records. Storm water charges shall be pro-rated on the basis of actual occupancy days of the user at the premises during the calendar month for which the billing is issued, as evidenced by water utility records, and as if each calendar month contains thirty (30) days. Adopted November 12, 1998.*

Section 4. Storm water user fees accrue from the date the water meter is activated at the premises or the first day of the 7th month after the improvement location permit is issued, whichever occurs first.

Section 5. Billings for water and sewage rates and charges and for sanitation and storm water user fees are due on the 15th day of the month following the mailing date and a penalty equal to ten percentum (10%) of the charges unpaid after the due date shall be added to each subsequent billing until the charges have been paid in full.

Section 6. The Utility Office Supervisor may accept partial payments provided the payment is at least fifty percentum (50%) of the total combined billings and shall apply the partial payment to emergency medical ambulance charges, water, trash pick-up, storm water user fees, and wastewater treatment charges, in that order. In case of demonstrated hardship, to be determined by the Utility Office Supervisor, on the basis of credible information, the Utility Office Supervisor may accept lesser partial payments provided a payment agreement is signed by the debtor(s). *(Amended March 5, 2003)*

Section 7. Sewage rates and charges and sanitation and storm water user fees imposed by the Town of North Manchester are hereby made a lien upon the corresponding lot, parcel of land, building or premises at or upon which such charges and fees are incurred, and, if the same are not paid within three (3) calendar months after the same are due and payable, shall be recorded in the Office of the Recorder and certified to the Auditor of Wabash County who shall place the same on the tax duplicate of said county with the interest and penalties allowed by law to be collected as ad valorem property taxes are collected.

Section 8. Not later than 30 days after the issuance of any improvement location permit the Building Inspector shall forward a copy of same to the Storm Water Superintendent, as well as a copy of the building plans except for single family residence construction where only the improvement location permit shall be furnished. The Storm Water Superintendent shall certify to the Utility Office Supervisor all new determinations of HISA (horizontal impervious surface area) for Class B properties, changes in HISA and reclassification of property from Class A to Class B, approved by the Storm Water Management Board, a list of newly constructed single family residences, along with the addresses of each property and the name of the owner(s) thereof, on a periodic basis so as to enable the Utility Office Supervisor to issue bills for water and sewage rates and charges and sanitation and storm water user fees.

Section 9. Charges incurred at a property or premises sold on conditional sales contract where title is held by a person other than the purchaser or occupant may be billed to the contract purchaser or occupant provided the record title holder furnishes acceptable proof of sale to the Utility Office Supervisor.

Adopted February 2, 1995.

**ARTICLE II. METHODS ACCEPTABLE FOR PAYMENT OF UTILITY RATES, CHARGES AND USER FEES.**

SECTION 1. It is the fiscal policy of the Town of North Manchester, Indiana, to accept payment of Utility Rates and Charges and User Fees by payment in or by:

- 1.1 Cash
- 1.2 Check
- 1.3 Bank draft
- 1.4 Money order
- 1.5 Electronic funds transfer (EFT)

SECTION 2. It is the fiscal policy of the Town of North Manchester, Indiana, not to accept payment of Utility Rates and Charges and User Fees by bank card or other "credit card" as that term is defined by I.C. 36-1-8-11.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption on third reading by the Common Council and approval by the presiding officer.

*Adopted November 3, 2004.*

**TITLE V: PUBLIC WORKS, FACILITIES AND SERVICES**

**CHAPTER VI: STORMWATER TAP PERMITS AND FEES**

**ARTICLE I:**

SECTION 1. No person shall tap into a closed drain or direct water to any open drain under the jurisdiction of the Department of Stormwater Management without first having obtained a permit from the Superintendent authorizing the action.

SECTION 2. The minimum fee for connection to the stormwater system shall be \$300.00 and the maximum fee shall be the minimum fee or documented cost to the Town, whichever is greater payable to the Utility.

SECTION 3. Each connection to the stormwater system shall be inspected by the Superintendent for which a fee of \$25.00 shall be paid to the Utility. Adopted April 1, 1989.

**ARTICLE II: STORM WATER USER FEES AND ABATEMENT PROCEDURE**

Whereas, the Town of North Manchester, Indiana, (hereinafter "Town"), has heretofore caused a professional engineering study to be made, titled "Evaluation of the Existing Storm Drainage Systems of the Grossnickle and Dillman-Tillman Drains", completed in October 1991, which identified the areas as subject to severe surface flooding and included the recommendations for improvements to alleviate the flooding conditions; and,

Whereas, the Town has heretofore caused a professional engineering study to be made for a project known as "Market Street Improvement Project", which project includes a portion of the Grossnickle Drain and all of the Dillman-Tillman Drain watersheds; and,

Whereas, the Town now utilizes one or more combined sanitary and storm water sewers which flow to the Town's waste water treatment facility; and,

Whereas, it is a condition of the Town's NPDES permit for operation of the waste water treatment facility that storm water be diverted from the treatment process; and,

Whereas, the Town has identified other areas where surface water drainage structures and facilities are inadequate, including projects identified as Fourth Street and Wild Cherry Lane; and,

Whereas, the Department of Storm Water Management of the Town ("Department", operating pursuant to the provisions of I.C. 8-1.5-5, hereby finds that a good working system of storm and surface water drainage is necessary for the public health and welfare and that the reconstruction, construction and/or repair of a system for the improvement of storm and surface water drainage of the Town will be of public utility and benefit to the persons and property of said Town; and,

Whereas, the Department now finds on the basis of the foregoing that it is necessary for the public health and welfare and will be of public utility and benefit to the property in said Town to construct, reconstruct, repair and install storm and surface water sewers to serve the Town; and,

Whereas, on the basis of a comprehensive engineering study of the Town for the purpose of determining service rates for the acquisition, construction, installation, operation, and maintenance of facilities and land for storm water systems within the Town, the Department finds that a system of user fees based on the horizontal impervious surface area of individual properties located within the Town, is a fair and non-discriminatory basis for imposing service rates; and,

Whereas, on the basis of preliminary engineering plans and a summary of project cost estimates prepared by Bonar & Associates, Inc. and analyzed by H. J. Umbaugh & Associates, financial consultants, funds necessary to be raised for the capital costs of the Market Street, Grossnickle Drain, Fourth Street and Wild Cherry Lane projects is One Million Eight Hundred Seventy-five Thousand Dollars (\$1,875,000.00); and,

Whereas, following publication in the North Manchester News-Journal on October 27, 1994, of notice of hearing concerning rates and charges for stormwater service, a public hearing was held on November 16, 1994, at which all persons desiring to be heard presented their comments and objections, all of which the Board of Directors have considered; and,

Whereas, following publication in the North Manchester News-Journal on November 17, 1994 of notice of hearing concerning the public utility and benefit of the work included within the Market Street Improvement Project, with extensions, construction and reconstruction of Grossnickle Drain, the West Fourth Street Drainage Project and the Wild Cherry Lane stormwater sewer, a public hearing was held on December 6, 1994, at which all persons desiring to be heard presented their comments and objections, all of which the Board of Directors have considered;

Now, Therefore, Be It Resolved by the Storm Water Management Board:

SECTION 1. That it is necessary for the protection of the public health and welfare of the inhabitants of the Town and the safeguarding of the property within said Town and will be of public utility and benefit, to construct the drainage improvements embraced within the plans for the Market Street Project, the Grossnickle Drain, Fourth Street Drain and Wild Cherry Lane

Drain, all in accordance with the studies and plans heretofore prepared by Bonar & Associates, Inc., consulting engineers, which materials consist of maps, plans, specifications, drawings, details, descriptions and estimates on file with the Department, and those materials are hereby approved and adopted.

SECTION 2. The estimated aggregate cost of the storm water projects and the incidental expenses in connection with those projects and to be incurred on account of the financing thereof, is an amount not to exceed One Million Eight Hundred Seventy-five Thousand Dollars (\$1,875,000.00). That cost shall be paid out of the issuance of North Manchester Department of Storm Water Management Revenue bonds not to exceed One Million Eight Hundred Seventy-five Thousand Dollars (1,875,000.00).

SECTION 3. For purposed of establishing storm water service billings under I.C. 8-1.5-5-7 the following definitions, procedures and rates shall apply:

3.1 Horizontal Impervious Surface Area (HISA). Square footage of a property that is covered by concrete, bituminous material, buildings, and all other materials that do not allow storm water to percolate through to the ground surface below.

3.2 Average Value (AV). The average of 58 Type A Properties selected at random from 58 of the city blocks. This number is 2,650 square feet.

3.3 User Fee Multiplier (UFM). The HISA divided by the Average Value. This number, when multiplied by the user fee, yields the dollar amount to be billed to the user.

3.4 Type A Property. Properties containing a single family residence in which only the owner, the owner's family, or a single family reside, no apartment or other form of rental agreement allowing for two or more families to live on said property exists, and no business is conducted thereof.

3.5 Type B Property. All properties not categorized as Type A. This includes, but is not limited to, all businesses, churches and other places or religious affiliation, schools, colleges, trailer parks and condominium complexes that are part of private residential communities, city-owned buildings, parks, retirement communities and centers, community centers, apartment complexes, duplexes in which all or part are for rent, and properties whose primary function is not as a single family residence.

3.6 A UFM of one (1.0) is assigned to each Type A Property. The UFM for each Type B Property shall be determined by computation, as follows:

$$UFM = \frac{HISA}{AV}$$

The minimum UFM for each property is one (1.0). Fractional UFM's shall be rounded to whole numbers: .5 or greater to the next greater whole number; .499 or less to the next lesser whole number.

3.7 The user fee for an AV of one (1.0) shall be Three Dollars and 45/100 (\$3.45), each month for operation and capital charges. For AVS greater than one (1.0) the user fee shall be multiplied by the UFM to determine the monthly user fee.

3.8 In addition to the user fee, a monthly charge of One Dollar and 05/100 (\$1.50) shall be added to each billing for costs of administration, management and billing.

3.9 Service rates shall be effective January 1, 1995 and shall be included in the combined billings issued by the Water Department of the Town. Reasonable charges and penalties may be added to each billing of delinquent charges to be determined by the Board.

3.10 For initial billing purposed Appendices C and D, "Alphabetical Listings of Type A and Type B Properties", to the Storm Water User Fee Report dated August 16, 1994, prepared by Clyde E. Williams and Associates, Inc., are approved and adopted. Owners of property classed as Type B may appeal the determination of HISAA and Classification as Type B to the Superintendent of the Department, and the Board of the Department, upon the Owner's showing of error, shall correct the HISA and classification and may order a refund of service charges collected in error.

3.11 The owners of property classed as Type B containing more than 2,650 square feet of HISA may apply to the Superintendent of the Department for abatement of user charges based upon the following requirements:

3.11.1 A functional "private drainage system", maintained on a continuous basis by the owner, consisting of underground piping system or improved above ground drainage waterway is in place on the property and drains or outlets into either a retention or detention basin located on the property or outlets to a channel of flowing water; provided that neither the basin nor the channel is maintained, or required to be maintained, by the Town.

3.11.2 The application for abatement of user charges shall be in letter form, signed by the owner, and shall be accompanied by a map showing the two (2) foot contours of the property generated through the use of aerial photography or ground survey, accurately describing the private drainage system, with details including: diameter and location of piping; invert and rim elevations of piping and inflow structures to the nearest 0.01 foot; slope and length of piping; age and construction materials of drainage system; and which drain into the Town's stormwater system; and a measure of the total HISA that drains to the Town's drainage system. The accuracy of the map and information accompanying the application for abatement of user charges shall be certified as correct by a civil engineer licensed by, and doing business within, the State of Indiana.

3.11.3 Applications that do not conform to the requirements of this paragraph shall be returned to the owner by the Superintendent along with a letter from the Superintendent describing the deficiency or deficiencies of the application.

3.11.4 Applications which meet the requirements of this paragraph shall be referred by the Superintendent to the Stormwater Management Board which, on the basis of the application and documentation required in support thereof, shall grant the applicant owner abatement of sixty-five percentum (65%) of the user charges if the Board finds the private drainage system meets all requirements of this paragraph; provided, however, the abated portion of user charges shall be reduced by a percentage equal to the ration of HISA flowing into the Town's drainage system to the total HISA of the property and a percentage equal to the ratio by which the private drainage system is inadequate to drain, or to detain and retain on the property, a 20-year design flood. The formula for "determination of user fee multiplier after abatement" included in User Fee Abatement Example prepared by Clyde E. Williams & Associates, Inc., is hereby approved and appended hereto as Exhibit "A". An owner who is aggrieved by an

erroneous denial of user charge abatement may appeal the Board's decision to the Wabash Circuit Court.

3.11.5 The Board may order refunds of user charges to owners who meet the requirements of this paragraph for private drainage systems existing on December 1, 1994.

Adopted by the Board of Directors of the Department of Storm Water Management of the Town of North Manchester, Indiana, on this 6<sup>th</sup> day of December, 1994.

Adopted in its entirety as an ordinance of North Manchester and directed to be copied verbatim as Article II, Chapter VI, Title V of the North Manchester Municipal Code, such Title to be identified as "Storm Water User Fees and Abatement Procedure", on August 5, 1998.

## **CHAPTER VII: EMERGENCY MEDICAL SERVICES**

### **ARTICLE I: EMERGENCY MEDICAL SERVICES FEE**

SECTION 1. Effective January 1, 2003, there is hereby imposed, monthly, an availability fee on each dwelling unit, commercial unit, business unit, public and governmental unit, and each separate location thereof, in the Town of North Manchester to provide funds for the Town to contract for the availability of ambulance and emergency medical services to residents and other persons residing in, or being within, the Town.

SECTION 2. Effective with all billings issued on or after January 2, 1003, the following monthly charges shall be collected and deposited by the Clerk-Treasurer in the Ambulance and Emergency Medical Services Fund, viz:

(a) All dwelling units, commercial entities, business entitites, public and governmental units, and each separate location thereof, in the Town of North Manchester	\$ 2.50
(b) Manchester College	\$ 850.00 *
(c) Timbercrest Church of the Brethren Home, Inc.	\$ 1,400.00 *
(d) Peabody Retirement Community	\$
1,700.00 *	

- These charges are based on an economic study of historical usage of ambulance and emergency medical services made by H. J. Umbaugh & Associated LLP of Plymouth, IN.

SECTION 3. Each unit within the Town, as per Section 1, shall be subject to the applicable charge stated in Section 2 (a), based upon a factual determination made and approved by the Town Council. Charges billed under this Section shall be billed, collected and deposited in the Ambulance and Emergency Medical Services Fund.

SECTION 4. A person or other entity subjected to the fee imposed under Section 2 (a) may appeal its liability for payment of the fees to the Town Council by filing with the Clerk-

Treasurer, in writing, an objection to its inclusion and stating the reasons why it should not be subjected to the emergency ambulance services availability fee imposed by this ordinance. The appeal shall be heard and considered by the Town Council at its next regularly scheduled meeting to be held ten (10) days after the date the objection is filed, at which meeting the objector or its representative must be present for the appeal to be considered. The Town Council may grant exemption from the fee if the objector established facts that demonstrate that imposition of the fee is manifestly unreasonable as to the objector.

SECTION 5. Funds from the Ambulance and Emergency Medical Services Fund shall be collected by the office of the Clerk-Treasurer, along with late payment fees and penalties heretofore established for the applicable billing, and shall be disbursed under the same procedures and approval as provided by law for other utility funds; provided, however, Ambulance and Emergency Medical Services Funds shall be used only for medical services, equipment or personnel directly related to emergency medical services.

ADOPTED December 18, 2002

GENERAL ORDINANCE NO. 5, 1996

AN ORDINANCE FIXING RATES AND CHARGES FOR THE MUNICIPAL SEWAGE WORKS (AMENDING TITLE V, PUBLIC WORKS, FACILITIES AND SERVICES, CHAPTER II, SEWERS ARTICLE III, SEWAGE RATES AND CHARGES OF THE TOWN OF NORTH MANCHESTER MUNICIPAL CODE)

WHEREAS, the Town Council has determined that improvements to the municipal sewage works are required to be made, necessitating that rates and charges be increased; and

WHEREAS, the Town Council has determined that the following adjusted charges are just and equitable under all the circumstances;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of North Manchester, Indiana, that Sections 1.1 and 1.2 of Section 1 of Article III of Chapter II of Title V are now amended as follows:

- 1.1 The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such use, except as otherwise provided in this ordinance. Sewage service rates, based upon the amount of water used, shall be as follows:

Per Month	Quantity of Water Used	Rate Per 1,000 Gallons
First	3,000 Gallons	\$3.00
Next	6,000 Gallons	2.70
Next	12,000 Gallons	2.40
Next	29,000 Gallons	2.10
Next	150,000 Gallons	1.65
Over	200,000 Gallons	1.05

The minimum charge for sewage service, where the user is a metered water consumer, shall be based upon the meter size as follows:

METER SIZE	PER MONTH
5/8-3/4 inch meter	\$ 9.00
1 inch meter	27.00
1 1/4 inch meter	36.00
1 1/2 inch meter	51.00
2 inch meter	96.00
3 inch meter	150.00
4 inch meter	240.00
6 inch meter	450.00

1.2 There shall be a flat rate charge for residential sewage service, where the user is not a metered water consumer, of \$12.00 in town, and \$18.00 per month, outside town.

This ordinance shall be effective upon the first day of the billing cycle for each user subsequent to the date of the enactment of this ordinance.

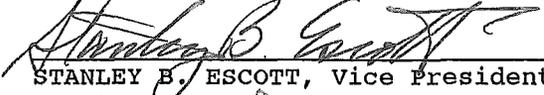
ADOPTED on third reading by the Town Council this 1<sup>ST</sup> day of

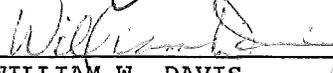
MAY, 1996.

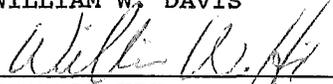
TOWN OF NORTH MANCHESTER

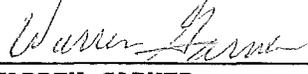
TOWN COUNCIL

  
DONALD W. RINEARSON, President

  
STANLEY B. ESCOTT, Vice President

  
WILLIAM W. DAVIS

  
WILLIAM HIX

  
WARREN GARNER

ATTEST:

  
Nancy J. Reed, Clerk-Treasurer